

**2017-2018**

**Student Attendance Accounting Handbook**

**Texas Education Agency  
September 2017**



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## Foreword

All public school districts and open-enrollment charter schools in Texas are required to submit student attendance data through the Texas Student Data System Public Education Information Management System (TSDS PEIMS). The *Student Attendance Accounting Handbook* (handbook) supports that requirement and establishes related student attendance accounting requirements.

The handbook:

- describes the FSP eligibility requirements of all students,
- prescribes the minimum standards for all attendance accounting systems,
- lists the documentation requirements for attendance audit purposes, and
- details the responsibilities of all district and charter school personnel involved in student attendance accounting.

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

Mike Morath  
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**Texas Education Agency**  
**2017-2018**  
**Student Attendance Accounting Handbook**  
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## Section 1 Overview

Under state law<sup>1</sup>, every Texas school district is required to adopt an attendance accounting system, whether manual or automated, that includes procedures that ensure the accurate taking, recording, and reporting of attendance accounting data. District staff members must report attendance information through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) to the Texas Education Agency (TEA). The TEA then uses these attendance data to determine the allocation of Foundation School Program (FSP) funds (state funding) to your district.

The *Student Attendance Accounting Handbook* (handbook) contains the official attendance accounting rules and regulations for all public school districts in Texas, including open-enrollment charter schools, unless otherwise specified in this document. **This handbook is the official standard of required information for all attendance accounting systems.** Unless a distinction is made between manual and automated systems, all standards described in this handbook apply to all attendance accounting systems.

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

The handbook incorporates the same codes that are defined in the TSDS PEIMS *Data Standards*, as they relate to attendance, and requires all attendance accounting systems to follow the same coding structure. State law requires Texas public schools to use the TSDS PEIMS.<sup>2</sup>

**Note:** Starting in the 2016-2017 school year, school districts and charter schools are required to submit attendance reporting through the Texas Student Data Systems (TSDS). The Texas Education Data Standards (TEDS) are XML-based standards for TSDS and TSDS PEIMS data collections. TEDS includes all the data elements, code tables, business rules, and data validation needed to load local education agency (LEA—Texas school district or charter school) education data. TSDS PEIMS has replaced PEIMS through out the handbook.

**Notes on Terminology:** In this handbook, the term “school district” or “district” includes an open-enrollment charter school and district of innovation, except where the handbook notes that different requirements apply to open-enrollment charter schools or districts of innovation. Also, in this handbook, the term “instructional setting” means the same as the term “instructional arrangement/setting.”

**Note:** Throughout the *Student Attendance Accounting Handbook*, references to school days have been converted to minutes in accordance with House Bill 2610 of the 84th Texas Legislature, 2015.

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<sup>1</sup> Texas Education Code (TEC), [§42.006\(b\)](#)

<sup>2</sup> TEC, [§42.006\(a\)](#)

## 1.1 Student Attendance and FSP Funding

The primary purpose for the TEA's collection of student attendance data is to ensure that FSP funds can be allocated to Texas's public schools. All public schools in Texas must maintain records to reflect the average daily attendance (ADA) for the allocation of these and other funds by the TEA<sup>3</sup>.

**Note:** An **inherent difference exists between being permitted to serve a student** in a particular program and **being entitled to funding** for the service provided to the student. For example, depending on local policy, your school district may serve virtually any student in virtually any capacity or setting as long as serving the student does not interfere with the education of funding-eligible students. However, the only circumstance in which a student may be coded as an eligible participant in a program or setting, thereby generating state funding, is one in which the student meets all eligibility requirements and all documentation is complete and on file.

All eligible students are entitled to the benefits of the FSP. However, for your district to claim a student for funding purposes, complete documentation that proves the eligibility of the student for the FSP must first be on file. Furthermore, your district must report all eligible attendance according to provisions established by the TEA. For these reasons, the TEA has developed both a standardized attendance accounting system (described in this handbook) and a standardized reporting system (TSDS PEIMS)<sup>4</sup>.

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

For your district to receive the maximum amount of funding for all its students, the following personnel must be aware of their individual responsibilities and must work together to assemble required documentation as early as possible: administrators, special program staffs, teachers, and attendance personnel.

**Note:** Waivers of program requirements do not alter rules associated with eligibility for funding purposes unless the waiver specifically states that funding regulations are altered.

## 1.2 Taking and Recording Student Attendance

It is your district's responsibility to ensure that the basis used to record and process attendance accounting data meets the standards in this *Student Attendance Accounting Handbook*<sup>5</sup>.

District personnel must create the original documentation of attendance at the time of attendance. Original documentation must not be created after the fact. Original documentation that is not created at the time of attendance will not be accepted by agency auditors. **If auditors determine that original**

<sup>3</sup> 19 Texas Administrative Code (TAC) [§129.21\(a\)](#)

<sup>4</sup> TEC, [§42.006](#)

<sup>5</sup> 19 TAC [§129.21\(f\)](#) and [§129.1025](#)

**documentation was not created at the time of the attendance it is intended to support, the TEA will retain 100% of your district's FSP allotment for the inappropriately documented attendance for the school year(s) for which records have been requested.** The TEA will either assess an adjustment to subsequent allocations of state funds or require your district to refund the total amount of the adjustment when the audit is finalized.

The TEA does not formally approve or certify attendance accounting systems of any organization, public or private, that is in the business of providing services to Texas public schools. The TEA cautions districts to be sure the software they purchase meets the requirements for attendance accounting described in this handbook before contracting with a vendor. Your district may use a locally designed system, provided the system includes the instructions and information requirements prescribed by this handbook<sup>6</sup>.

Regardless of the accounting system your school district uses, the minimum requirements established in this handbook must be incorporated. These standards are the **minimum** requirements for all attendance accounting systems. Your district may wish to adopt **additional** codes and documentation requirements for local purposes.

## 1.3 Reporting of Attendance Information to the TEA

District staff members report attendance and contact hours at the student level for the entire school year through the TSDS PEIMS.

See [Section 3 General Attendance Requirements](#) for additional information.

## 1.4 Storage of Attendance Information

Your district's superintendent of schools is responsible for the safekeeping of all attendance records and reports. The superintendent 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.

Information for all FSP attendance reports must be available for audit purposes for 5 years from the completion of the school year. Superintendents, principals, and teachers are responsible to their school board and to the state for maintaining accurate and current attendance records, regardless of the attendance accounting system in use<sup>7</sup>.

## 1.5 Auditing of Attendance Information

Regardless of where attendance records are filed or stored, they must be readily available for audit by the Financial Compliance Division of the TEA.<sup>8</sup> Auditors have the authority to examine attendance records for any year for which your district is required to retain records (see Section 2). **If auditors**

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<sup>6</sup> 19 TAC [§129.21\(f\)](#)

<sup>7</sup> 19 TAC [§129.21\(a\)](#)

<sup>8</sup> 19 TAC [§129.21\(d\)](#)

detect errors during an audit, the TEA will either assess an adjustment to subsequent allocations of state funds or require your district to refund the total amount of the adjustment when the audit is finalized.

## 1.6 How to Use This Handbook

This handbook contains all the information and the mandated coding structure that each attendance accounting system must follow. Each section of this handbook, where practical, is organized using the same headings for each subsection. Each subsection contains the same general types of information.

Each section specifies the coding structure and lists all the documentation required to verify student eligibility in the subject area defined by the section title.

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

The following table briefly describes the subject matter contained in each section.

Handbook Section(s)	Description
Section 1 Overview	The <b>Overview</b> section describes the importance of attendance accounting, how funding and attendance are related, the organization of this handbook, and significant changes from the prior year.
Section 2 Audit Requirements	<b>Audit Requirements</b> establishes minimum standards for all required documentation, sets the time limit for record retention, and discusses areas of attendance accounting that deserve particular attention.
Section 3 General Attendance Requirements	<b>General Attendance Requirements</b> discusses the responsibilities of district personnel, enrollment and withdrawal procedures, basic rules of attendance accounting for all attendance systems, ADA eligibility codes and general eligibility requirements, the school calendar, data submission, documentation required to prove FSP eligibility, tips for quality control of attendance data, and examples.
Sections 4–9	These sections address each of the special program areas under the FSP. Each section discusses the responsibilities of district personnel, enrollment and withdrawal procedures, special rules, documentation to prove special program eligibility, tips for quality control of special program attendance data, and examples.
Section 10 Alternative Education Programs and Disciplinary Removals	<b>Alternative Education Programs and Disciplinary Removals</b> discusses various alternative education programs, in-school suspension programs, and education programs for incarcerated youth, as well as disciplinary removals.
Section 11 Nontraditional Programs	<b>Nontraditional Programs</b> discusses education programs that have alternative methods of funding or are provided in alternative settings.
Section 12 Virtual, Remote, and Electronic Instruction	<b>Virtual, Remote, and Electronic Instruction</b> discusses Texas Virtual School Network programs and courses, other online courses, remote instruction, and self-paced computer courses.

Handbook Section(s)	Description
Section 13 Appendix	The <b>Appendix</b> section explains how ADA is calculated and provides information on weighting of ADA.
Section 14 Glossary	The <b>Glossary</b> section defines terms used in the handbook.

In the electronic Word version of this handbook, the entries in the table of contents and the boldfaced cross-references that appear throughout the handbook (for example, [3.2.2 Funding Eligibility](#)) are hyperlinked. If you place your cursor over the entry or cross-reference and then press CTRL and click, you will be taken to the section of the handbook specified in the entry or cross-reference. To return to the original location, press ALT + the left arrow key.

**Note:** The web addresses provided throughout the handbook are subject to change. If a particular TEA web address is no longer working, please search for the topic you are interested in using the TEA website’s Google **Search** function or using the TEA **A–Z Index** page at <http://tea.texas.gov/interiorpage.aspx?id=25769815059>. You can also access this page from the TEA website’s home page by clicking on the **A–Z Index** link at the top of that page.

## 1.7 Significant Changes

The change document describes the significant changes from the 2017-2018 handbook. For a comprehensive list of changes, see the Change Document at [http://tea.texas.gov/Finance\\_and\\_Grants/Financial\\_Compliance/Student\\_Attendance\\_Accounting\\_Handbook/](http://tea.texas.gov/Finance_and_Grants/Financial_Compliance/Student_Attendance_Accounting_Handbook/).



## Section 2 Audit Requirements

As stated in the overview section, the superintendent of schools is responsible for the safekeeping of all attendance records and reports. Your district may store these records or reports in a central office or on the respective school campuses. However, regardless of where they are stored, the records must be readily available for audit<sup>9</sup> by the Texas Education Agency (TEA).<sup>10</sup> **Incomplete or inaccurate data will result in attendance not being allowed.**

### 2.1 General Audit Requirements

Your district must make available and provide to the Financial Compliance Division of the TEA copies of all required attendance records **within 20 working days** of written request by the agency. Failure to provide all required attendance records (specific program[s], grant[s], or both) will result in the TEA's retaining 100% of your district's Foundation School Program (FSP) allotment for the undocumented attendance for the school year(s) for which records have been requested.

Upon issuance of the preliminary report, the district or charter school has 20 working days to respond to the report. Once the final report for all attendance reviews and investigative reports is issued, the report will not be subject to further review or response from the district or charter school.

Attendance will be considered undocumented if documentation of the attendance either is missing or is so inadequate that a reasonable person could not conclude from the documentation that the attendance it is intended to support actually occurred. If attendance is undocumented at the days of attendance level, any special program attendance based on those days of attendance also will be considered undocumented. The adjustment to the FSP allotment for any undocumented attendance will apply to the time period for which documentation was missing or inadequate. For example, if the documentation provided to support a particular campus's daily attendance for a semester consisted only of period absence slips for certain students and no documentation was provided showing the names of students present for classes each day, the TEA would adjust the district's FSP allotment to withhold 100% of the funding for all students at that campus for the semester.

Reports must include the level of detail identified in [2.3 Required Documentation](#) although the TEA does not mandate the actual report format. A good accounting system, however, will produce reports that are easy to read and that present information in a concise format. For example, a Student Detail Report will present all the required data for each student, including attendance and program totals by 6-week reporting period, in one layout.

All documentation required for audit purposes is outlined in [2.3 Required Documentation](#).

Documentation must do the following:

- cover the entire school year and
- encompass three main data sets: **Student Detail Reports** for all students by 6-week reporting period, **Campus Summary Reports** for all campuses by 6-week reporting period, and a **District Summary Report** by 6-week reporting period.

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<sup>9</sup> as authorized by the Texas Education Code (TEC), §§[42.255](#), [44.008](#), and [44.010](#)

<sup>10</sup> 19 Texas Administrative Code (TAC) [§129.21\(d\)](#)

All codes reflected in the attendance reports must be defined in the reports.

Your district must retain any student attendance documentation that could be required for audit purposes for 5 years from the completion of the school year, unless specified differently later in this section. This requirement applies specifically to *student attendance* documentation. Other kinds of documentation, such as documentation required for a student's permanent record, may need to be kept longer. The required retention period for all records is outlined in *Local Schedule SD* of the *Local Records Retention Schedules*, Texas State Library and Archives Commission: <https://www.tsl.state.tx.us/slr/recordspubs/sd.html>.

## 2.2 Accounting System Requirements

The attendance accounting system<sup>11</sup> your district uses must do the following:

- use the coding structure defined in the Texas Student Data Systems, *Public Education Information Management System (TSDS PEIMS) Data Standards* as they relate to attendance.<sup>12</sup>
- possess the ability to readily reproduce the student attendance data described in [2.3 Required Documentation](#) on notification of an audit, regardless of the medium of storage the system uses.

### 2.2.1 Paper-Based Attendance Accounting Systems vs. Automated Attendance Accounting Systems

Your district should carefully consider both its particular needs and the information in [2.2.2 Automated Attendance Accounting Systems](#) and [2.2.3 "Paperless" Attendance Accounting Systems](#) before selecting an attendance accounting system, storage medium, or automated format for audit documentation.

Your district may get the most benefit from retaining some documentation electronically and other documentation in paper report format. For example, say Learning ISD uses paper period absence slips as the source document for attendance accounting. The district cannot store those slips electronically, nor can it store some of the other required documentation in an electronic format (see [2.3 Required Documentation](#)). The district can, however, store the Student Detail Report, the Campus Summary Reports, and the District Summary Report electronically. For audit purposes, Learning ISD must retain all paper records that it cannot store electronically, a backup of the actual attendance accounting data, the attendance accounting program from the same school year, and compatible hardware necessary to access and reproduce the data in an acceptable format.

**Note:** All required attendance system documentation that is stored electronically must be reproduced in an acceptable format at the time of an audit. To be considered acceptable, the documentation must be as follows:

- complete (must meet all the requirements in [2.3 Required Documentation](#)),
- in English (not machine language), and
- easy to read.

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<sup>11</sup> Unless a distinction is made between manual and automated systems, all standards described in the handbook apply to all attendance accounting systems.

<sup>12</sup> 19 TAC [§129.21\(f\)](#)



### 2.2.2 Automated Attendance Accounting Systems

Your district must retain paper copies of all required attendance records for 5 years, **unless** it uses an automated attendance accounting system. If it chooses, a district using an automated attendance accounting system may store any attendance accounting record or report electronically provided the district also retains the hardware and software necessary to access and reproduce the attendance data in an acceptable format (see the last paragraph of this subsection). If your district is unable to keep compatible hardware, backup copies of software, or both, or if the district does not possess the technical expertise to reproduce the unaltered data in an acceptable format when notified of an audit, paper copies are required for the entire retention period<sup>13</sup>.

Your district must manage automated attendance accounting systems properly to meet audit documentation standards. An effective system of internal controls must be in place to maintain 1) data integrity (completeness and accuracy) and 2) the ability to reproduce, for audit purposes, all required documentation that your district elected to store electronically. Note that outside technical assistance may be required to ensure your district's automated attendance accounting system can reproduce all required documentation at the time the district is notified of an audit. The TEA 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 automated attendance accounting system, it must recognize how changes to the system's 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 (for example, 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 (for example, your district purchases new hardware), to investigate whether the new hardware is compatible, so that it will access the prior years' attendance data and produce an acceptable report format. **In some cases it is advisable to print and retain paper copies for audit purposes instead of storing the data electronically.**

### 2.2.3 "Paperless" Attendance Accounting Systems

If your district uses a system that is virtually entirely functional without the use of paper documents (for example, a system in which the teacher enters absences directly into the system without the use of paper period-absence reports), then this system must meet the additional standards established in this subsection, or your district **must** generate and retain paper copies of attendance reports and records. These standards apply to all districts that wish to establish and maintain an audit trail (source document to final reports) that is almost entirely free from paper.

**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 in an acceptable format at the time of an audit, a school district may be held financially responsible for its inability to reproduce required documentation.

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<sup>13</sup> [Local Schedule SD](#), Texas State Library and Archive Commission

An attendance accounting system that allows teachers to enter attendance data directly into the automated system must provide security to the data that are entered. Systems must include the following safeguards and security features (this is not necessarily an exhaustive list of required features):

- requirement that teachers log on to the system using distinct secret passwords
- timing out (automatic shutoff) if the program has not had any activity in an appropriately short period of time (for example, 10 minutes)
- ability to report the date, time, and identity of the teacher entering the absence data, upon request
- ability to report the date, time, and identity of the individual making changes to the attendance report, upon request
- provision of a positive confirmation for 100% of attendance (teacher submits “All Present” rather than showing no one absent)

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

### ***2.2.4 Disaster Recovery***

Disaster or attendance accounting system malfunction or sabotage does not negate your district’s responsibility to produce attendance data required for an audit. Your district should have in place plans for how it will recover and reproduce data required for an audit if the primary means of producing the data is threatened by disaster or by attendance accounting system malfunction or sabotage.

Storage of duplicate records and data at various locations within your district is an example of a plan that prevents the loss of data if a disaster occurs at the primary storage facility.

Your district should document its data recovery plans and ensure that the plans are available for examination by auditors. The district should also regularly test its data recovery plans.

### ***2.2.5 Attendance System Procedures Manual***

Your district or charter school must maintain a procedures manual that provides specific, detailed information on the district’s school attendance accounting system. This procedure manual must include the following information:

- how and when teachers are to take official attendance
- how attendance is entered into the attendance accounting system
- which position or positions are responsible for the coding of special programs (such as career and technical education, special education, pregnancy-related services, etc.)
- how changes to special programs are to be documented
- how student membership is to be reconciled between the teacher rosters and the attendance accounting database
- how your district will maintain attendance accounting records (including computerized records, period absence slips, and official calendar) after the completion of the school year
- what backup systems are in place to protect the attendance accounting records

- which position is responsible for the maintenance and security of the attendance accounting records

## 2.3 Required Documentation

The student attendance data asked for in an audit must be organized into three distinct data sets: the Student Detail Report, the Campus Summary Report (s), and the District Summary Report.

Your district must generate Student Detail Reports, Campus Summary Reports, and District Summary Reports each 6-week reporting period.

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

### 2.3.1 Student Detail Reports

**Student Detail Reports** must contain the following data:

1. Name of the district and the campus
2. County-district-campus number
3. Reporting period code (generally described as 6 weeks, but does not necessarily consist of 6 weeks; for reporting purposes, the school year must be divided into six approximately equal reporting periods)
4. Beginning and ending dates of reporting period, including the year
5. Total number of days of instruction in the reporting period
6. Instructional track (INSTRUCTIONAL-TRACK-INDICATOR-CODE) the student attends. Please note that campuses that offer multiple instructional tracks will have multiple student detail reports
7. All identification data elements for the student:
  - Legal first, middle, and last name
  - Generation code, where applicable
  - Gender
  - Date of birth
  - Age as of September 1
  - Texas Unique Student ID
  - Social Security number or state-assigned alternative ID number
  - Ethnic group
  - First and last name of parent or guardian with whom the student resides
  - Address of parent or guardian with whom the student resides, to include the street number, route number, or PO box number; city; and zip code, and campus ID of residence for nonresident students
8. Student's original entry date and all subsequent withdrawal and reentry dates, where applicable (regular classroom and all special programs)
9. Student's grade level code
10. Student's:
  - Average daily attendance (ADA) eligibility code (Section 3)

- Special education instructional 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
11. Student's absences (from the official attendance snapshot) by date for each 6-week reporting period
  12. The following, by 6-week reporting period:
    - Student's total days membership
    - Total days absent
    - Total days present
    - Total eligible days present and total eligible minutes present for Optional Flexible School Day Program [OFSDP] or High School Equivalency Program [HSEP] students
    - Total ineligible days present and total ineligible minutes present for OFSDP or HSEP students
  13. Student's total eligible days present and total eligible minutes present for OFSDP or HSEP students in each program (listed in item 10, except for gifted/talented) by 6-week reporting period, where applicable
  14. Student's number of excess contact hours earned in one day, where applicable
  15. Student's total excess contact hours by instructional setting code by 6-week period, where applicable
  16. Attendance data totals for all students, **summarized by grade**. These totals include the following:
    - Days membership (includes both eligible and ineligible students)
    - Days absent (includes both eligible and ineligible students)
    - Total days present (includes both eligible and ineligible students)
    - Ineligible days present and total ineligible minutes present for OFSDP or HSEP students
    - Eligible days present and total eligible minutes present for OFSDP or HSEP students
    - Eligible days bilingual/ESL and total eligible minutes present for OFSDP or HSEP students
    - Eligible days pregnancy-related services and total eligible minutes present for OFSDP or HSEP students
    - Eligible days special education mainstream and total eligible minutes present for OFSDP or HSEP students
  17. Track total for all grades for all data required in 16 above
  18. Track ADA (regular classroom eligible participation, bilingual/ESL, pregnancy-related services, and mainstream)
  19. Total eligible days present, total eligible minutes present for OFSDP or HSEP students, and total contact hours for all career and technical education codes (V1–V6) by grade and a campus total for all grades, where applicable
  20. Total eligible days present, total eligible minutes present for OFSDP or HSEP students, total contact hours, and total excess contact hours for all special education instructional settings, including speech therapy, by grade and a campus total for all grades, where applicable
  21. Signature page, signed by persons recording data and persons approving data. This page may 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 (for example, a feature that allows approvers to indicate their approval of data electronically) is acceptable in lieu of a paper signature page.

Each 6-week reporting period, the campus personnel responsible for ensuring student attendance accounting codes are correct should generate Student Detail Reports and review them for reasonableness.

### **2.3.2 Campus Summary Reports**

The **Campus Summary Reports** summarizes all tracks on a campus and must include the following data:

1. Name of the district and the campus
2. County-district-campus number
3. Six-week reporting period
4. Beginning and ending dates of the reporting period, including the year (If the campus has multiple tracks the earliest track beginning date and latest track ending date should be indicated)
5. Attendance data totals for all students, **summarized by grade**. These totals include the following:
  - Days membership (includes both eligible and ineligible students)
  - Days absent (includes both eligible and ineligible students)
  - Total days present (includes both eligible and ineligible students)
  - Ineligible days present
  - Eligible days present
  - Eligible days bilingual/ESL
  - Eligible days pregnancy-related services
  - Eligible days special education mainstream
6. Campus total for all grades for all data required in item 7 above
7. Total days absent reported by date for entire calendar
8. Campus ADA (regular classroom eligible participation, bilingual/ESL, pregnancy-related services, and mainstream)
9. Total eligible days present and total contact hours for all career and technical education codes (V1–V6), if applicable
10. Total eligible days present, total contact hours, and total excess contact hours for all special education instructional settings, including speech therapy, if applicable
11. FTE calculations for all special programs reported for data required in items 11 and 12
12. Total number of students, by grade, who were served in a state-approved gifted/talented program, if applicable
13. Signature page, signed by persons recording data and persons approving data. This page may 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 (for example, a feature that allows approvers to indicate their approval of data electronically) is acceptable in lieu of a paper signature page.

Campus Summary Reports should be generated each 6-week reporting period and reviewed by the principal for reasonableness. The principal should do the following:

- scrutinize regular attendance totals and special program attendance totals based on approximate membership,
- investigate all data totals that have an exceptionally high value or a value of zero, and
- compare current-year totals to prior-year totals to detect unreasonable differences.

### ***2.3.3 District Summary Reports***

The **District Summary Reports** summarizes all campuses in the district or charter and must include the following data:

1. Name of the district
2. County-district number
3. Six-week reporting period
4. Beginning and ending dates of the reporting period, including the year (If the campus has multiple tracks the earliest track beginning date and latest track ending date should be indicated)
5. Totals of all campus data, **summarized by grade**. These totals include the following:
  - Days membership (includes both eligible and ineligible students)
  - Days absent (includes both eligible and ineligible students)
  - Total days present (includes both eligible and ineligible students)
  - Ineligible days present
  - Eligible days present
  - Eligible days bilingual/ESL
  - Eligible days pregnancy-related services
  - Eligible days special education mainstream
6. District total for all grades for all data required in item 7 above
7. District ADA (regular classroom eligible participation, bilingual/ESL, pregnancy-related services, and mainstream)
8. Total eligible days present and total contact hours for all career and technical education codes (V1–V6), if applicable
9. FTE calculations for all special programs reported for data required in items 9 and 10 below
10. Total eligible days present, total contact hours, and total excess contact hours for all special education instructional settings, including speech therapy, if applicable
11. Total number of students, by grade, who were served in a state-approved gifted/talented program, if applicable
12. Signature page, signed by persons recording data and persons approving data. This page may 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 (for example, a feature that allows approvers to indicate their approval of data electronically) is acceptable in lieu of a paper signature page.

The District Summary Report should be generated each 6-week reporting period and reviewed by the superintendent or the superintendent’s designee. The person reviewing the report should do the following:

- scrutinize regular attendance totals and special program attendance totals based on approximate membership,
- investigate all data totals that have an exceptionally high value or a value of zero, and
- compare current-year totals to prior-year totals to detect unreasonable differences.

### ***2.3.4 Reconciliation of Teacher’s Roster Information and Attendance Accounting Records***

Student membership from the teacher’s roster is to be reconciled to the attendance accounting records at the end of the first and fourth 6-week reporting periods. The reconciliation is to verify that all

students are reported on attendance records and that “no show” students have been purged from the attendance accounting system. District personnel are to develop a form to be used at the end of the first and fourth 6-week reporting periods to show the total number of students in membership in each teacher’s class during the official attendance period. The total number of students in membership is to be reconciled to the total number of students listed in attendance accounting records. **The district PEIMS coordinator and his or her supervisor must certify this document with their signatures.** If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page (for example, a feature that allows certifiers to indicate their certification of data electronically) is acceptable in lieu of a paper signature page.

The reconciliation does not need to be conducted on the last day of the 6-week reporting period. However, it should be conducted no later than the final week of the 6-week period. The reconciliation should be for the official attendance period (usually second period).

### ***2.3.5 Additional Required Documentation***

The following documentation will also be required in the event of an audit (the retention period for an item is provided only if it differs from the standard 5-year retention period):

1. Documentation of a student’s age and identity (to be retained as long as administratively valuable to the district) (see [3.3 Enrollment Procedures and Requirements](#))
2. Documentation of a student’s residency or other eligibility for enrollment (see [3.3 Enrollment Procedures and Requirements](#))
3. Grade books (retained for 1 year after entering grades into the student’s Academic Achievement Records [AAR]). Grade books are especially important in proving a student’s special program service when end-of-semester grades were not received<sup>14</sup>
4. Period absence reports (for example, slips, 6-week attendance cards, etc.), if used, from the official attendance hour, signed and dated within one calendar week of the attendance by the teacher
5. For paperless accounting systems in which absences are posted directly to the automated system, sufficient paper documentation to support any changes to posted absences (see [2.2.3 “Paperless” Attendance Accounting Systems](#))
6. Campus Daily Absence Summary Reports, if used
7. Class admittance slips or other documentation to support the claim that a student was with a nurse, counselor, assistant principal, or other school official at the time attendance was taken (see [3.6.3 Requirements for a Student to Be Considered Present for FSP \(Funding\) Purposes](#))
8. Documentation supporting the claim that a student was attending a board-approved activity, accompanied by a professional staff member, adjunct staff, or a paraprofessional staff member of the district, signed by the staff member who supervised the student (see [3.6.3 Requirements for a Student to Be Considered Present for FSP \(Funding\) Purposes](#))
9. Documentation supporting the claim that a student was at a documented appointment with a health care professional (see [3.6.3 Requirements for a Student to Be Considered Present for FSP \(Funding\) Purposes](#))
10. Documentation supporting the claim that a student was participating in a district-approved mentorship through the Distinguished Achievement Program (see [3.6.3 Requirements for a Student to Be Considered Present for FSP \(Funding\) Purposes](#))
11. If any data changes are made to reports after they have been submitted to the TEA, updated or corrected copies of all reports (see [3.10 Quality Control](#))

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<sup>14</sup> [Local Schedule SD](#), Texas State Library and Archive Commission

12. Copies of the student's schedule showing the date of change if the student experienced a program change, including dates of withdrawal (for example, documentation showing a student changed from a 1-hour to a 3-hour career and technical education course or documentation showing a student withdrew from the program)
13. Copies of any approved waivers your district may have received that affect funding
14. A copy of the official school calendar reflecting all days of instruction and holidays (including bad weather days) for each instructional track offered in your district, with each 6-week reporting period clearly identified
15. Special program documentation as described in each special program section in this handbook, including proof of service (see item 3 above)
16. Documentation that indicates the meaning of all locally designed codes in the attendance system
17. A copy of the community-based dropout recovery education program<sup>15</sup> contract, if applicable
18. Your district or charter school **must** maintain written local board or board approved designee adopted policies that provide specific detailed information on the district's or charter school's attendance accounting system. These written local board or board approved designee adopted policies must include the district's or charter's written policy for documentation for establishing a student's residency. (See 3.3.1 Residency).

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<sup>15</sup> See the definition provided in the [glossary](#).



## Section 3 General Attendance Requirements

This section provides information on general attendance reporting requirements.

### 3.1 Responsibility

List in the spaces provided below the name and phone number of the district personnel responsible for answering all general attendance questions:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

As stated in previous sections, ultimately, the district **superintendent** is responsible for the accuracy and safekeeping of all attendance records and reports. These records must be available for audit by the Texas Education Agency (TEA) Financial Compliance Division. 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 accuracy and authenticity of the attendance data<sup>16</sup>. **Important: If the TEA detects errors during an audit, the agency either will assess an adjustment to subsequent allocations of state funds or will require your district to refund the total amount of the adjustment when the audit is finalized.**

The **principal** of each campus is responsible for reviewing his or her respective Campus Summary Reports for completeness and accuracy. A principal should compare reports from the TEA, which reflect Texas Student Data System Public Education Information Management System (TSDS PEIMS) data, to locally produced reports for reasonableness and accuracy. 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, or caused to be checked, the accuracy and authenticity of the attendance data.

**Important:** The principal or superintendent affirms the propriety of student eligibility determinations, including determinations of student eligibility for particular educational programs, when he or she signs affidavits—or, in the case of a paperless attendance accounting system, when he or she indicates electronically that he or she attests to the validity of the determinations.

The **teacher** who initially records an absence is responsible for the accuracy of the report and 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.<sup>17</sup>

<sup>16</sup> 19 Texas Administrative Code (TAC) [§129.21\(d\)](#); Texas Education Code (TEC), [§42.255](#)

<sup>17</sup> 19 TAC [§129.21\(a\)](#)

The **attendance personnel** generating absence summaries and transcribing the absences or coding information into the accounting system are responsible for adhering to all laws and regulations pertaining to student attendance accounting. Each person entering data into the attendance accounting system must sign an affidavit attesting that the data he or she has entered are true and correct to the best of his or her knowledge—or, in the case of a paperless attendance accounting system, indicate electronically that the person attests that the data he or she has entered are true and correct to the best of his or her knowledge.

**Important:** Your district must not assign attendance personnel the responsibility of determining a student’s coding information. Special program staff members, directors, or teachers should provide attendance personnel with names and coding information of students who are eligible, and whose documentation is in order. Special program directors and staff members are responsible for reviewing special program data and totals for accuracy and completeness. They are also responsible for ensuring that attendance personnel are aware of any changes in a student’s services and the effective dates of those changes. The attendance personnel are then responsible for entering the changes in the student attendance accounting system. At the end of each 6-week reporting period, special program staff members should check the Student Detail Report for any coding errors.

## 3.2 Membership and Eligibility for Attendance and Foundation School Program (FSP) Funding

Both **membership** and **eligibility to generate average daily attendance (ADA)** are related to the amount of time that a student receives instruction each day. However, they are not the same.

A student is in membership in your district if the student is enrolled in the district and is either:

- scheduled to attend at least 2 hours of instruction each school day or
- participating in an alternative attendance accounting program.

A student who meets the criteria above is in membership regardless of whether the student is eligible to generate ADA.

A student is eligible to generate ADA, and thus FSP funding, only if the student is in membership and also meets the ADA eligibility requirements described in the following subsections.

### 3.2.1 ADA Eligibility Coding

A student’s eligibility to generate ADA is reported with what is called an ADA eligibility code. Your district must use the following codes when reporting student attendance.

**Note: The 2-through-4-hour rule includes recess and in-class breakfast.**

### **3.2.1.1 Code 0            Enrolled, Not in Membership**

Code 0 indicates that a student is enrolled but is not in membership. Code 0 applies to students who are scheduled for and provided fewer than 2 hours of instruction by your district each school day and are not participating in an alternative attendance accounting program. This code is used for the following:

- a child who is scheduled to attend for fewer than 2 hours of instruction each school day, including a high school student who has met all graduation requirements other than passing required state assessments and who continues to attend school to participate in a study program for those tests **if the student is scheduled for and attending fewer than 2 hours of study program instruction each day** (see [3.2.2.3 Funding Eligibility of Students Who Have Met All Graduation Requirements except Passing Required State Assessments](#))
- a child who attends a nonpublic school but receives some services from your district (for example, speech therapy services only)
- a student who is provided instruction totally in a federal Head Start program
- a student who has graduated but returned to school (for fewer than 2 hours of instruction per day) to further his or her education
- a student who receives all his or her special education and related services through an approved nonpublic school
- a parentally placed private school student with a disability, 5 through 21 years of age, who receives special education and related services through a services plan (see [4.5 Special Education Services for Private or Home School Students Who Are Eligible for and in Need of Special Education](#))

A student coded with an ADA eligibility code of 0 is not eligible to generate ADA or FSP funding.

### **3.2.1.2 Code 1            Eligible for Full-Day Attendance**

Code 1 indicates that a student is eligible to generate full-day attendance. Code 1 applies to all students entitled to enroll under the Texas Education Code (TEC), [§25.001](#), who are scheduled for and provided instruction for at least 4 hours each school day.

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

### **3.2.1.3 Code 2            Eligible for Half-Day Attendance**

Code 2 indicates that a student is eligible to generate half-day attendance. Code 2 applies to all students entitled to enroll under the TEC, [§25.001](#), who are scheduled for and provided instruction for at least 2 hours but fewer than 4 hours each school day. These students include prekindergarten (PK) students who meet the eligibility requirements in Section 7 (see [7.5 Eligible Days Present and ADA Eligibility](#)).

### **3.2.1.4 Code 3            Eligible Transfer Student Full-Day**

Code 3 indicates that a student is a transfer student who is eligible to generate full-day attendance. Code 3 applies to a student who is a nonresident, is legally transferred into your district, and is scheduled for and provided instruction for at least 4 hours each school day. This code applies only to a student who transfers from one Texas school district to another; such a student must meet all eligibility criteria other than residency.

Charter schools are only approved to serve students in the geographic boundary authorized in the charter school's charter agreement. Reporting a student with ADA eligibility code 3 would demonstrate

that the charter school is serving students outside of its approved geographic boundary and may constitute a material violation of the charter. A charter school should not use ADA eligibility code 3.

If a nonresident student is not legally transferred into a district, the receiving district cannot claim the attendance.

**Note:** The Student Transfer System (STS) has been closed, and districts are no longer required to report student transfers through the STS. However, your district should maintain documentation related to any transfer locally. Also, your district must report the transfer status of each student who has been transferred into the district in the TSDS PEIMS fall data submission.

### **3.2.1.5 Code 4            Ineligible Full-Day**

Code 4 indicates that a student is provided instruction for at least 4 hours each school day but is ineligible to generate ADA. The students that code 4 applies to include any student who is scheduled for and provided full-day instruction but does not meet the eligibility criteria for the service he or she receives. The types of students who are coded ineligible are listed below.

#### *3.2.1.5.1 Underage:*

- children provided instruction in a preschool program for children with disabilities (PPCD) who are under the age of 3, except for children with serious visual or hearing impairments or both
- 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 exceptions). 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. The student must be coded with a grade level of PK.

#### *3.2.1.5.2 Overage:*

- students who are 26 years old on September 1 of the current school year

#### *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
- students served by a juvenile justice alternative education program (JJAEP) on the basis of an expulsion under the TEC, [§37.007](#)(a), (d), or (e), unless specifically authorized in writing by the TEA<sup>18</sup>
- students placed in residential facilities within your district whose maintenance expenses are paid in whole or in part by another state or the United States<sup>19</sup>
- students who are required, as a condition of obtaining or holding the appropriate United States (US) student visa, to pay tuition to your district to cover the cost of their education<sup>20</sup>

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<sup>18</sup> TEC, [§37.011](#)(h)

<sup>19</sup> TEC, [§25.003](#) (Adopted tuition charges under this section must be submitted to the commissioner of education for approval.)

<sup>20</sup> TEC, [§25.0031](#)(c)

### **3.2.1.6 Code 5            Ineligible Half-Day**

Code 5 indicates that a student is scheduled for and provided instruction for at least 2 hours but fewer than 4 hours each school day but is ineligible to generate ADA (for any of the reasons listed in the preceding subsection on code 4). The students that code 5 applies to include any student who is provided half-day instruction but does not meet the eligibility criteria for the service he or she receives. Examples include the following:

- students enrolled only in PK who do not meet the PK eligibility requirements in Section 7
- students enrolled in locally funded PK programs offered by your district
- students provided instruction by a JJAEP on the basis of an expulsion under the TEC, [§37.007\(a\)](#), (d), or (e), unless specifically authorized in writing by the TEA
- students who are required, as a condition of obtaining or holding the appropriate US student visa, to pay tuition to your district to cover the cost of their education<sup>21</sup>

### **3.2.1.7 Code 6            Eligible Transfer Student Half-Day**

Code 6 indicates that a student is a transfer student who is eligible to generate half-day attendance. Code 6 applies to a student who is a nonresident, is legally transferred into your district, and is scheduled for and provided instruction for at least 2 hours but fewer than 4 hours each school day. The student must meet all eligibility criteria other than residency.

The information on transferring students included in the previous subsection on code 3 applies for code 6 as well. A charter school should not use ADA eligibility code 6.

### **3.2.1.8 Code 7            Eligible—Alternative Attendance Program Participation**

Code 7 applies to a student who is eligible to participate in and is enrolled and provided instruction in an alternative attendance program, such as the Optional Flexible School Day Program (OFSDP) or the High School Equivalency Program (HSEP).

### **3.2.1.9 Code 8            Ineligible—Alternative Attendance Program Participation**

Code 8 applies to a student who is enrolled and provided instruction in an alternative attendance program, such as the OFSDP or HSEP, but is ineligible to participate in the program.

## **3.2.2 Funding Eligibility**

To be eligible to generate FSP funding for attendance, a student must either:

- 1) be scheduled for and provided instruction at least 2 hours (half-day attendance) or at least 4 hours (full-day attendance) each day (referred to as the “2-through-4-hour rule”<sup>22</sup>) or
- 2) be eligible for, enrolled in, and scheduled for and provided instruction in an alternative attendance accounting program (such as the OFSDP).
- 3) participate in work-based learning\* opportunities for at least two hours (half-day attendance) or at least four hours (full-day attendance). Work-based learning opportunities include internships, externships, apprenticeships, mentorships, etc. (This is not an exhaustive list of work-based learning opportunities).

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<sup>21</sup> TEC, [§25.0031\(c\)](#)

<sup>22</sup> 19 TAC [§129.21\(g\)](#)

The following table explains more fully the requirements a student must meet to be eligible to generate ADA and thus FSP funding.

**Note: The 2-through-4-hour rule includes recess and in-class breakfast.**

<b>If the student is scheduled for and provided instruction:</b>	<b>then the student:</b>	<b>and should be reported with:</b>
fewer than 2 hours (120 minutes) per day	is <b>not</b> eligible to generate ADA	ADA eligibility code 0
at least 4 hours (240 minutes) per day	is eligible for full-day attendance (is eligible to generate ADA)	ADA eligibility code 1
at least 2 hours (120 minutes) but fewer than 4 hours per day	is eligible for half-day attendance (is eligible to generate ADA)	ADA eligibility code 2
at least 4 hours (240 minutes) per day and meets the requirements for an eligible student other than residency or an alternative basis for eligibility under the TEC, <a href="#">§25.001</a>	is eligible for full-day attendance (is eligible to generate ADA). This status applies to a student who legally transfers from one Texas district to another Texas district and meets all eligibility criteria other than residency	ADA eligibility code 3
at least 4 hours (240 minutes) per day but does not meet the eligibility requirements	is <b>not</b> eligible to generate ADA (see <b>3.2.1.5</b> for more information)	ADA eligibility code 4
at least 2 hours (120 minutes) per day but does not meet the eligibility requirements	is <b>not</b> eligible to generate ADA (see <b>3.2.1.6</b> for more information)	ADA eligibility code 5
at least 2 hours (120 minutes) per day and meets the requirements for an eligible student other than residency or an alternative basis for eligibility under the TEC, <a href="#">§25.001</a>	is eligible for half-day attendance (is eligible to generate ADA). This status applies to a student who transfers from one Texas district to another Texas district and meets all eligibility criteria other than residency	ADA eligibility code 6
through an alternative attendance program, such as the OFSDP, according to the requirements of that program	is eligible for alternative attendance program participation (is eligible to generate ADA)	ADA eligibility code 7
through an alternative attendance program, but not according to the requirements of that program	is ineligible for alternative attendance program participation (is <b>not</b> eligible to generate ADA)	ADA eligibility code 8

Students who are funding eligible and attending on a half-day basis may earn only one-half day of attendance each school day. Your district determines these students' attendance by taking attendance during a period in which the students are scheduled to be present.<sup>23</sup>

<sup>23</sup> 19 TAC [§129.21](#)(h)(1)

## 2-through-4 hour rule eligibility chart

Included	Not Included
<ul style="list-style-type: none"> <li>• Instruction</li> <li>• In-class breakfast</li> <li>• Recess</li> <li>• Work-based learner</li> <li>• Study program for state assessments (if the student has met all graduation requirements)</li> </ul>	<ul style="list-style-type: none"> <li>• Study hall</li> <li>• Sign ins</li> <li>• Repeated courses (if a student has already received credit for that course)</li> </ul>

If a student who is funding eligible and attending on a full-day basis is not scheduled to attend school during the second or fifth instructional hour, your district determines the student’s attendance by taking attendance during a period in which he or she is scheduled to be present. See [3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations](#).

Attendance for any full-day student (ADA eligibility code 1 or 3) cannot exceed the number of days of instruction for the same reporting period for the same instructional track. Attendance for any half-day student (ADA eligibility code 2 or 4) cannot exceed one-half of the number of days of instruction for the same reporting period for the same instructional track. Also, the number of days of participation for any student in any special program cannot exceed the number of days present for the same reporting period for the same instructional track.

Instructional hours must not be averaged to determine attendance eligibility.

### 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 at least 2 hours (half-day attendance) or at least 4 hours (full-day attendance) each school 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 Time Spent in Course for Which Student Has Already Received Credit Not Eligible as Instructional Hours

If a student repeats a course for which the student has already received credit, the time that the student spends taking the course for a subsequent time does not count toward the accumulation of attendance hours for FSP funding purposes; that is, this time does not count as classroom time for purposes of the 2-through-4-hour rule.

### 3.2.2.3 Funding Eligibility of Students Who Have Met All Graduation Requirements except Passing Required State Assessments

Your school district may serve and generate FSP funding for a student who has met all graduation requirements other than passing required state assessments and who continues to attend school to participate in a study program for those assessments, provided all other eligibility requirements are met. Time spent in the study program is considered classroom time for FSP funding purposes; that is, this time counts as classroom time for purposes of the 2-through-4-hour rule.

**Note:** Students who have met all graduation requirements other than passing required state assessments are the only students for whom time spent in such a study program may be considered classroom time for FSP funding purposes. For any other student, this time is **not** considered classroom time for FSP funding purposes.

#### **3.2.2.4 Funding Eligibility of Students Eligible for PPCD Services and Served in a PK Classroom**

See [4.9.3 PPCD Services and PK Programs](#) and [7.5.1 Students Who Are Eligible for Special Education \(PPCD\) and Are Served in a PK Classroom](#) for detailed information about students who are eligible for PPCD services and are served in a PK classroom.

### ***3.2.3 Age Eligibility***

The following table shows the age requirements students must meet to be eligible to attend Texas public schools for FSP benefits. Students who meet the age requirements listed in the “Eligible” column are eligible for free attendance for either full-day or half-day attendance for the entire school year in the district in which they are entitled to attend for FSP benefits. For information on eligibility to attend a school district, see [3.3.6 Student Entitlement to Attend School in a Particular District](#).



Eligible	Ineligible
a student who is at least 5 years old* on September 1 of the current school year but is less than 21 years old by the same date <sup>24</sup>	a student who is not at least 5 years old on September 1 of the current school year or is not less than 21 years old by the same date, unless the student meets some other eligibility requirement listed in the “Eligible” column
a student who is at least 21 years of age but less than 26 years of age on September 1 of the current school year and who has been admitted by your school district to complete the requirements of a high school diploma** <sup>25</sup>	a student who has previously graduated from high school
a student who is at least 19 years of age but less than 26 years of age on September 1 of the current school year and is enrolled in an adult high school diploma and industry certification charter school pilot program <sup>26</sup>	a student who does not reside in Texas (even if the student’s parent or grandparent does)
a student who has a disability and who 1) has reached his or her third birthday and 2) meets other special education eligibility requirements described in Section 4	a student with disabilities who has graduated with a high school diploma under 19 Texas Administrative Code (TAC) <a href="#">§89.1070(b)(2), (f)</a> (student is no longer eligible to receive services or generate ADA)
from date of birth through age 2, a child who has serious visual impairments, hearing impairments, or both and who meets other special education eligibility requirements described in Section 4	
a student receiving special education services who is 21 years of age on September 1 of a school year: the student is eligible for services through the end of that school year or until graduation, whichever comes first	
a student with a disability who graduated by meeting the requirements of 19 TAC <a href="#">§89.1070(b)</a> as determined by an admission, review, and dismissal (ARD) committee and who is still in need of special education services <sup>27</sup> : the student may be served through age 21 inclusive <sup>28</sup>	
a student who is eligible for state-funded PK classes and meets the age requirement by September 1 of the current school year (eligible only for half-day attendance)	

<sup>24</sup> TEC, [§42.003](#)

<sup>25</sup> TEC, [§42.003](#)

<sup>26</sup> under the TEC, [§29.259](#); TEC, [§42.003](#)

<sup>27</sup> as determined by the ARD committee per 19 TAC [§89.1070\(f\)](#)

### **\*3.2.3.1 Additional Information about Minimum Eligible Age**

If the school year starts before a student's birthday, the student is eligible to attend school for the entire year as long as he or she will be the required age on or before September 1.<sup>29</sup>

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.<sup>30</sup> The term "enrolled" means actually receiving instruction by attendance in a public school rather than being registered before receiving instruction.

However, any 5-year-old child who enrolls may be assigned to first grade for the full school term (ADA eligibility code 1). Such assignments are the decision of the local district.

A student younger than 5 years of age is entitled to the benefits of the FSP if the student performs satisfactorily on the required state assessments administered to students in the third grade and your district has adopted a policy for admitting students younger than 5 years of age.<sup>31</sup>

A child of a military family who moves to your district from another state that is a member state of the Interstate Compact on Educational Opportunity for Military Children is entitled to continue enrollment at the same grade level, including kindergarten, that he or she was enrolled in in that other state regardless of the child's age. Also, a child of a military family who moves to your district from another state that is a member of the compact and who has satisfactorily completed the prerequisite grade level (including prekindergarten) in that other state is entitled to enroll in the next highest grade level, regardless of age. These children would meet minimum age eligibility requirements for generating ADA, provided applicable documentation is provided. See [11.9 Interstate Compact on Educational Opportunity for Military Children](#) for documentation requirements, applicable definitions, and other additional information.

### **\*\*3.2.3.2 Additional Information about Maximum Eligible Age**

Students who are at least 21 years of age and under 26 years of age, who have been admitted for the purpose of completing the requirements for a high school diploma, and who have not attended school in the three preceding school years must not be placed with a student who is 18 years of age or younger in a classroom setting, cafeteria, or other district-sanctioned school activity. However, these students may attend a school-sponsored event that is open to the public as a member of the public.<sup>32,33</sup>

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.

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<sup>28</sup> 34 Code of Federal Regulations (CFR), §300.102(a)(3)

<sup>29</sup> TEC, [§25.001\(a\)](#)

<sup>30</sup> TEC, [§42.003\(c\)](#)

<sup>31</sup> TEC, [§42.003\(d\)](#)

<sup>32</sup> TEC, [§25.001\(b-2\)](#)

<sup>33</sup> TEC, [§ 12.137](#)

Students with a disability who graduated by meeting the requirements of 19 TAC [§89.1070\(b\)](#) as determined by an ARD committee and who are still in need of special education services<sup>34</sup> may be served through age 21 inclusive.<sup>35</sup>

Your school district may provide instruction to a student who has already graduated with a regular high school diploma. However, unless the student is returning to school<sup>36</sup> after graduating under 19 TAC [§89.1070\(b\)](#), the student is **not** eligible for funding and must be recorded with an ADA eligibility code of 0, 4, or 5, as applicable. Exceptions are students who are eligible to graduate but who continue their education to meet the requirements of a higher high school diploma standard **or** to graduate with their class if graduation will occur by the end of the school year in which the student completes graduation requirements. These students must still meet eligibility requirements for funding. (See [3.6.3.1 Early Graduation or Graduation Ceremonies and Attendance](#).)

### ***3.2.4 Dual Credit (High School and College or University)***

Please see [11.3.1 Dual Credit \(High School and College or University\) Programs](#) for information on dual credit courses.

## **3.3 Enrollment Procedures and Requirements**

This subsection discusses enrollment procedures and requirements.

A student must be enrolled in only one district at a time, thus eliminating duplicate TSDS PEIMS reporting for a student.

Enrolling a student in a school district requires presentation of proof of the student's identity, age, and residency or other eligibility for enrollment. However, your school district may implement and use an automated system to confirm the address of a student who is continuing enrollment in your district from the prior school year. Your district may accept documentation of an updated address electronically for a student who is continuing enrollment in your district from the prior school year. To be eligible for FSP funding, your school district must maintain all proper documentation.

**Note:** All documentation requirements for audit purposes and the required retention period for such records are outlined in Section 2. The required retention period for all school district records is outlined in [Local Schedule SD](#) of the *Local Records Retention Schedules*, Texas State Library and Archives Commission.

### ***3.3.1 Residency***

Your local district policy should include measures to verify, on enrollment, that a student is entitled to enroll in the district under the TEC, [§25.001](#). If the student's entitlement is contingent on the residency of a person, examples of methods of verifying residency include requesting utility bill receipts or lease information or verifying with designated district personnel that the applicable residence is within the boundaries of your district. Residency is not defined by an address on a driver's license, a signature on a

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<sup>34</sup> as determined by the ARD committee per 19 TAC [§89.1070\(f\)](#)

<sup>35</sup> 34 CFR, §300.102(a)(3)

<sup>36</sup> under 19 TAC [§89.1070\(f\)](#)

lease, or the address on a utility bill. These are indicators that may expedite verifying residency, but the absence of such indicators is not conclusive that the applicable person is not a resident.

In establishing whether a student meets residency requirements for enrollment in your district, your district **must not** ask about the citizenship or immigration status of the student or his or her parent or other person with legal control of the student under a court order.<sup>37</sup> To determine whether a student should have an immigrant indicator code of 1 for TSDS PEIMS reporting purposes, your district may ask the following questions<sup>38</sup>:

- 1) Is the student 3–21 years of age?
- 2) Was the student born outside of the United States?
- 3) Has the student attended a US school for 3 full academic years?

Note: The 3 years do not need to be consecutive.

Note: A US Department of Defense school that is not located within the fifty states or the District of Columbia is not considered a US school.

If the answer is yes to the first two questions and no to the third question, then the student should have an immigrant indicator code of 1. If the answer is yes to all three questions, the immigrant indicator should be removed.

Your district must keep a copy of the document it used to verify a student’s residency.

### ***3.3.2 District Responsibility to Secure Student Records***

On a student’s enrollment in your district, your district must request the set of required student information listed in [3.4 Withdrawal Procedures](#). Note that student records **must** be requested, sent, and received using the Texas Records Exchange (TREx) system. If your district requests this information from the district where a student was previously enrolled and that district fails to provide the required information within 10 working days, your district should report the noncompliant district to the General Inquiries Division of the TEA at (512) 463-9290.<sup>39</sup>

Your district should make a bona fide effort to secure all records and required documentation pertaining to the student from the previous district and the parent or other person with legal control of the student under a court order, if applicable.

**Note:** For purposes of transferring records through the TREx, a working day does not include a day that the campus receiving the records request is closed or a day that the district’s administrative office is closed.

### ***3.3.3 Documentation of Identity and Age***

A parent or other person with legal control of a student under a court order who is enrolling the student has up to 30 days from the date of enrollment to provide proof of the student’s identity.<sup>40</sup> Any of the

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<sup>37</sup> See the United States (US) Department of Education/US Department of Justice letter and other guidance documents available at <http://www.ed.gov/news/press-releases/secretary-duncan-and-attorney-general-holder-issue-guidance-school-districts-ens>.

<sup>38</sup> These questions are based on the criteria defining “immigrant children and youth” in Title III of the No Child Left Behind Act of 2001. Texas is required to report the number of immigrant children and youth to receive certain federal funds.

<sup>39</sup> TEC, [§25.002\(a-1\)](#)

<sup>40</sup> TEC, [§25.002\(a-1\)](#)

documents in the following list is acceptable for proof of identity and age; however, please see the next paragraph for additional information related to students under the age of 11.

- birth certificate
- statement of the child’s date of birth issued for school admission purposes by the division of the Texas Department of State Health Services responsible for vital statistics<sup>41</sup>
- driver’s license
- passport
- school ID card, records, or report card
- military ID
- hospital birth record
- adoption records
- church baptismal record
- any other legal document that establishes identity

For a student who is under 11 years of age and is enrolling in your school for the first time, per the Texas Code of Criminal Procedure, [Article 63.019](#), certain additional requirements related to documentation of identity and age apply. Your school must notify the person enrolling the student that the person has up to 30 days from enrollment, or up to 90 days from enrollment for a child not born in the United States, to provide a certified copy of the child’s birth certificate. If the person is unable to produce a certified copy of the birth certificate, the person must produce, within the same time period, other acceptable proof of the child’s identity and age (see list from preceding paragraph) and a signed note explaining why the person was unable to produce a certified copy of the birth certificate.

Your district must keep a copy of the document it used to verify a student’s identity and age for as long as the document is administratively valuable to the district.

### ***3.3.4 Failure to Receive Student Records and Discrepancies in Student Names***

Failure to receive the information required for student enrollment must not preclude your district from enrolling and serving a student.<sup>42</sup> However, only students who meet the age and admission requirements may be reported as eligible for FSP purposes (ADA eligibility codes 1, 2, 3, 6, or 7) (see also [3.3.8 Immunization](#)). Your district may report an enrolled student it believes to be eligible for FSP purposes as eligible while awaiting documentation of eligibility from the student’s previous school district or from the person enrolling the student.

If a child is enrolled under a name other than the name that appears in the identifying documents, your district must notify the Missing Children and Missing Persons Information Clearinghouse at (800) 346-3243. If the student’s records have not been received within 30 days of a request, making this comparison impossible, your district must notify the municipal police department or sheriff’s department of the county for a determination of whether the child has been reported as missing.<sup>43</sup>

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<sup>41</sup> As provided for by the Texas Health and Safety Code, [§191.0046](#). A child’s parent or guardian may request this statement free of charge from the division of the Texas Department of State Health Services responsible for vital statistics. To request this statement, the parent or guardian should complete the Mail Application for a Verification Letter, available at <http://www.dshs.state.tx.us/vs/reqproc/forms.shtm>, marking the application “Free for School Admission.”

<sup>42</sup> 19 TAC [§129.1\(b\)](#)

<sup>43</sup> TEC, [§25.002\(b\)](#) and (c)

### ***3.3.5 Entry and Reentry Dates***

The student's entry date is the first day the student is physically present during the official attendance accounting period on a particular campus. A student's reentry date is the first day the student is physically present during the official attendance accounting period after having been withdrawn from the same campus. **A student cannot be absent on either the entry or the reentry date. Also, a student cannot be absent on the first day of school.**

**The student is in membership on both the entry date and the reentry date.** See [3.2 Membership and Eligibility for Attendance and Foundation School Program \(FSP\) Funding](#) for minimum time requirements for a student to be in membership.

#### **3.3.5.1 "Auditing" Classes at School District or Charter School at Which the Student Is Not Enrolled**

A school district or open-enrollment charter school must not permit a student to "audit" classes at the district or school without being enrolled in the district or school.

### ***3.3.6 Student Entitlement to Attend School in a Particular District***

A student's entitlement to attend a school district is determined under the TEC, [§25.001](#). Your district must serve any students who are entitled to enrollment under the TEC, [§25.001](#), even if they are expected to reside in your district for a short time. Your district must serve students in regular education in addition to in other programs (special education, etc.) if the students are eligible and all documentation is on file. **Your district cannot refuse to serve a student who is entitled to enroll.** For example, say a student enters a hospital for treatment. If the hospital is located within your school district, your district must immediately serve this student in regular education and also in special education if the student is determined to be eligible. This requirement applies not only to students in hospitals but also to students in juvenile detention centers, jails, and other such facilities. (See [3.3.6.2 Students from Outside Your District Who Will Be in Your District for 10 Days or Fewer](#) for a limited exception to this requirement.) Additional eligibility provisions apply to students who are not entitled to enroll under TEC, [§25.001](#), other than a residence separate and apart from a parent or legal guardian under the TEC, [§25.001\(b\)\(4\)](#) and (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;
- 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;
- is a foreign exchange student placed with a family that resides in your district by a nationally recognized foreign exchange program<sup>44</sup>;
- resides at a residential facility that is in your district;

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<sup>44</sup> unless the school district has applied for and been granted a waiver by the commissioner under the TEC, [§25.001\(e\)](#)

- resides in your district and either is 18 years old or older or has had the disabilities of minority removed; or
- does not reside in your school district but has a grandparent who does and who provides a substantial amount of after-school care for the student<sup>45</sup>.

Also, your school district must admit, tuition-free, a student who meets age eligibility requirements if the student has been placed in foster care and the foster parents reside in your district.<sup>46</sup> A student in the conservatorship of the Department of Family and Protective Services (DFPS) who has been placed by the department at a residence outside your district but who was enrolled at a school in your district at the time of placement is entitled to continue to attend that school until he or she successfully completes the highest grade offered by the school without payment of tuition regardless of whether the student remains in DFPS conservatorship.<sup>47</sup> Also, if a student who is in the conservatorship of the DFPS enrolls in a primary or secondary public school other than the school in which the student was enrolled at the time of placement into conservatorship, the student is entitled to continue to attend that school without the payment of tuition until the student successfully completes the highest grade level offered by that school at the time of enrollment even if the child's placement is changed to a residence outside the attendance area for that school or the school district. The student is also entitled to continue to attend the school regardless of whether the student remains in the conservatorship of the DFPS for the duration of the student's enrollment<sup>48</sup>.

A student who meets any of the previous criteria is eligible for attendance in your district as a regular student and should not be coded as a transfer student.

### **3.3.6.1 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.<sup>49</sup>

### **3.3.6.2 Students from Outside Your District Who Will Be in Your District for 10 Days or Fewer**

If a student from outside your district will be in your district temporarily for 10 days or fewer (for example, because of a brief hospital stay), your district is not required to serve the student if all the following requirements are met:

- it is known at the time the student arrives that the student will be staying for 10 days or fewer,
- your district and the district in which the student is enrolled both agree that the student will continue enrollment in that district for the duration of the student's stay in your district, and
- enrollment will not be shown at your district.

However, if your district does serve the student, regardless of the number of days of service, your district **must enroll the student** and report the student as enrolled through the TSDS PEIMS.

<sup>45</sup> as determined by the school board

<sup>46</sup> TEC, [§25.001\(f\)](#)

<sup>47</sup> TEC, [§25.001\(g\)](#)

<sup>48</sup> TEC, [§25.001\(g-1\)](#)

<sup>49</sup> See the TEC, [§25.040](#).



Also, this policy is not a basis for denying educational services if a parent, guardian, or student requests services, regardless of the number of days that the student will be in your district.

### **3.3.7 Homeless Students**

A student who is homeless, as defined by the McKinney-Vento Homeless Assistance Act<sup>50</sup>, is entitled to enroll in any school district or open enrollment charter school in the state without regard to the student's residence.<sup>51</sup> The student must be allowed to attend either the student's "school of origin"<sup>52</sup> ("school that the student attended when permanently housed or the school in which the student was last") or the school serving the attendance area where the student is now located.<sup>53</sup> Eligibility to enroll in any other school in any school district or open enrollment charter school is determined by local policy.<sup>54</sup> A student is entitled to attend the school of origin if the student becomes homeless during a school year or between school years. Also, if the student becomes permanently housed during a school year, the student is entitled to attend the school of origin for the remainder of that school year.

You can find more information on school district responsibilities associated with homeless students on the TEA [Homeless Issues FAQ](#) page and on the Texas Homeless Education Office website at <http://www.utdanacenter.org/theo/>.

### **3.3.8 Immunization**

Except as provided by the TEC, [§38.001\(c\)](#), a student is required to be fully immunized against certain diseases.<sup>55</sup> However, your district may admit a student provisionally if the student has begun the required immunizations and continues to receive the necessary immunizations as rapidly as medically feasible.<sup>56</sup> Except as provided by the TEC, [§38.001\(c\)](#), a student who is not fully immunized and has not begun the required immunization must not attend school. A homeless student may be admitted for 30 days pending initiation of vaccinations or receipt of vaccination documentation.<sup>57</sup> A student who is a military dependent or any student coming from another Texas school may be enrolled for 30 days pending transfer of immunization records.<sup>58</sup>

For further information regarding immunization requirements, immunization exemptions, and immunization documentation, please contact the Department of State Health Services (DSHS) or see the following DSHS web page: <http://www.dshs.state.tx.us/immunize/school/default.shtm>.

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<sup>50</sup> (42 United States Code [USC], §11302 and § 11434a)

<sup>51</sup> TEC, [§25.001\(b\)\(5\)](#)

<sup>52</sup> as defined in 42 USC, §11432(g)(3)(G)

<sup>53</sup> 42 USC, §1143(2)(g)(3)(A)

<sup>54</sup> State law determines eligibility to enroll in a Texas Virtual School Network course or Online School. See [12.2 Texas Virtual School Network \(TxVSN\)](#).

<sup>55</sup> TEC, [§38.001\(a\)](#)

<sup>56</sup> TEC, [§38.001\(e\)](#)

<sup>57</sup> 25 TAC [§97.66\(b\)](#)

<sup>58</sup> 25 TAC [§97.69](#)



### ***3.3.9 Infants and Toddlers with Auditory or Visual Impairments or Both***

Infants and toddlers birth through 2 years of age who have auditory or visual impairments or both and an individualized family services plan indicating a need for services by the district must be enrolled in the local district or regional day school program for the deaf (RDSPD). If district services are to be provided through the RDSPD, the RDSPD must involve the home district. Local education agencies should collaborate with the RDSPD to ensure that appropriate services are provided. (See [4.10 Special Education Services for Infants and Toddlers](#).)

### ***3.3.10 Students Who Have Received a GED Certificate or Have Been Court-Ordered to Obtain a GED Certificate***

A student who has received a GED certificate or who has been court ordered to obtain a GED certificate is still eligible to enroll in your district to complete the requirements for a high school diploma if the student chooses, provided all eligibility requirements are met. If the student meets all eligibility requirements, your district must not deny enrollment to the student. As with any other student, the ADA eligibility code assigned to the student depends on the number of hours the student is scheduled for and provided instruction, or on whether the student is eligible for and taking part in an alternative attendance program.

## **3.4 Withdrawal Procedures**

Your district should withdraw a student from the attendance accounting system on the date your district becomes aware the student is no longer a member of the district. With proof of enrollment in a different district or campus, retroactive withdrawals are permitted to the day a student enrolled in another school. Your district must update all attendance accounting records affected by such a change. (See also [3.3.5 Entry and Reentry Dates](#).)

If a student withdraws before attendance is taken, the withdrawal date is that day. If a student withdraws after attendance is taken, the withdrawal date is the next school day. A student is not in membership on the withdrawal date.

### ***3.4.1 Students 19 Years of Age or Older***

Your district **may** withdraw a student who is at least 19 years old and is voluntarily enrolled in school when he or she accumulates more than five unexcused absences in a semester. Your district may revoke the enrollment of such a student for the remainder of the school year, except that a district may not revoke enrollment on a day on which the student is physically present at school.<sup>59</sup> **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 “dropout.”** (See also [3.5 Compulsory Attendance](#).)

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.

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<sup>59</sup> TEC, [§25.085\(e\)](#)

### 3.4.2 Temporary Absences and Withdrawal

Your district must **not** withdraw a student who is temporarily absent (for example, as a result of illness or suspension) but still a member of your district.

### 3.4.3 Students Whose Whereabouts Are Unknown

Your district should decide the withdrawal date for a student who never officially withdrew from school, but whose whereabouts can no longer be determined, according to applicable local policies. For example, local policy may state that a student is withdrawn 10 days after he or she last attended if his or her whereabouts are unknown. Once withdrawn, a student in grades 7 through 12 must be reported as a school leaver on a 40203 Record and will possibly be considered a dropout according to Section 2 of the TSDS PEIMS *Data Standards*.

### 3.4.4 Information and Record Transfer

When a student moves from one Texas public school district or charter school to another, the student record must be transferred via the TReX within 10 working days of receiving a request. The student record must include the following information at a minimum<sup>60</sup>:

- Texas Unique Student ID
- Social Security number or state-approved alternative ID last reported through TSDS PEIMS
- first, middle, and last name and generation code, if applicable
- date of birth
- gender
- ethnicity and race
- current grade level
- immunization information<sup>61</sup>
- 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 name
- campus phone number

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<sup>60</sup> For a complete list of data elements that are able to be sent through the TReX, see Appendix A of the current-year *TReX Data Standards*, available at <http://tea.texas.gov/index4.aspx?id=3412>.

<sup>61</sup> TEC, [§25.002\(a\)\(3\)](#)

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 the TREx for the student's high school transcript:

- student's address, including city, state, and zip code
- district name
- either exit level Texas Assessment of Knowledge and Skills assessment and date the exit level requirement was met or State of Texas Assessments of Academic Readiness end-of-course assessment information
- advanced measures completed for the distinguished graduation program, if applicable
- Texas Grant indicator code required by the end 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 the following:
  - academic year
  - session type
  - campus awarding credit
  - course category, name, number, abbreviation, semester, grades and credit
  - course grade average, final grade average, or both
  - special explanation codes, if applicable
  - pass/fail credit indicator codes, if applicable

By law, each district is required to transfer student records within 10 working days of receipt of a request by the receiving district.<sup>62</sup> Enrollment by a student in another school district constitutes authority for your district to release the education records of that student, regardless of whether parental authority has been received.<sup>63</sup> Also, the requirement to transfer records within 10 working days of a request applies regardless of whether a student or student's parent has failed to pay for a lost textbook, including an electronic textbook.

For purposes of transferring records through the TREx, a working day does not include a day that the campus receiving the records request is closed or a day that the district's administrative office is closed.

### ***3.4.5 Students 21 Years of Age or Older and Placement in a Disciplinary Alternative Education Program (DAEP) or JJAEP***

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 he or she engages in conduct that would require or authorize such placement for a student under the age of 21. If a 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.<sup>64</sup>

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<sup>62</sup> TEC, [§25.002\(a-1\)](#)

<sup>63</sup> Family Education Rights and Privacy Act (FERPA) 34 CFR, §99.31(a)(2) and §99.34

<sup>64</sup> TEC, [§25.001\(b-1\)](#)

## 3.5 Compulsory Attendance

PK and kindergarten students are subject to compulsory school attendance while they are enrolled in school. On enrollment in PK or kindergarten, a child must attend school.<sup>65</sup> However, if a child has not reached mandatory compulsory attendance age (6 years old as of September 1 of the current school year) the child's parent or guardian may withdraw the student from school, and the child will not be in violation of compulsory attendance.

Unless specifically exempted by the TEC, [§25.086](#), a child who is at least 6 years of age, or who is younger than 6 years of age and has previously been enrolled in first grade, and who has not yet reached his or her 19th birthday must attend school.<sup>66</sup>

A person who voluntarily enrolls in or attends school after turning 19 years of age is also required to attend school each day<sup>67</sup>.

Note that an allegation of truant conduct applies only to an individual who is 12 years of age or older and younger than 19 years of age.<sup>68</sup> The offense of parent contributing to nonattendance, however, applies to parents of students who are subject to compulsory attendance, regardless of the student's age.<sup>69</sup>

Note: A child engages in truant conduct if the child is required to attend school under the TEC, §25.085, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year.<sup>70</sup> School districts must adopt truancy prevention measures designed to address student conduct related to truancy before the student engages in truant conduct, and the district must minimize the need for referrals to truancy court for absences in accordance with the TEC, §25.0915.<sup>71 72</sup> In addition, "tardies" generally are not considered absences for purposes of compulsory attendance enforcement.<sup>73</sup>

## 3.6 General Attendance-Taking Rules

Each teacher or other school employee who records student attendance must certify, in writing, that all such records are true and correct to the best of his or her knowledge and that the records have been prepared in accordance with laws and regulations pertaining to student attendance accounting by signing and dating the record of attendance within one calendar week of the attendance recorded. Electronic signatures are acceptable. Signature stamps and pencil are not acceptable.

**Note:** If your district uses an automated system that meets the requirements for a secure paperless system specified in [2.2.3 "Paperless" Attendance Accounting Systems](#) (that is, if the system can report the date and time of any attendance record alterations and the identity of the individual altering the

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<sup>65</sup> TEC, [§25.085\(c\)](#)

<sup>66</sup> TEC, [§25.085\(b\)](#)

<sup>67</sup> TEC, [§25.001\(e\)](#)

<sup>68</sup> Family Code, Section 65.002

<sup>69</sup> TEC, [§25.093](#)

<sup>70</sup> Family Code, Section 65.003 (a)

<sup>71</sup> [TEC, §25.0915](#)

<sup>72</sup> [19 TAC 129.1041-129.1047](#)

<sup>73</sup> Tardiness as it relates to compulsory attendance is addressed in [this November 13, 2001, "To the Administrator Addressed" letter](#) and in Opinion of the Texas Attorney General [No. DM-0200](#) (1993) (page 6)

record and meets all other requirements), then attendance records do not need to be generated and signed weekly. If your district uses an automated attendance accounting system but the system does **not** meet the requirements for a secure paperless system specified in [2.2.3 “Paperless” Attendance Accounting Systems](#) (that is, if the system cannot report the date and time of any attendance record alterations and the identity of the individual altering the record), then the attendance records must be generated on a weekly (one calendar week) basis and be signed and dated by the teacher taking the roll.

Students who are on campus and in their classrooms at the time attendance is taken must have their official attendance taken and completed by the classroom teacher. Attendance must not be taken by students or classroom aides and clerks that do not meet the requirements of a highly qualified paraprofessional<sup>74</sup>. Using a student “sign-in” sheet to record attendance is not an acceptable method of taking roll and will result in the attendance being disallowed.

**Note:** The only exception to a classroom teacher taking official attendance and the only method by which a student can take his or her own attendance is by using a fingerprint scanner. All other methods by which a student takes his or her own attendance (such as sign-in sheets) are not allowed under any circumstance. Use of a fingerprint scanner does not require a waiver. The school must be able to produce printable documentation of attendance information that must provide detailed information about the date and time that the student scanned in and out of the system.

Students who are on campus at the time attendance is taken but who are not in their assigned classroom are considered in attendance for FSP purposes provided they were with a campus official (nurse, counselor, principal, etc.). Class admit slips or other documentation supporting that a student was with a campus official must be retained for audit purposes.

### ***3.6.1 Manual Entries for or Corrections to Student Attendance Data***

District staff members must always use ink to make manual entries or corrections in the attendance records, on daily absence slips, on 6-week absence reports, and on daily summary sheets. Staff members must never record manual entries in pencil, use liquid correction fluid, or use a signature stamp. If errors are made on any official attendance document, the staff member making the correction must strike through the error, enter corrections nearby, and initial.

### ***3.6.2 Time of Day for Attendance Taking***

Each campus must determine attendance for all grades by the absences recorded at the one particular point in time the campus has chosen for roll to be taken (a snapshot, for example, 9:45 a.m.) during the **second** or **fifth** instructional hour of the day or its equivalent. The selected time may vary from campus to campus within your district. However, once a time has been selected, a campus must not change it during the school year.<sup>75</sup>

Your campus may select an official attendance-taking time that is not during the second or fifth instructional hour of the day if your local school board has adopted a district policy allowing for

<sup>74</sup> [Requirements for Highly Qualified Paraprofessional](#)

<sup>75</sup> 19 TAC [§129.21\(h\)\(3\)](#)

recording absences in an alternative hour, or if the superintendent has established documented procedures allowing for recording absences in an alternative hour after having been delegated authority to do so by the board.<sup>76</sup> The policy or procedures may:

- allow for each campus to choose an alternative attendance-taking time for the campus as a whole,
- allow for each campus to choose an alternative attendance-taking time for certain groups of students as described in [Subsection 3.6.2.2](#), or
- allow for both of these circumstances.

The policy may be adopted or the procedures established at any time during a school year. If the policy or documented procedures allow for a campus to choose an alternative attendance-taking time for certain groups of students as described in 3.6.2.2, a campus is free to choose an alternative attendance-taking time for a group of students as soon as the policy is adopted or the procedures are established. If the policy or documented procedures allow for a campus to choose an alternative attendance-taking time for the campus as a whole and the policy is adopted or procedures established after the start of the school year, a campus that wishes to change the attendance-taking time for the campus as a whole must wait until the next school year to do so.

These attendance provisions do not apply to alternative attendance programs such as the HSEP or the OFSDP. For special attendance provisions that apply to these programs, please refer to Section 11, on nontraditional programs.

### **3.6.2.1 Attendance Taking and Delayed Start of School Day**

If your district's superintendent delays the start of the school day for your campus for a reason related to health or safety (for example, because of flooding or bad weather), your campus may choose an alternative attendance-taking time for that day. This provision does not apply to a delayed start of the school day for a reason unrelated to health or safety (for example, the funeral of a student or teacher). If your district delays the start of the school day and your campus uses an alternative attendance-taking time, your campus must maintain documentation of the alternative time, the attendance recorded at that time, and the official reason for the delayed attendance taking.

### **3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations**

Your campus may choose an alternative attendance-taking time for a group of students that is scheduled to be off campus during the regular attendance-taking time, such as the following (Note that this is not an exhaustive list.):

- dual-credit students who are attending classes at an institution of higher education,
- career and technical education students who are scheduled to be at a worksite, or
- PK or PPCD students who are reported by a particular campus but served at an off-campus location.

To implement the alternative attendance-taking time, your local school board must have first adopted a district policy allowing for an alternative attendance-taking time, or the superintendent must have established documented procedures allowing for an alternative attendance-taking time after having been delegated authority to do so by the board, as described in 3.6.2. (The policy may be adopted or procedures established at any time during the school year.) The alternative attendance-taking time will

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<sup>76</sup> 19 TAC [§129.21](#)(h)

be in effect for the period of days or weeks for which the group is scheduled to be off campus during the regular attendance-taking time (for example, for the semester or for the duration of employment). Once selected, the alternative attendance-taking time for a particular group for a particular period (for example, for the semester or for the duration of employment) must not be changed.

The alternative attendance-taking time for each applicable group, the students making up that group, and the attendance taken for the group each day must be documented for audit purposes.

An alternative attendance-taking time must not be used for any student who is scheduled to be on campus during the regular attendance-taking time.

### ***3.6.3 Requirements for a Student to Be Considered Present for FSP (Funding) Purposes***

For official attendance accounting purposes, “excused” and “unexcused” absences do not exist.<sup>77</sup> Students present at the official attendance-taking time are counted present for funding purposes. Note that having students sign in is not an acceptable method of taking attendance. With the exception of any reason listed in the following bulleted paragraphs, students who are absent at the official attendance-taking time are counted absent for funding purposes.

Students who are on campus at the time attendance is taken but who are not in their assigned classroom are considered in attendance for FSP purposes provided they were with a campus official (nurse, counselor, principal, etc.). Class admit slips or other documentation supporting that a student was with a campus official must be retained for audit purposes. Documentation from an electronic, radio-frequency, “smart card,” or similar tracking system that indicates only whether a student monitoring device was on campus at a particular time is not acceptable documentation unless supported with documentation that the student was with a campus official.

Note: These attendance provisions do not apply to the OFSDP, the HSEP, or homebound programs (general education homebound, special education homebound, or compensatory education home instruction). For special attendance provisions that apply to these programs, please refer to the applicable sections of the handbook.

A student not actually on campus at the time attendance is taken may be considered in attendance for FSP purposes if the student:

- is enrolled in and attending off-campus dual credit program courses and is not scheduled to be on campus during any part of the school day.

Students who are enrolled in and attending an off-campus dual credit program course and **are** scheduled to be on campus during any part of the school day should have their attendance recorded while they are on campus. See [3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations](#) for instructions on how to record attendance for these students if they are not scheduled to be on campus during the official attendance-taking time.

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<sup>77</sup> 19 TAC [§129.21](#)(h)(4)

- is participating in an off-campus work-based learning opportunity and is not scheduled to be on campus during any part of the school day. Students who are participating in an off-campus work-based learning opportunity and are scheduled to be on campus during any part of the school day should have their attendance recorded while they are on campus. See [3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations](#) for instructions on how to record attendance for students not scheduled to be on campus during the official attendance-taking time.
- is enrolled **full-time** in TxVSN courses. See [12.2 Texas Virtual School Network \(TxVSN\)](#) for information on recording daily attendance.

Students who are enrolled in one or more TxVSN courses but attend part of the day at a regular campus and who are not scheduled to be on campus during the official attendance-taking time should have their attendance recorded during the part of the day they are on campus. See [3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations](#) for instructions on how to record attendance for these students.

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

Students participating in any activity that is not approved by your local school board or without certified district personnel supervision must be counted absent. For attendance to qualify for funding purposes, the professional staff member, adjunct staff member, or paraprofessional staff member must be accompanying the students as an official of your school district for the specific purpose of supervising the students and must be approved by your school board to supervise the activity. For example, students would be reported present if they are participating in 4H activities that are supervised by a county extension service agent who has been approved by the local school board as an adjunct staff member or a paraprofessional staff member of your school district.<sup>78, 79</sup>

Paraprofessionals must meet the requirements of a highly qualified paraprofessional.<sup>80</sup>

- is participating, with local school board approval, in a short-term (for example, 5-day) class that is provided by the Texas School for the Blind and Visually Impaired (TSBVI) or the Texas School for the Deaf (TSD) at a location other than the student's campus.<sup>81</sup> The student must not be considered in attendance for FSP purposes on any day the student is traveling between the student's district and the location of the class but is not attending class. (However, travel days may be excused for compulsory attendance purposes. See [3.6.4 Excused Absences for](#)

<sup>78</sup> 19 TAC [§129.21\(j\)\(1\)](#)

<sup>79</sup> County extension service agents are eligible to be considered adjunct staff members because they are required to have at least a bachelor's degree and are eligible for participation in the Teacher Retirement System of Texas. They are eligible for participation in the Teacher Retirement System because they are employed by the Texas AgriLife Extension Service, which is a member of the Texas A&M University System.

<sup>80</sup> [Requirements for Highly Qualified Paraprofessional](#)

<sup>81</sup> 19 TAC [§129.21\(k\)](#)



[Compulsory Attendance Purposes.](#)) Your school district is responsible for obtaining documentation of the student’s class attendance from the TSBVI or TSD.

- is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program outlined in 19 TAC Chapter 74.
- misses school for the purpose of observing religious holy days, including traveling for that purpose.<sup>82</sup> Travel days for which the student is considered in attendance are limited to not more than 1 day for travel to and 1 day for travel from the site where the student will observe the holy days. 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.

Your school district is responsible for determining what constitutes a religious holy day for purposes of excusing absences. The agency does not maintain a list of days that qualify as religious holy days for purposes of being considered in attendance for FSP purposes. However, we do provide the following guidance: To be considered a religious holy day, the day should be one generally recognized by the student’s religious denomination as a holy day that is required to be observed by all members of that denomination. Church retreats, camps, and mission trips and individual religious rites (baptisms, christenings, bar mitzvahs, etc.) are not considered holy days.

- is in grades 6 through 12 and misses school for the purpose of sounding “Taps” at a military honors funeral held in Texas for a deceased veteran.<sup>83</sup>
- misses school for the purpose of attending a required court appearance, including traveling for that purpose.<sup>84</sup> Travel days for which the student is considered in attendance are limited to not more than 1 day for travel to and 1 day for travel from the site where the student is required to appear in court. 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.

A court appearance is considered to be required if the law (federal or state) or the court mandates an appearance by the student in a criminal, civil, or traffic matter. Examples of required court appearances would be appearances in response to a jury summons in the name of the student, a subpoena in the name of the student, or a traffic ticket marked “You Must Appear” or “Court Appearance Required.” Additional examples would be a student’s appearance in court as a plaintiff or defendant or as the subject of a court proceeding, such as an adoption or custody proceeding. Acceptable forms of documentation include a copy of a pleading or other document filed with the court, a notice from the court clerk regarding a hearing or trial date, a jury summons, a subpoena, etc.

**Important:** Absences to meet with probation officers and other absences related to court-ordered activities *outside* the courtroom do not qualify as required court appearances.

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<sup>82</sup> TEC, [§25.087\(b\)\(1\)\(A\)](#)

<sup>83</sup> TEC, [§25.087\(c\)](#)

<sup>84</sup> TEC, [§25.087\(b\)\(1\)\(B\)](#)

However, see the next bullet, related to court-ordered activities for students in the conservatorship of the DFPS.

- is in the conservatorship of the DFPS and misses school:
  - to participate in an activity ordered by a court under the Texas Family Code, Chapter 262 or 263, provided that scheduling the participation outside of school hours is not practicable<sup>85</sup> or
  - to attend an activity under a service plan under the Texas Family Code, Chapter 263, Subchapter B<sup>86</sup>.

The student may be considered in attendance for travel days for this purpose. Travel days for which the student is considered in attendance are limited to not more than 1 day for travel to and 1 day for travel from the site where the student is participating in the activity, appointment, or visitation.

- misses school for the purpose of serving as a student early voting clerk, if your school district has a policy allowing for this type of excused absence,<sup>87</sup> or misses school for the purpose of serving as an election clerk or student election clerk<sup>88</sup>. Your school district may excuse a student's absence for this purpose for a maximum of 2 days in a school year.<sup>89</sup>

A student may be considered in attendance for travel days related to an absence to serve as an election clerk or student election clerk but not for travel days to serve as a student early voting clerk. Travel days for which the student is considered in attendance are limited to not more than 1 day for travel to and 1 day for travel from the site where the student is serving as an election clerk. 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. Travel days do not count toward the 2-days-per-school-year maximum.

To serve as a student election clerk or student early voting clerk, a student must:

- be ineligible to serve as an election clerk under the Texas Election Code, [§32.051\(c\)](#);
- be at least 16 years of age;
- have the consent of the principal of the school the student attends;
- be a US citizen; **and**
- have completed any training course required by the entity holding the election.<sup>90</sup>

To serve as an election clerk (as opposed to a **student** election clerk), a student must meet the requirements specified in the Texas Election Code, [§32.051](#).

- misses school for the purpose of appearing at a governmental office to complete paperwork required in connection with the student's application for US citizenship, including traveling for

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<sup>85</sup> TEC, [§25.087\(b\)\(1\)\(F\)](#)

<sup>86</sup> TEC, [§25.087\(b\)\(1\)\(F\)](#)

<sup>87</sup> TEC, [§25.087\(b-1\)](#)

<sup>88</sup> TEC, [§25.087\(b\)\(1\)\(E\)](#)

<sup>89</sup> TEC, [§25.087\(e\)](#)

<sup>90</sup> Texas Election Code, [§32.0511](#), and [§83.012](#)

that purpose.<sup>91</sup> Travel days for which the student is considered in attendance are 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 the student's own US naturalization oath ceremony, including traveling for that purpose.<sup>92</sup> Travel days for which the student is considered in attendance are 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 for the student or the student's child that is with a health care professional licensed, certified, or registered by an appropriate agency of the State of Texas<sup>93</sup> to practice in the United States.<sup>94</sup> A documented appointment with a health care professional includes an appointment of a student diagnosed with autism spectrum disorder with a health care practitioner<sup>95</sup> to receive a generally recognized service<sup>96</sup> for persons with that disorder.<sup>97</sup> 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.<sup>98</sup>

The appointment must be a face-to-face consultation with a health care professional. A consultation over the phone or via video (telemedicine) is not considered an appointment with a health care professional. A school nurse will not count for FSP funding as a health care professional appointment.

- 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.<sup>99</sup> Your district 1) must not excuse for this purpose more than 2 days during a student's junior year and 2 days during a student's senior 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' visits to institutions of higher education.
- is 17 years of age or older and pursuing enlistment in a branch of the United States Armed Services or the National Guard. Your district 1) must not excuse the student for this purpose for more than four days of school during the period the student is enrolled in high school and 2) must adopt a) a policy stating when an absence will be excused for this purpose and b) a policy

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<sup>91</sup> TEC, [§25.087\(b\)\(1\)\(C\)](#)

<sup>92</sup> TEC, [§25.087\(b\)\(1\)\(D\)](#)

<sup>93</sup> You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_NoticeVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp).

<sup>94</sup> TEC, [§25.087\(b\)\(2\)](#)

<sup>95</sup> See the Texas Insurance Code, [§1355.015\(b\)](#), for a description of the term *health care practitioner*.

<sup>96</sup> Generally recognized services include, but are not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

<sup>97</sup> TEC, [§25.087\(b-3\)](#)

<sup>98</sup> 19 TAC [§129.21\(j\)\(3\)](#)

<sup>99</sup> TEC, [§25.087\(b-2\)](#)

that verifies the student’s activities related to pursuing enlistment in a branch of the Armed Services or the Texas National Guard.

- is absent to visit with a parent, stepparent, or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides. Your district is required to excuse up to 5 days for this purpose in a school year. An excused absence for this purpose must be taken no earlier than 60 days before the date of deployment or no later than 30 days after the date of return from deployment.<sup>100</sup>

Your school district must allow a student whose absence is excused for any of the previously listed reasons (with the exception of the first five reasons, for which this paragraph does not apply) a reasonable amount of time to make up school work missed on these days. If the student satisfactorily completes the school work, the day of absence is counted as a day of compulsory attendance.<sup>101</sup>

If your school district excuses a student’s absence for any of the previously listed purposes (counts the student as present for FSP purposes), the district must keep documentation related to the absence on file for audit purposes. Your school district should establish a local policy describing what constitutes acceptable documentation for each of the listed absences.

Numerous absences, whether excused or unexcused, may jeopardize a student’s ability to receive credit or final grades for classes (see the TEC, [§25.092](#), for requirements related to minimum attendance for class credit or a final grade).

### 3.6.3.1 Early Graduation or Graduation Ceremonies and Attendance

**Students Who Graduate Early:** If a student has completed the requirements for a high school diploma before the last school day of the school year, the student is not eligible to continue to generate ADA for funding purposes for the remaining days of the school year. For example, if a high school’s seniors graduate and receive their diplomas two days before the official end of the school year but return to school to “sign in” for those last two days, the students would not generate ADA for funding purposes for those days.

**Students Who Have Not Yet Graduated but Who Have Attended Graduation Ceremonies:** A student who attends a graduation ceremony before completing requirements for a high school diploma is eligible to continue to generate ADA funding as long as the student meets the minimum 2-through-4-hour requirement or is continuing to participate in an alternative attendance accounting program, such as the OFSDP. A senior who has attended graduation ceremonies before the end of the school year and who attends for the last days of the school year only to “sign in” has not met the minimum 2-through-4-hour requirement<sup>102</sup> for those days. A student must be provided the appropriate number of hours of instruction, be counted absent, or be withdrawn.

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<sup>100</sup> TEC, [§25.087](#)(b-4)

<sup>101</sup> TEC, [§25.087](#)(d)

<sup>102</sup> 19 TAC [§129.21](#)(g)

### ***3.6.4 Excused Absences for Compulsory Attendance Purposes***

A teacher, principal, or superintendent of the school in which a student is enrolled may excuse the temporary absence of the student for any reason acceptable to the teacher, principal, or superintendent. However, the student will not be counted as present for FSP (funding) purposes for the day(s) of the absence unless the absence is for one of the reasons specified in [3.6.3 Requirements for a Student to Be Considered Present for FSP \(Funding\) Purposes](#) and meets applicable requirements.<sup>103</sup>

Numerous absences, whether excused or unexcused, may jeopardize a student's ability to receive credit or final grades for classes (see the TEC, [§25.092](#), for requirements related to minimum attendance for class credit or a final grade).

### ***3.6.5 Instruction Provided outside of the Regular School Day***

If selected students are required to attend school on Saturday to make up for absences, their attendance must **not** be counted for funding purposes (see [3.8.2 Makeup Days and Waivers](#) for information on makeup days when all students are required to attend) (see also [3.6.4 Excused Absences for Compulsory Attendance Purposes](#)). Also, for funding purposes, a student's attending school on a Saturday does not nullify any previously recorded absence.

If your school district provides instructional services for special education after school or on Saturday, the contact hours may be counted only if the services cannot be provided or are unavailable at any other time (for example, speech therapy provided on Saturday as a result of the unavailability of speech therapists during the regular school week, orientation and mobility services or vision instruction provided outside the regular school day because they must be provided at night or in periods of darkness).

### ***3.6.6 Attendance Accounting during Testing Days***

If standardized achievement tests or final exams are administered during the period designated for attendance taking, staff members should record absences just before, during, or immediately after the exam.

If your district exempts certain students from taking final exams, note that that exemption does not exempt the students from the 2-through-4-hour requirement. Also, a student who is exempt from taking exams and who attends school on an exam day only to "sign in" during the attendance-taking time has not met the minimum 2-through-4-hour requirement for that day. A student must either be provided the appropriate number of hours of instruction or be counted absent. See [3.2.2 Funding Eligibility](#).<sup>104</sup>

### ***3.6.7 Attendance and Students Who Are Not in Membership or Are Served outside the Home District***

Your district is not required to take attendance for students who are not in membership (are not receiving the minimum 2 hours of instruction per day). Also, for students who are participating in an approved program with alternative attendance accounting (see [Section 11 Nontraditional Programs](#)), your district is not required to take attendance during the standard specified periods. However, your district **must** maintain the demographic and special program information for these students in the

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<sup>103</sup> TEC, [§25.087](#)

<sup>104</sup> 19 TAC [§129.21\(g\)](#)

attendance accounting system in accordance with the applicable coding instructions in Sections 3 through 11 of this handbook.

**For example**, a 3-year-old special education student’s only service is speech therapy for 30 minutes each week. Your district is not required to record attendance for this speech therapy student since he does not receive at least 2 hours of instruction per day, but your district must report demographic and special program information for the student. Your district should report demographic and special program information for all students served in the district through TSDS PEIMS, Submission 1.

Students who are served outside the home (sending) district, but who are reported for all TSDS PEIMS submissions by the home (sending) district, should **not** be included in the official attendance reports of the district where the student is served (see [3.9 Data Submission](#)).

### **3.6.8 “Tardies”**

For official attendance accounting and FSP purposes, “tardies” do not exist. However, locally designed codes may be implemented to indicate that the following occurred:

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

Adequate documentation that defines all locally designed codes must be retained with all other auditable records. Proof must be evident that absences for students assigned this code are included in total absences in all attendance reports.

### **3.6.9 Effective Dates for Program Changes**

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

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

### **3.6.10 Students Attending Nonresidential Treatment Facilities**

If a student who is enrolled in your school district is absent from school because the student is attending a nonresidential treatment facility within your district or another district during the day, your district may choose to excuse the student’s absences for compulsory attendance purposes. However, the student must not be counted present for FSP (funding) purposes unless your district chooses to follow the procedures described in the following two paragraphs.

If the facility is located in your district, your district may enter into a written agreement with the facility that provides for your district to send a certified teacher to the facility to instruct the student. The student may be considered present for FSP purposes if the student is scheduled for and provided at least 2 hours of instruction (half-day eligibility) or at least 4 hours of instruction (full-day eligibility) each

school day. Note that the student is **not** eligible for the general education homebound program as the student is not confined to home or hospital bedside.

If the facility is located outside your district, your district may follow the procedure described in the preceding paragraph. Or, your district may enter into a written agreement with the district in which the facility is located for that district<sup>105</sup> to provide instruction to any student who is enrolled in your district and attending the facility. (It would be the responsibility of the district providing instruction to enter into a written agreement with the facility.)

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<sup>105</sup> If the district that plans to provide instruction to students at the facility is an open-enrollment charter school, the school's charter must explicitly allow for the school to provide this type of instruction at the facility.

## 3.7 General Education Homebound (GEH) Program

Any student who is served through the GEH program must meet the following three criteria:

- The student is expected to be confined at home or hospital bedside for a minimum of 4 weeks. The weeks **need not** be consecutive.
- The student is confined at home or hospital bedside for medical reasons only.
- The student’s medical condition is documented by a physician licensed<sup>106</sup> to practice in the United States.

A student served through the GEH program at home or hospital bedside must be served by a certified general education teacher. Over the period of his or her confinement, the student must be provided instruction in all core academic subject area courses in which the student is enrolled. In addition, over the period of confinement, the student should be provided instruction in all other courses the student is enrolled in, if possible.

**Note:** For guidance in determining GEH instruction for pregnant students who are receiving pregnancy-related services, see Section 9.

A student who is served through the GEH program retains the same ADA eligibility code he or she had before receiving GEH services, regardless of how many hours the student will be served through the GEH program.

For information on remote homebound instruction, see [12.3.3 Remote Homebound Instruction—Regular Education Students](#).

### 3.7.1 GEH Policy Requirements

To qualify for GEH funding, your school district must have policy and procedures for implementation of GEH instruction that have been approved by the local school board.

### 3.7.2 GEH Committee

A designated campus committee must make decisions regarding GEH placement. Members of the committee should include but are not limited to the following:

- a campus administrator,
- a teacher of the student, and
- a parent or guardian of the student.

The role of the GEH committee is to review and consider the necessity of providing instruction to a general education student at home or hospital bedside. If instruction is to be provided at home or hospital bedside, the GEH committee determines the type(s) and amount of instruction to be provided. Over the period of his or her confinement, however, the student must be provided instruction in all core academic subject area courses in which the student is enrolled and should, if possible, be provided instruction in all other courses in which the student is enrolled.

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<sup>106</sup> You can access the Texas Medical Board’s searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_NoticeVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp). Throughout Section 3.7, “licensed” means licensed to practice in the United States.



In making these decisions, the GEH committee must consider information from the student’s licensed physician. However, documentation from the licensed physician **is not** the sole determining factor in the committee’s decision-making process.

### 3.7.2.1 GEH Committee Documentation Responsibilities

In qualifying a student for and providing the student GEH services, the following documentation is required:

- a district-developed form that documents GEH committee decisions regarding whether a student is to be served through GEH;
- documentation on the form of the GEH committee’s decision regarding the type(s) and amount of instruction to be provided to the student, including the designated amount of time per week that instruction will be provided;
- a note from a licensed physician stating that the student has a medical condition that requires the student to be confined at home or hospital bedside for a minimum of 4 weeks;
- documentation of the day(s) homebound instruction started and stopped; and
- the teacher’s homebound instruction log.

The minimum documentation required in homebound logs (the attendance record maintained by a homebound teacher) is the following:

- the name of the homebound teacher,
- the student’s name and Texas Unique Student ID,
- the date that the homebound teacher visited the homebound student, and
- the specific time period that the student was served (for example, 10:00 a.m. until 12:00 p.m.).

Additional documentation may be maintained as part of this record at your district’s discretion. 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.

### 3.7.3 GEH Funding Chart

For GEH services to generate ADA, the services must be provided as follows:

A general education student served at home earns eligible days present based on the number of hours the student is served at home by a certified teacher each week. Use the following chart to calculate eligible days present:

<b>GEH Funding Chart</b>	
<b>Amount of Time Served per Week</b>	<b>Eligible Days Present Earned per Week</b>
1 hour	1 day present
2 hours	2 days present
3 hours	3 days present
4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)
More than 4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)

Eligible days present are determined each week. For GEH purposes, a week starts Sunday and ends Saturday. GEH service hours must not be accumulated and carried forward from one week to the next, and service hours must not be applied to a previous week.

### ***3.7.4 Test Administration and GEH***

A student receiving GEH services may earn eligible days present as stated in the GEH funding chart when a homebound 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 required state assessments 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 must not be credited as attendance.

If the routine, standardized, 6-weeks, semester, or final exam administration or required state assessment testing requires less than one hour, then the homebound 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 an additional 30 minutes of homebound instruction to earn 1 day present.

A student receiving GEH services **who returns to his or her campus to take required state assessments must have a medical release** from a licensed<sup>107</sup> physician to do so. The time spent on campus taking required state assessments must not count as any part of the number of hours of GEH service for eligible days present.

### ***3.7.5 Transition from GEH to the Classroom***

A student transitioning back to a school-based setting may continue to generate eligible days present based on the GEH funding chart during the transition period. The GEH committee must determine the length of the transition period based on current medical information. Once the student has completed the transition period as determined by the GEH committee, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

### ***3.7.6 Transitioning Students with Chronic Illness between Homebound and the Classroom***

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 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 GEH funding chart.
- The length of the transition period must be determined by the GEH committee based on current medical information.

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<sup>107</sup> You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_NoticeVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp).

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 the GEH funding chart.

Once the student has completed the transition period as determined by the GEH committee, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

### ***3.7.7 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 GEH program for a period of time (which may 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 GEH 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.

**Attendance Accounting Information Related to  
Students with a Recurring Chronic or Acute Health Condition**

<b>For any week in which the student with the recurring condition:</b>	<b>the student earns contact hours or attendance:</b>
is served solely at home or hospital bedside through the GEH program,	according to the requirements of the GEH funding chart.
is served for at least 240 minutes (4 hours) at home or hospital bedside through the GEH program <b>and</b> attends school at his or her campus,	according to the requirements of the GEH funding chart.
is served from 60 to 180 minutes (1 to 3 hours) at home or hospital bedside through the GEH program <b>and</b> attends school at his or her campus,	<ul style="list-style-type: none"> <li>• according to the requirements of the GEH funding chart for those days the student is provided instruction at home or hospital bedside through the GEH program and</li> <li>• according to whether the student is present at the official attendance-taking time for those days the student attends school at his or her campus.</li> </ul>

Regardless of how many minutes of GEH instruction a student is provided or how many days that student is in attendance at his or her campus, the student must not generate more than the equivalent of one ADA.

If the student fully transitions to classroom placement, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

*Attendance Accounting and Documentation:* To document the changing instructional 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 [3.7.2.1 GEH Committee Documentation Responsibilities](#)).

The eligible days present should be recorded in your district’s student attendance accounting system. Any time not accounted for should be reported as absences.

## 3.8 Calendar

Your school district must operate so that it provides for at least 75,600 minutes of instruction, including intermissions and recesses (school days) for students (minus any minutes waived by the TEA in writing [see [3.8.2 Makeup Days and Waivers](#)]), unless your district has been approved to provide fewer school minutes to certain students through a program such as the Optional Flexible Year Program.<sup>108</sup>

<sup>108</sup> TEC, [§25.081](#)

However, even if your district has been approved to provide fewer school minutes through such a program, under no circumstances may it offer fewer than 71,400 school minutes.

Days of instruction are the number of days to satisfy the instructional time requirements established under the Student Attendance Accounting Handbook that are required by a district or charter school to accumulate 75,600 minutes of operation in a school year.

Charter schools are not subject to the 75,600-minute requirement. However, state funding is reduced in proportion to the number of minutes by which a charter school's calendar falls below 75,600 minutes. To receive full funding, a charter school must offer 75,600 minutes (including intermissions and recesses), minus any minutes waived by the TEA in writing, just as a school district is required to. Also, if a charter school elects to have a calendar that includes fewer than 75,600 minutes with planned staff development days factored in (for example, 175 school days (73,500 minutes) + 3 planned staff development waiver days (1,260 minutes) = only 178 days (74,760 minutes)) and requests waivers for those staff development days, the waivers will not be granted, and funding will not be generated for the days for which waivers were requested.

Your district has flexibility in structuring its calendar with respect to the following:

- the starting date,
- the ending date,
- the number of days in each semester and 6-week reporting period, and
- the dates of preparation days.

The first school day, however, must be scheduled no earlier than the fourth Monday in August.<sup>109</sup> The final school day must not be scheduled earlier than May 15<sup>110</sup>.

Charter schools are not subject to the fourth-Monday-in-August or May 15 requirement and may schedule an earlier first or final school day.

The number of days taught reported in TSDS PEIMS must be the actual number of days instruction offered (the actual number of school days in the school calendar or track calendar for a specific reporting period). Days the school is closed for holidays or local events and days of teacher in-service or preparation must not be counted. Your district must not report attendance on days when no instruction is offered (for example, senior days). When a holiday occurs within an attendance accounting period, your district must document the date and name or purpose of the holiday in all reports required for audit purposes (detailed in Section 2).

**Note: A school district may not provide student instruction on Memorial Day.**

Note: All the students in a particular school or track will have the same number of school days (NUMBER-DAYS-TAUGHT). Please refer to the *TSDS PEIMS Data Standards* for more information.

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<sup>109</sup> TEC, [§25.0811](#). A school district with a student enrollment of more than 190,000 (currently only Houston Independent School District) may schedule school days earlier than the fourth Monday in August for up to 20% of district campuses if those days are financed with local funds and are in addition to the minimum number of days of instruction under the TEC, [§25.081](#). Each district campus at which instruction begins earlier than the fourth Monday in August must be undergoing comprehensive reform, as determined by the board of trustees, and have the majority of its student population be made up of educationally disadvantaged students.

<sup>110</sup> TEC, [§25.0812](#).

Regardless of the structure of the actual instructional calendar, the full school year for each instructional track offered by your district must be reported in **six approximately equal reporting periods**.

### **3.8.1 Length of School Day**

A school day must be at least 420 minutes each day, including intermissions and recesses.<sup>111</sup> Open-enrollment charter schools are not subject to this requirement and may have a shorter school day if their charter so provides.

### **3.8.2 Makeup Days and Waivers**

This section discusses makeup days and waivers.

#### **3.8.2.1 Makeup Days**

Your district must adopt a school calendar with at least 75,600 minutes of instruction (including intermissions and recesses). Your district is encouraged to make sure that the adopted calendar includes additional minutes to account for bad weather or other missed school days related to health and safety concerns.

HB 2610 requires school districts and charter schools to meet 75,600 minutes of instruction (including intermissions and recesses) in order to receive FSP funding. If your district or charter school closes school on a scheduled school day, your district or charter school should have enough minutes built into its adopted calendar to make-up for any missed minutes or your district's or charter school's FSP funding may be reduced proportionately.

A school district or charter school may add additional minutes to its school calendar to reach the required 75,600 minutes of instruction (including intermissions and recesses) . While the TEA does not prohibit a district or charter school from scheduling additional minutes on a weekend day or a national holiday, the TEA strongly discourages scheduling any additional minutes on this type of day because attendance is likely to be low. The TEA encourages districts and charter schools to **select practical days** that do not fall on the weekend or on national holidays, **as the agency does not grant waivers for low attendance on a makeup day**. The TEA also encourages school districts and charter schools to carefully consider local circumstances when adopting their calendars and when selecting days to add additional minutes to. For instance, if your school district or charter school has been affected for the last several school years by ice storms in January or February, your district may wish to consider adopting a calendar that includes additional minutes to account for these types of issues.

See [3.8.3 Closures for Bad Weather or Other Issues of Health or Safety](#) for more information.

#### **3.8.2.2 Missed School Day Waivers**

If, because of weather, safety, or health issues, your district or charter school falls short of the required 75,600 minutes beyond the additional minutes already built in the adopted school calendar, your **school district may apply to the TEA for a missed school day waiver**. A missed school day waiver application must be submitted using the TEA's automated waiver application system, which is available in the online TEA Login (TEAL) secure environment.

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<sup>111</sup> TEC, [§25.082\(a\)](#)

Charter schools applying for a missed school day waiver must submit their applications as soon as possible after the missed school day so that FSP System calendars can be updated and FSP System six-week report submissions are accurate.

See [3.8.3 Closures for Bad Weather or Other Issues of Health or Safety](#) for more information.

### 3.8.2.3 Low-Attendance Day Waivers

For a day when school was held but attendance was at least 10 percentage points below the overall **average** attendance rate for your district (or the applicable campus) for the prior year because of inclement weather-related or health or safety issues, your district may apply for a waiver to have the day excluded from ADA and FSP funding calculations.

An application for a low-attendance day waiver must be submitted using the TEA's automated waiver application system, which is available in the online TEAL secure environment. Your district must include the following items in its application:

- documentation of low attendance for the day, including the reason for the low attendance rate, and
- the prior year's attendance report, showing the overall **average** attendance rate for the year, for the district or applicable campus. For a district or campus with multiple tracks, the overall average attendance rate for all tracks must be used. For a campus that existed as two separate campuses the prior year, the overall average attendance rate for the district as a whole must be used.

These documents can be uploaded as attachments in the automated waiver application system.

### 3.8.2.4 Early-Release Day Waivers

Your district must submit any request for a waiver for an early-release day at least 31 days in advance of the target date for the early release. An early-release day waiver application must be submitted using the TEA's automated waiver application system, which is available in the online TEAL secure environment.

If the waiver is approved, the early-release school day must be at least 4 hours. The TEA will grant a maximum of six early release waivers per school year.

### 3.8.2.5 Documenting Waiver Approval, Attendance Accounting for Missed School Days or Low-Attendance Days

To find out whether a requested missed school day, low-attendance day, or early-release day waiver has been granted and to create a record that a request was approved, district staff members must visit the TEA Waivers Online Report page at <http://tea4avholly.tea.state.tx.us/Tea.Waivers.Web/Default.aspx> and generate and print a report of the waiver request's status. (The TEA will not send a letter notifying your district of approval for these waivers.) Your district must retain documentation of waiver approval for 5 years for audit purposes.

If the TEA grants your school district a waiver for a missed school day or a low-attendance day (a waiver approving a shortened calendar), your district should not include the day exempted as a day of membership or instruction. Treat the day as a nonschool day in your district's student attendance accounting system, and do not report the day as a school day in your district's TSDS PEIMS reporting.

### 3.8.2.6 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) with Calendars of Fewer than 75,600 Minutes

If district students are taking dual credit courses at an IHE with a calendar of fewer than 75,600 (including intermissions and recesses) minutes, your district may apply for a waiver of the 75,600 minute calendar requirement. Submit requests for a waiver using the TEA’s automated waiver application system, which is available in the online TEAL secure environment. See [11.3.1.2 Reporting Dual Credit Attendance in the Public Education Information Management System \(TSDS PEIMS\) When the Higher Education Calendar Is Shorter Than the School District Calendar](#) for information on how to report these dual credit students’ attendance.

### 3.8.2.7 Waivers Related to Students Taking Dual Credit Courses at IHEs with Calendars Beginning before the Fourth Monday in August

If early college high school students and students 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. Submit requests for a waiver using the TEA’s automated waiver application system, which is available in the online TEAL secure environment.

### 3.8.3 Closures for Bad Weather or Other Issues of Health or Safety

The following table provides information on what actions to take in certain situations related to school closure for bad weather or other issues of student health or safety.

Situation	Agency Policy
<p>Our school district or charter school closed all campuses for 1 day (420 minutes) for a health or safety reason (for example, an ice storm made roads dangerous).</p>	<p>Determine if your district or charter school will have enough minutes built into the board approved calendar to makeup for the missed day. If not, use 1 of your district’s or charter school’s scheduled makeup days (420 minutes) to make up the missed day or add minutes to your instructional days to make up the minutes. Show the day that schools were closed as a holiday or other nonschool day in your district’s or charter school’s student attendance accounting software calendar so that the day is not reported to the TSDS PEIMS.</p> <p><b>Additionally, for charter schools:</b> In the FSP System calendar, delete 1 makeup day so that it becomes a school day, and add the day that schools were closed as a “missed school day” in the list of nonschool days. Note that your school’s student attendance accounting software calendar should reconcile with your school’s FSP System calendar.</p>



Situation	Agency Policy
<p>Our school district or charter school closed all campuses for 2 days (840 minutes) for a health or safety reason (for example, an ice storm made roads dangerous).</p>	<p>Determine if your district or charter school will have enough minutes built into the board approved calendar to makeup for the missed day. If not, use your district's or charter school's 2 scheduled makeup days (840 minutes) to make up the missed days or add minutes to your instructional days to make up the minutes. Show the days that schools were closed as holidays or other nonschool days in your district's or charter school's student attendance accounting software calendar so that the days are not reported to the TSDS PEIMS.</p> <p><b>Additionally, for charter schools:</b> In the FSP System calendar, delete the 2 makeup days so that they become school days, and add the days that schools were closed as "missed school days" in the list of nonschool days. Note that your school's student attendance accounting software calendar should reconcile with your school's FSP System calendar.</p>

Situation	Agency Policy
<p>Our school district or charter school closed all campuses for 2 days (840 minutes) for a health or safety reason. One of the scheduled makeup day dates has passed.</p>	<p>Determine if your district or charter school will have enough minutes built into the board approved calendar to makeup for the missed day. If not use the scheduled makeup day (420 minutes) that has not already passed to make up one of the missed days or add additional minutes to the instructional day to make up the minutes. Choose a new second makeup day (420 minutes) to make up the other missed day. Show the days that schools were closed as holidays or other nonschool days in your district's or charter school's student attendance accounting software calendar so that the days are not reported to the TSDS PEIMS.</p> <p><b>Additionally, for charter schools:</b> In the FSP System calendar, delete the 1 makeup day that has not yet passed so that it becomes a school day, and add the day that schools were closed as a "missed school day" in the list of nonschool days. Rename the makeup day that has passed as an "other" nonschool day. Add a school day by either a) deleting a nonschool day that has not passed so that it becomes a school day or b) adding a day to the end of the last reporting period. Note that your school's student attendance accounting software calendar should reconcile with your school's FSP System calendar.</p>

Situation	Agency Policy
<p>Our school district or charter school closed all campuses for 2 days (840 minutes) for a health or safety reason. Both of the scheduled makeup day dates have passed.</p>	<p>Determine if your district or charter school will have enough minutes built into the board approved calendar to makeup for the missed day. If not, choose 2 new makeup days (840 minutes) to make up the missed days. Show the days that schools were closed as holidays or other nonschool days in your district's or charter school's student attendance accounting software calendar so that the days are not reported to the TSDS PEIMS.</p> <p><b>Additionally, for charter schools:</b> In the FSP System calendar, add the days that schools were closed as "missed school days" in the list of nonschool days. Rename the makeup days as "other" nonschool days. Add 2 school days by either a) deleting nonschool days that have not passed so that they become school days or b) adding days to the end of the last reporting period. Note that your school's student attendance accounting software calendar should reconcile with your school's FSP System calendar.</p>
<p>Our school district or charter school closed all campuses for 1 day (420 minutes) for a health or safety reason. We have a scheduled makeup day left in our calendar; however, we would like to use a different day to make up the missed day.</p>	<p>Determine if your district or charter school will have enough minutes built into the board approved calendar to makeup for the missed day. If not, the TEA advises using the already-scheduled makeup day. However, if your school district or charter school chooses to select a different makeup day, be aware that your district or charter school must not request a low-attendance day waiver for that makeup day. (The TEA will not grant a low-attendance day waiver for any makeup day.)</p>

Situation	Agency Policy
<p>Our school district or charter school closed all campuses for more than 2 days (840 minutes) for a health or safety reason.</p>	<p>Determine if your district or charter school will have enough minutes built into the board approved calendar to makeup for the missed day. If not, use your district's or charter school's 2 scheduled makeup days (840 minutes) to make up the first 2 missed days. (See preceding rows for how to report days in the student attendance accounting system, FSP System calendar, or both and for information on what to do if 1 or both makeup days have already passed.) Your district or charter school may apply for a waiver for the missed school days beyond the first 2 missed days. See <a href="#">Subsection 3.8.2.2</a> for more information.</p>
<p>Our school district or charter school closed some but not all campuses for 1 day (420 minutes) or more for a health or safety reason (for example, flooding that affected only part of the district or charter school area).</p>	<p>Determine if your district or charter school will have enough minutes built into the board approved calendar to makeup for the missed day. If not, the school district or charter school must request missed school day waivers for those campuses.</p> <p><b>Exception for certain charter schools:</b> If the charter school is one with campuses that are in different regions of the state, each campus that closed must make up the missed day or days following the procedures described in the preceding rows, as if all campuses were closed. For a charter school with campuses in different regions of the state, the TEA evaluates each campus separately for purposes of determining whether missed days must be made up and whether waivers will be granted.</p>
<p>Our school district or charter school delayed the start of the school day for 2 hours (120 minutes) for a health or safety reason.</p>	<p>District or charter school campuses may use an alternative attendance-taking time for the day. Please see <a href="#">Subsection 3.6.2.1</a> for instructions and requirements.</p>
<p>Our school district or charter school has decided to close all campuses early because of an imminent health or safety issue (for example, ice storm is coming). Campuses have been open for at least 4 instructional hours (240 minutes).</p>	<p>If campuses will close before the official attendance-taking time, record attendance before the closure. Your district or charter school does not need to take any further action.</p>

Situation	Agency Policy
<p>Our school district or charter school has decided to close all campuses early because of an imminent health or safety issue (for example, ice storm is coming). Campuses have been open for fewer than 4 instructional hours (240 minutes), and the official attendance-taking time has passed.</p>	<p>Your district or charter school does not need to take any further action.</p>
<p>Our school district or charter school has decided to close all campuses early because of an imminent health or safety issue (for example, ice storm is coming). Campuses have been open for fewer than 4 instructional hours (240 minutes) and will be closed before the official attendance-taking time.</p>	<p>Each district or charter school is encouraged to adopt a calendar that includes additional minutes to account for bad weather or other missed school days related to health and safety concerns.</p>
<p>Our school district or charter school operates an Optional Flexible Year Program. Our district or charter school closed all campuses for more than 2 days (420 minutes) for a health or safety reason. Must we make up all the days that campuses were closed?</p>	<p><b>For school districts:</b> Your district, like any district, is required to make up missed minutes. Additionally, if not making up the additional minutes missed would cause the school calendar to drop below 170 days (71,400 minutes) for students not participating in the Optional Flexible Year Program, then your district must make up those days/minutes.</p> <p><b>For charter schools:</b> Your charter school is required to make up missed minutes. Additionally, if not making up the additional minutes missed would cause the school calendar to drop below 170 days (71,400 minutes) for students not participating in the Optional Flexible Year Program, then your charter school's FSP funding will be reduced. (FSP funding will not be reduced if the additional minutes missed are made up.)</p>
<p>May our school district or charter school apply for and receive waivers (of any kind, including staff development) such that the district or charter school has more than 10 school days (4,200 minutes) waived?</p>	<p>No. Your district or charter school must not have more than 10 school days (4,200 minutes) waived, unless otherwise authorized by the commissioner.</p>

### 3.8.4 Summer School and State Funding

Summer school programs (programs that provide for school days beyond the 75,600 minutes that make up the state funding year) are not eligible for state funding except for specific programs authorized by statute. For the 2017-2018 school year, the only funded program that allows for state funding of school days beyond the 75,600 minutes that make up the state funding year is the program for providing extended school year services for certain students receiving special education services. See [4.13 Extended School Year \(ESY\) Services](#) for more information. The Optional Extended Year Program, a grant program that allows for state funding of school days beyond the 75,600 minutes that make up the state funding year, has not been funded for the 2017-2018 school year.

If a student is in membership for additional days beyond the 75,600 (including intermissions and recesses) minutes that make up the state funding year, the attendance that exceeds the 75,600 minutes will not generate state funding. For the purposes of calculating state funding, the state funding calendar year begins the fourth Monday in August unless a district uses a year-round system.

Situations sometimes occur in which a student who has been served in one public school throughout the school year moves to another public school that is operating a calendar track during the summer. To account for situations in which school calendars do not align, up to 77,700 minutes of state funding will be allowed for individual students. However, no public school will be funded in excess of its 180-day calendar.

The TEA will adjust the state funding accordingly for any school district or charter school that reports a student whose membership exceeds 77,700 minutes during a state funding year. The TEA will not make such adjustments when additional attendance is reported for eligible special education extended school year services.

Note that while the OFSDP allows for state-funding-eligible OFSDP credit recovery classes to be offered during the summer recess, an OSFDP-eligible student cannot earn more than the equivalent of one ADA (75,600 minutes worth of perfect attendance in the regular attendance program) for a 12-consecutive-month school year. A district must not charge tuition for OFSDP classes, including those offered during the summer recess. For more information on the OFSDP, see [11.6 Optional Flexible School Day Program \(OFSDP\)](#).

## 3.9 Data Submission

Your district must record attendance information for the entire school year. Report student-level attendance through the TSDS PEIMS according to the requirements in the TSDS PEIMS *Data Standards*. Links to the *Data Standards* and TSDS PEIMS data collection schedule are available at [http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS\\_Latest\\_Release/](http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/).

Regardless of the basis it uses for student attendance accounting, your district must submit all the information required in the TSDS PEIMS *Data Standards* and must follow all definitions and instructions in this handbook.

**For districts with year-round programs:** If your district is registered with the TEA to operate a year-round program and has one or more tracks ending later than the June 23, 2016, due date for initial Collection 3 data submission, your district still must submit its initial Collection 3 data by that due date. Your district may delay resubmission of Collection 3 data until August 18, 2016, or 2 weeks after the completion of the latest year-round track, whichever comes first. However, the PEIMS staff will not process any resubmission after August 18, 2016. Corrections made after August 18, 2016, will be handled by the State Funding Division.

**Note:** If a district other than a student's home (sending) district is serving a student who is reported (for all TSDS PEIMS submissions) by the student's home (sending) district, the receiving district's student information system should track the student for grades and attendance but should not create any TSDS PEIMS records. A common example of such a situation would be special education shared services arrangements in which the home district has opted to report a student as eligible full-day (ADA eligibility code 1) when the student attends regular school for 4 hours but also attends night school in the district. The full-day student must be reported through the TSDS PEIMS as eligible full-day (for the time spent in regular school). The attendance system should simultaneously allow the time spent in night school to be tracked yet not create any TSDS PEIMS records for this time.

## 3.10 Quality Control

The total of all attendance figures reported by student name in the Student Detail Report must add up to corresponding totals reported in the respective Campus Summary Report covering the same instructional track in the same 6-week period.

The total of all attendance figures reported by campus in the Campus Summary Report must add up to corresponding district totals reported in the District Summary Report covering the same instructional track in the same 6-week period.

Your district should balance all attendance reports by 6-week period to ensure that all reports match. If any attendance data are changed in the accounting system for a 6-week period whose information previously balanced, new reports must be generated and balanced.

If any attendance data are changed in the accounting system after data submission to TEA, such changes must be documented. Record, by name, the students the change affects, the code each student was assigned before data submission, the code each student was assigned after the change, and the effective date of each change. **New reports reflecting the change should be generated, balanced by 6-week period, and retained for audit purposes.**

## 3.11 Examples

### 3.11.1 Example 1

A 5-year-old student enrolls in kindergarten in a district that offers only a half-day program. Because of special circumstances, this student attends both the morning and the afternoon sessions.

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

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

### **3.11.2 Example 2**

A 4-year-old student enrolls in a 3-hour PK morning program in a district that offers both 3- and 4-year-old programs. This student qualifies based on limited English proficient (LEP) status. Additionally, the ARD committee identifies this student as a special education student and places the student in a self-contained PPCD classroom for a 3-hour afternoon session.

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

### **3.11.3 Example 3**

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

*This student's ADA eligibility code is **5 - Ineligible Half-Day** because the student is served for a minimum of 2 hours per day but is not eligible for the type of service the student is receiving.*

### **3.11.4 Example 4**

Your school district decides to serve a 4-year-old student in a kindergarten classroom. Examples of reasons a district may choose to do this could include the student's previously completing PK in another state, beginning but not completing kindergarten in another state, or completing private kindergarten in Texas, or an individualized assessment of the appropriate placement for the student.

*Since the student was not 5 years old on September 1 of the current school year, the student is not eligible for kindergarten. If the student is enrolled in kindergarten, the ADA eligibility code is **4 - Ineligible Full-Day** or **5 - Ineligible Half-Day**, depending on whether your district operates a full-day or a half-day kindergarten program.*

*If this student, who was 4 years old on September 1 of the current school year, qualifies for PK, then the ADA eligibility code is **2 - Eligible for Half-Day Attendance**. As long as the student qualifies for PK (see [7.2 Eligibility](#)), the student is eligible for enrollment in PK and for PK funding even if the district serves the student in a kindergarten classroom.*

### **3.11.5 Example 5**

A special education student receives special education service through a shared services arrangement with a neighboring district. The student is scheduled for and attends a full day of instruction each day.



The superintendents of your district and the neighboring district agree that the receiving (serving) district will claim the ADA and the contact hours for that student.

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

### **3.11.6 Example 6**

A 21-year-old student who graduated the prior year returns for one class.

*Since this student does not attend the 2-hour minimum to be included in membership, the student's ADA eligibility code is **0 - Enrolled, Not in Membership**.*

This same student decides to take five classes the spring semester.

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

### **3.11.7 Example 7**

A 21-year-old special education student graduated the prior year by meeting the requirements outlined by the ARD committee in the student's IEP. The ARD committee determines that this student is still in need of special education and related services and places the student back in school full-day.<sup>112</sup>

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

### **3.11.8 Example 8**

A student is transferred into your district through meeting all the legal requirements associated with transfer students.

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

### **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. The superintendents of the neighboring district and your district agree that your district will report this student and, as prescribed by rules relating to data submission, must report the student for all student submissions.

*The ADA eligibility code for this student is **3 - Eligible Full-Day**. The student would also be reported as a transfer student on the 40100 record (see Section 4).*

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<sup>112</sup> 19 TAC [§89.1070](#)(b)(2)

### **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 of the neighboring district and your district agree that the fiscal agent district will report this student and, as prescribed by rules relating to data submission, must report the student for all student submissions.

*The ADA eligibility code for this student is **3 - Eligible Full-Day**. The student would also be reported as a transfer student on the 40100 record (see Section 4).*

### **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 is **2 - Eligible Half-Day**. Time spent in study hall does not count as classroom time. To generate full eligible days present, a student must be provided instruction for at least 4 hours each day.*

### **3.11.12 Example 12**

A campus that uses an automated attendance accounting system is storing the required first semester attendance reports, printed by 6-week period and reviewed by the appropriate personnel, in a safe in the administration office. During the spring semester, personnel discover an error in coding a student from the first day of school and subsequently correct it.

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

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

### **3.11.13 Example 13**

A student is absent for 3 days to attend the National Cheerleaders Association convention. The student is accompanied by a teacher with school board approval.

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

### **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 must not count a student who is absent for this purpose as present for FSP funding purposes for more than two days per school year.*

### **3.11.15 Example 15**

A high school exempts a student from having to attend finals if the student has not missed any class meetings. On the day of finals, attendance is taken at the official attendance-taking time of 9:30 a.m., and 100 students do not attend school until 1:00 p.m.

*The 100 students are absent for FSP funding purposes since they were not in attendance at the official attendance-taking time.*

### **3.11.16 Example 16**

Your district plans to have several days of early dismissal (early-release days) during the school year.

*Your district should submit a request for approval of a waiver for early-release days using the TEA's automated waiver application system, which is available in the online TEAL secure environment. The waiver will allow your district to have up to 6 early-release days during the school year. (Early-release days are not required to be the same days for all campuses in your district.)*

### **3.11.17 Example 17**

Your district plans to have students arrive late on the days that the required state assessments are administered. Students will not arrive until after the time of official attendance at 9:30 a.m.

*Your district should submit a request for approval of a waiver to modify the class schedule for the days of testing using the TEA's automated waiver application system, which is available in the online TEAL secure environment. The waiver will allow your district to take official attendance at an alternative time (fifth period) instead of your district's normal official attendance time.*

### **3.11.18 Example 18**

Your school district decides that it will have an early-release day on which classes are dismissed at noon. Your district has morning and afternoon sections of PK students. The morning section meets; however, the afternoon section does not meet.

*District personnel may take one of these three courses of action. Personnel may do any of the following:*

- *count the afternoon section of PK students as absent, since the students received no instruction on that school day or*
- *have students make up the day on an alternative day, and report the afternoon PK section with a separate calendar or*
- *bring the afternoon PK students in for instruction with the morning section.*

### **3.11.19 Example 19**

A district received a waiver for 5 additional days of staff development. This waiver allows the district to offer an instructional track that contains only 175 days (73,500 minutes) of instruction. The only rule associated with attendance accounting that is affected by this particular waiver is the requirement that all instructional tracks must consist of at least 75,600 (including intermissions and recesses) minutes.

*The attendance of all students who attend this instructional track must be reported in six approximately equal reporting periods. The total number of school days, if added together from all reporting periods, must equal the actual number of school days offered over the full year (in this case, 175 (73,500 minutes)).*

### **3.11.20 Example 20**

The year-round track of the middle school is not complete on the date your district attendance data for the district is due at the education service center. The students have met for 21 days, yet 10 days remain at the time your district extracts the attendance data for these students. Your district submits the data to meet the due date.

*Regardless of whether your district must resubmit the data to correct errors in the initial submission, a resubmission of all attendance data is required to report the completed year-round instructional track once it has been completed. At that time, your district reports the 10 days that were not included for students on the year-round track in the resubmission.*

### **3.11.21 Example 21**

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

*This is an excused absence, and your district will receive ADA funding for this student for the days missed to attend the required court appearance.<sup>113</sup>*

### **3.11.22 Example 22**

Your district determines that the best educational placement for a 5-year-old student is first grade, but the parent wants the student to attend kindergarten with same-age peers.

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

### **3.11.23 Example 23**

A student who turned 5 years of age on August 20 of the current year moves 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 to be enrolled in 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 moving to a Texas public school district.<sup>114</sup>*

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<sup>113</sup> TEC, [§25.087](#)

<sup>114</sup> TEC, [§42.003\(c\)](#)

### **3.11.24 Example 24**

A student qualifies for PK based on being educationally disadvantaged (the student qualifies for free or reduced-price lunch). Several weeks later, the parent or guardian withdraws the student because the parent or guardian feels that the child is not ready to attend school.

*Since the student is not of compulsory attendance age (6 through 19 years of age as of September 1 of the current school year), compulsory attendance does not apply, except during the period the student is enrolled.*

### **3.11.25 Example 25**

A general education student develops a medical condition, and the school obtains a licensed physician's statement that the medical condition will prevent him from attending school for at least 4 weeks.

*The GEH committee should convene to review all the student's information (including the physician's statement) to determine if homebound services are appropriate. If the GEH committee determines homebound services are appropriate, the following documentation must be retained:*

- *documentation of the committee's decision regarding the type(s) and amount of instruction to be provided to the student (including the designated amount of time per week that instruction will be provided)*
- *a note from a licensed physician stating that the student has a medical condition that requires the student to be confined at home or hospital bedside for a minimum of 4 weeks*
- *documentation of the day(s) homebound instruction started and stopped*
- *teacher's homebound instruction log*

*At the end of each week, designated staff members should inform the attendance clerk of the amount of time the student received service from the certified general education teacher and the number of absences to be recorded in the attendance accounting system.*

#### Example 25A

*If the student is served 4 or more hours during a week, the student is recorded present every day that week.*

#### Example 25B

*If the student is served 2 hours during a week, the student is recorded present for 2 days and absent for 3 days of that week.*

#### Example 25C

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

*The GEH committee should convene to review current student information (including the physician's statement) to determine if a transition period is necessary and to determine the date homebound services are no longer appropriate. If the student requires a transition period when returning to the classroom, the GEH committee should document the following:*

- *the length of time for the transition period*

- *the amount of time the student will be served in both settings (homebound and classroom) during the transition period*
- *the effective date the student returns to the classroom full-time*

### **3.11.26 Example 26**

The student in the preceding example provides the licensed physician’s statement that the student’s medical condition will confine him to home or hospital bedside for a minimum of 4 weeks. There are 3 weeks left in the school year.

*The GEH committee should convene as described in the last example. If the committee determines homebound services are appropriate, the student should be provided them for the remainder of the school year.*

### **3.11.27 Example 27**

A student with a chronic, **recurring** illness normally receives GEH program services at home. The student’s doctor has 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.*

### **3.11.28 Example 28**

A student enrolled in your district goes to a treatment facility daily to attend a treatment program. The student returns to her home each night. District staff members would like to serve the student through the GEH program.

*The student is considered absent for funding purposes for those days she attends the treatment program. Because the student is not confined at home or hospital bedside, which is a requirement for GEH program eligibility, the student is not eligible for GEH services.*

*District staff members should work with the student and the student’s parents to develop a plan for the student to meet academic requirements.*

### **3.11.29 Example 29**

A student attends a 50-minute dual credit class for the first period of the school day. He attends regular classes, each 50 minutes long, for second and third periods. He attends a 50-minute Career Preparation class for fourth period and then goes to his job (the training site for the Career Preparation class) for the rest of the day. The Career Preparation class is a V3 class.

*The ADA eligibility code for this student is **1 - Eligible Full-Day**. The first through fourth period classes are each 50 minutes of instruction. The time at the training site counts as 120 minutes (the student should be*

*working an average of 3 hours per day; if he were working 2 hours per day, then only 60 minutes would be counted). Therefore, the student is scheduled for 320 minutes of instruction each day.*

### **3.11.30 Example 30**

A student enrolled in your district will be absent for a 5-day hospitalization, after which the student will be returning to school. District staff members would like to withdraw the student for the days the student will be absent. Your district's local policy allows for district-initiated withdrawals only if a student has been absent for 10 days and the student's whereabouts are unknown.

*Your district must not withdraw the student because the student will be temporarily absent for fewer than 10 days and the student's whereabouts are known.*

### **3.11.31 Example 31**

A student enrolled in your district has left the district to act in a movie that is being filmed in another state. The student's parent said that the student would be in the other state for several months but might return before the end of the school year. District staff members would like to withdraw the student for the duration of the student's absence.

*Because your district has become aware that the student no longer resides in the district, your district may withdraw the student.*

### **3.11.32 Example 32**

The parent of a student enrolled in your district lets the district know that the student will be absent frequently to act in a movie being filmed locally (or for any other non-board-approved activity). The parent has requested that the student's absences for filming be excused.

*If (s)he chooses, the district superintendent or the school principal may excuse some or all of the absences for compulsory attendance purposes (see [3.6.4 Excused Absences for Compulsory Attendance Purposes](#)). However, absences resulting from the student's acting in the movie must not be excused for FSP (funding) purposes. Additionally, numerous absences may jeopardize the student's ability to receive credit or final grades for classes (see the TEC, [§25.092](#), for information on minimum attendance for class credit or a final grade).*





## Section 4 Special Education

This section addresses unique provisions for special education. They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

**Note:** In this handbook, the term “instructional setting” means the same as the term “instructional arrangement/setting.”

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including special education.

### 4.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all special education coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 4.2 Special Education and Eligibility

This subsection explains which students are eligible for special education and must be provided special education services by your school district. It also describes the requirements that must be met for students who are receiving special education services to be eligible for funding.

To be eligible to receive special education services, a student must be a child with a disability.<sup>115</sup> The determination of whether a student is eligible for special education and related services is made by the student’s individualized family services plan (IFSP) committee (for children from birth through age 2) or admission, review, and dismissal (ARD) committee (for a student aged 3 years or older).<sup>116</sup>

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<sup>115</sup> The term “child with a disability” is defined in 34 Code of Federal Regulations (CFR), §300.8(a), subject to the provisions of 34 CFR, §300.8(c); the Texas Education Code (TEC), [§29.003](#); and 19 Texas Administrative Code (TAC) [§89.1040](#).

<sup>116</sup> 19 TAC [§89.1040](#)

Your district must make special education services available to the following:

- an eligible student beginning on his or her third birthday;
- an eligible student who has not reached his or her twenty-second birthday on September 1 of the current school year and who has not received a regular high school diploma; and
- an eligible student who meets all three of the following requirements:
  - the student has not reached his or her twenty-second birthday on September 1 of the current school year;
  - the student has received a regular high school diploma under 19 TAC [§89.1070\(b\)\(2\)](#) and [§89.1070\(g\)\(4\)](#), and
  - the student is returning to school under 19 TAC [§89.1070\(k\)](#).

Your district also must make special education services available to an infant or toddler (child from birth through age 2) who has a visual or auditory impairment and whom an IFSP committee has determined to be eligible for special education services.<sup>117</sup> Such a child is eligible for average daily attendance (ADA) on the same basis as other students receiving special education services.<sup>118</sup>

Provided that they are served by appropriately certified special education staff members, students who are eligible for special education services and are provided those services by your district are eligible for special education contact hours and weighted funding.

A student with a disability must **not** be reported with a TSDS PEIMS special education instructional setting code before actual service begins.

For teacher certification requirements, see [4.17 Teacher Requirements](#). For information specific to infants and toddlers receiving special education services, see [4.10 Special Education Services for Infants and Toddlers](#). For information specific to students who are 3 through 5 years of age and receiving special education services, see [4.9 Preschool Programs for Children with Disabilities \(PPCDs\)](#).

## 4.3 Enrollment Procedures

This subsection explains the procedures for special education program enrollment.

### *4.3.1 Enrollment Procedures for a Student in Your District Who Was Not Previously Receiving Special Education Services*

The enrollment procedures for a student in your district who was not previously receiving special education services are as follows:

1. Upon completion of a full individual and initial evaluation, an ARD committee meets and develops the student's individualized education program (IEP) that includes the appropriate educational placement for implementing the student's IEP. The instructional setting code for the student will be based on the setting in which the student receives special education services and the percentage of time the student receives special education services in a setting (see [4.7 Instructional Setting Codes](#)). The student's speech therapy indicator code will be based on whether the student receives speech therapy and, if the student does, whether the student receives other services provided through an instructional setting (see [4.8.1 Speech Therapy](#)

<sup>117</sup> Under the TEC, [§29.003](#), a free appropriate public education (FAPE) must be available from birth to students with visual or auditory impairments.

<sup>118</sup> 19 TAC [§89.1121\(g\)](#)

[Indicator Codes](#)). Additionally, the ARD committee determines the date that services will begin (the effective date), the duration of the services, and records this information in the IEP.

2. The ARD committee provides the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel, Public Education Information Management System [PEIMS] clerks) as soon as possible.
3. District personnel record the coding information and effective date of service in the attendance accounting system. **The effective date is the date services begin (as determined by the ARD committee), not the date on which the ARD committee developed the IEP. Note: ARD committees may determine that the services will begin on the same date as the ARD committee meeting with agreement from all parties.**

### *4.3.2 Enrollment Procedures for a Student in Your District Whose Instructional Setting Is Changing*

Note: This subsection applies to a student already in your district, not a student new to the district.

The enrollment procedures for a student in your district whose instructional setting is changing are as follows:

1. The ARD committee meets to review a student's IEP. If the ARD committee changes the student's educational placement as part of the IEP revision, the student's instructional setting code, speech therapy indicator code, or both may also need to be changed (see [4.7 Instructional Setting Codes](#) and [4.8.1 Speech Therapy Indicator Codes](#)). The ARD committee determines the date that any change in service will begin (the effective date), the duration of the services, and records this information in the IEP.
2. The ARD committee provides any changes in the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel, PEIMS clerks) as soon as possible.
3. District personnel record the coding information and effective date of services in the attendance accounting system. **The effective date is the date the student begins receiving the services in the new placement (as determined by the ARD committee), not the date on which the ARD committee revised the IEP. See note in Section 4.3.1 related to effective date.**

### *4.3.3 Enrollment Procedures for a Student Who Is New to Your District but Was Previously Receiving Special Education Services*

The enrollment procedures for a student who is new to your district but was previously receiving special education services are as follows:

1. When a student moves from one district to another within the state in the same school year and either a) the parents verify that the student was receiving special education services in the previous district or b) the previous district verifies in writing or by telephone that the student was receiving special education services, your district must meet the requirements of 34 Code of Federal Regulations (CFR), §300.323(a) and (e), regarding the provision of special education services. Specifically, your district must provide a free appropriate public education (FAPE) to the student, including services comparable to those described in the student's IEP from the previous district, until the ARD committee does either of the following:
  - adopts the student's IEP from the previous district **or**
  - develops, adopts, and implements a new IEP.

The ARD committee's timeline for adopting the student's previous IEP or developing, adopting, and implementing a new IEP is 30 school days from the date the student is verified as being a student eligible for special education services.

The ARD committee must determine the instructional setting code and speech therapy indicator code according to the committee's temporary or final placement for the student receiving special education and related services.<sup>119</sup> Additionally, the ARD committee determines the date that services will begin (the effective date).

2. When a student transfers from a school district in another state in the same school year and the parents verify that the student was receiving special education services in the previous school district or the previous school district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 CFR, §300.323(f), regarding the provision of special education services. Specifically, your district must provide a FAPE to the student, including services comparable to those described in the student's IEP from the previous district, until the ARD committee:
  - determines that an evaluation is necessary. The evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by 19 Texas Administrative Code (TAC) §89.1011(c) and (e), and completes the requirements in 34 CFR, §300.323(f)(2), within 30 calendar days from the date of the completion of the evaluation report; or
  - determines that an evaluation is not necessary and completes the requirements outlined in 34 CFR, §300.323(f)(2), within 30 school days from the date the student is verified as being a student eligible for special education services.
3. The ARD committee provides the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel, PEIMS clerks) as soon as possible.
4. District personnel record the coding information and effective date of services in the attendance accounting system.
5. The ARD committee provides any changes in the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel, PEIMS clerks) as soon as possible.
6. District personnel record any necessary changes in codes in the attendance accounting system along with the effective date of the changes.

#### **4.3.3.1 Transfer of Records**

A district must transfer a student's records, including the student's current IEP, using the TReX system<sup>120</sup> to a requesting district no later than the 10th working day after the date a request for the information is received by the district.<sup>121</sup> See the Texas Education Agency (TEA) TReX web page at <http://tea.texas.gov/index4.aspx?id=25769817556> for more information on the system.

<sup>119</sup> 19 TAC [§89.1050\(j\)](#); 34 CFR, §300.323

<sup>120</sup> [TEC, §25.002](#)

#### **4.3.4 Enrollment Procedures for a Student Who Is New to Your District and Was Not Previously Receiving Special Education Services**

For a student who is new to your district and was not previously receiving special education services, follow the enrollment procedures for a student already in your district who was not previously receiving special education services.

Note that a student cannot be absent on the initial date of entry on the campus.

### **4.4 Withdrawal Procedure**

A student is withdrawn when the student withdraws from school or the ARD committee determines the student is no longer a child with a disability and, therefore, no longer eligible for special education services. A student is also withdrawn if the student's parent revokes consent in writing for the student's receipt of special education services.<sup>122</sup>

After the ARD committee determines that a student is no longer a child with a disability, the district must provide the student's parent with prior written notice that it proposes to change the student's eligibility determination. A district must also provide the parent with prior written notice upon receipt of the parent's written revocation of consent for the continued provision of special education services. The district must provide prior written notice at least five school days before special education services will be discontinued, unless the parent agrees otherwise.<sup>123</sup> A school must not discontinue services until prior written notice has been provided. The ARD committee must provide the effective date of the dismissal to appropriate district personnel as soon as possible, and district personnel must record the effective date of dismissal in the attendance accounting system. **The effective date, which is stated in the IEP, the prior written notice, or both, is the date that services end.**

### **4.5 Special Education Services for Private or Home School Students Who Are Eligible for and in Need of Special Education**

Per 19 TAC [§89.1096](#), Provision of Services for Students Placed by Their Parents in Private Schools or Facilities, the amount and type, if any, of special education and related services made available by your district to students with disabilities placed in private schools or facilities are determined based on ongoing consultation with representatives of the private school and representatives of parentally placed private school students with disabilities and a proportionate share calculation.<sup>124</sup>

See the TEA Guidance on Parentally Placed Private School Children with Disabilities web page at <http://tea.texas.gov/index2.aspx?id=2147492070> for more information.

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<sup>122</sup> 34 CFR, §300.9(c)(3)

<sup>123</sup> 34 CFR, §300.503; 19 TAC [§89.1050](#) (h)

<sup>124</sup> 34 CFR, §§300.130–300.144

### 4.5.1 Private or Home School Students Aged 3 or 4 Years

If an ARD committee determines that a private or home school student aged 3 or 4 years is eligible for and in need of special education instruction and/or related services, the parent may 1) enroll the student only in the public school, 2) “dual enroll” the student, or 3) decline to have the student enroll in public school. For more information, see [4.9.9 PPCD Services and Private or Home School Student Aged 3 or 4 Years and in Need of Special Education](#).

### 4.5.2 Private or Home School Students Aged 5 through 21 Years

If an ARD committee determines that a private or home school student aged 5 through 21 years is eligible for and in need of special education instruction and related services, the parent may enroll the student full-time in the public school.

If the parent does not do this, your school district must make the special education and related services available as provided for in 19 TAC [§89.1096](#). Since the obligation of your district to provide special education and related services is limited, and any services provided will be under a services plan, not an IEP, these students will not generate ADA. However, **students receiving services under a services plan** should be entered into the TSDS PEIMS with an ADA eligibility code of 0 - enrolled, not in membership, and counted on the **last Friday of October for the fall TSDS PEIMS submission** child count snapshot for data reporting purposes.

## 4.6 Interim Alternative Educational Placements

If special education services prescribed in a student’s IEP are provided while the student is placed in an appropriate interim alternative education setting (for example, in-school suspension or disciplinary alternative education program), special education contact hours may be claimed. If special education services are not provided, special education contact hours must not be claimed. This restriction includes short-term removals of not more than 10 consecutive or cumulative school days. (See [10.6.2 Disciplinary Removals of Students with Disabilities](#) for more information on disciplinary removals of students with disabilities.)

## 4.7 Instructional Setting Codes

This subsection provides a description of each instructional setting as well as the numeric code that is used to report that setting in the local attendance accounting system and in the TSDS PEIMS. (See code table C035, *TSDS PEIMS Data Standards*, available at [http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS\\_Latest\\_Release/](http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/).)

Student Detail Reports must contain an instructional setting code for any student receiving special education and related services. A student may be funded for only one instructional setting for special education at any given time, with the exception of a student who receives services through an instructional setting with a code other than 00 and also receives speech therapy. Speech therapy may be combined with any other instructional setting.<sup>125</sup>

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<sup>125</sup> In Texas, speech-language therapy services are considered an instructional service. This means that speech therapy can be a stand-alone service (student does not receive any other service that is provided through an instructional arrangement/setting). Speech therapy can also be a related service (student receives speech therapy **in addition to** another service that is provided through an instructional arrangement/setting).

A student’s ARD committee is responsible for determining the appropriate educational placement, including the appropriate instructional setting, for implementing a student’s IEP. The committee’s determination must be based on the individual needs of the student in accordance with federal and state laws, rules, and regulations.

In developing a student’s IEP, the ARD committee should base the determination of the appropriate instructional setting code for the student on the percentage of the **instructional day** that the student receives direct, regularly scheduled special education and related services, as required in the student’s IEP, **not** on the student’s disability. For the purpose of determining a student’s instructional setting code, the instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.). For guidance on instructional setting codes 41–44 and determining the percentage of the instructional day that a student is provided special education services, see [4.7.13 Additional Guidelines for Instructional Setting Codes 41–44](#).

A student’s ARD committee must review the student’s IEP, including his or her instructional setting code, at least annually.<sup>126</sup>

The instructional setting codes are as follows:

<b>Instructional Setting Code</b>	<b>Page Code Description Starts On</b>	<b>Page Examples Start On</b>
<a href="#">00 - No Instructional Setting (Speech Therapy)</a>	<a href="#">96</a>	<a href="#">150</a>
<a href="#">01 - Homebound</a>	<a href="#">97</a>	<a href="#">139</a>
<a href="#">02 - Hospital Class</a>	<a href="#">104</a>	<a href="#">141</a>
<a href="#">08 - Vocational Adjustment Class</a>	<a href="#">104</a>	<a href="#">142</a>
<a href="#">30 - State Supported Living Centers</a>	<a href="#">105</a>	NA
<a href="#">31 - Home-Based Instruction</a>	<a href="#">106</a>	NA
<a href="#">32 - Center-Based Instruction</a>	<a href="#">107</a>	NA
<a href="#">34 - Other Environment</a>	<a href="#">107</a>	NA
<a href="#">40 - Special Education Mainstream</a>	<a href="#">107</a>	<a href="#">142</a>
<a href="#">41 - Resource Room/Services - Less Than 21%</a>	<a href="#">109</a>	<a href="#">143</a>
<a href="#">42 - Resource Room/Services - At Least 21% and Less Than 50%</a>	<a href="#">109</a>	<a href="#">143</a>
<a href="#">43 - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50% and No More Than 60%</a>	<a href="#">109</a>	<a href="#">144</a>
<a href="#">44 - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60%</a>	<a href="#">109</a>	<a href="#">144</a>
<a href="#">45 - Full-Time Early Childhood Special Education Setting</a>	<a href="#">111</a>	<a href="#">145</a>
<a href="#">50 - Residential Nonpublic School</a>	<a href="#">112</a>	NA
<a href="#">60 - Nonpublic Day School</a>	<a href="#">112</a>	NA
<a href="#">70 - Texas School for the Blind and Visually Impaired</a>	<a href="#">112</a>	NA
<a href="#">71 - Texas School for the Deaf</a>	<a href="#">113</a>	NA
<a href="#">81 - Residential Care and Treatment Facility - Mainstream</a>	<a href="#">113</a>	<a href="#">146</a>

<sup>126</sup> 34 CFR, §300.324

Instructional Setting Code	Page Code Description Starts On	Page Examples Start On
<a href="#">82 - Residential Care and Treatment Facility - Resource Room/Services - Less Than 21%</a>	<a href="#">113</a>	<a href="#">146</a>
<a href="#">83 - Residential Care and Treatment Facility - Resource Room/Services - At Least 21% but Less Than 50%</a>	<a href="#">113</a>	<a href="#">146</a>
<a href="#">84 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50% but No More Than 60%</a>	<a href="#">113</a>	<a href="#">146</a>
<a href="#">85 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60%</a>	<a href="#">113</a>	<a href="#">146</a>
<a href="#">86 - Residential Care and Treatment Facility - Separate Campus</a>	<a href="#">113</a>	<a href="#">146</a>
<a href="#">87 - Residential Care and Treatment Facility - Community Class</a>	<a href="#">113</a>	<a href="#">146</a>
<a href="#">88 - Residential Care and Treatment Facility - Vocational Adjustment Class</a>	<a href="#">113</a>	<a href="#">146</a>
<a href="#">89 - Residential Care and Treatment Facility - Full-Time Early Childhood Special Education Setting</a>	<a href="#">113</a>	<a href="#">146</a>
<a href="#">91 - Off Home Campus - Mainstream</a>	<a href="#">115</a>	<a href="#">147</a>
<a href="#">92 - Off Home Campus - Resource Room/Services - Less Than 21%</a>	<a href="#">115</a>	<a href="#">147</a>
<a href="#">93 - Off Home Campus - Resource Room/Services - At Least 21% and Less Than 50%</a>	<a href="#">115</a>	<a href="#">147</a>
<a href="#">94 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50% and No More Than 60%</a>	<a href="#">115</a>	<a href="#">147</a>
<a href="#">95 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60%</a>	<a href="#">115</a>	<a href="#">147</a>
<a href="#">96 - Off Home Campus - Separate Campus</a>	<a href="#">115</a>	<a href="#">147</a>
<a href="#">97 - Off Home Campus - Community Class</a>	<a href="#">115</a>	<a href="#">147</a>
<a href="#">98 - Off Home Campus - Full-Time Early Childhood Special Education Setting</a>	<a href="#">115</a>	<a href="#">147</a>

#### 4.7.1 Code 00 - No Instructional Setting (Speech Therapy)

This code indicates that a student is receiving speech therapy services. Code 00 should **not** be used for any student who does not receive speech therapy.

#### Instructional Setting Code 00: Information Specific to TSDS PEIMS 42408 Record

The TSDS PEIMS 42408 record (student data - special education program) allows for only one instructional setting code to be reported for a student.

A student who is receiving speech therapy services and is **not** receiving instructional services through any other instructional setting (for example, resource room) should have an instructional setting code of 00 reported on the TSDS PEIMS 42408 record. Code 00 is used regardless of whether the student receives only speech therapy or receives speech therapy as well as one or more other special education related services (that is, supportive services that do not constitute instructional services, such as occupational therapy or physical therapy). Also, code 00 is used regardless of whether the speech therapy is provided in the general education classroom or in a location other than a general education setting. A student whose instructional setting code is reported as 00 on the TSDS PEIMS 42408 record must have a speech therapy indicator code of 1.



A student who receives speech therapy services **and who also receives instructional services through another instructional setting** (for example, resource room) should be reported on the TSDS PEIMS 42408 record with the code for the primary setting [not with 00] and with a speech therapy indicator code of 2, regardless of whether the speech therapy is provided in the general education classroom or in a location other than a general education setting.

### **Instructional Setting Code 00: Information Specific to TSDS PEIMS 42401 Record**

The TSDS PEIMS 42401 record (special education attendance data - student) allows for up to two instructional setting codes to be reported for a student for a given period. If two instructional setting codes are reported for a student for a given period, one of them must be 00.

A student who is receiving speech therapy services and is **not** receiving instructional services through any other instructional setting (for example, resource room) for a given period should have **only one** instructional setting code reported on the 42401 record for that period: 00. Code 00 may be used regardless of whether the speech therapy is provided in the general education classroom or in a location other than a general education setting.

A student who receives speech therapy services **and who also receives instructional services through another instructional setting other than mainstream\*** (for example, resource room) for a given period should have **two** instructional setting codes reported on the 42401 record for that period: 00 and the code for the other instructional setting through which the student is receiving instructional services.

\*The 42401 record does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 record should have only one instructional setting code reported: 00.

### **Additional Information**

See [4.8 Speech-Language Pathology Services \(Speech Therapy\) and Speech Therapy Indicator Codes](#) for guidance and specific instructions regarding speech therapy services.

For coding examples, see [4.18.10 Speech Therapy Indicator Code 1 Examples](#) and [4.18.11 Speech Therapy Indicator Code 2 Examples](#).

### **4.7.2 Code 01 - Homebound**

To be placed in the special education homebound instructional setting, a student aged 6 years or older must meet the following four criteria:

- The student is eligible for special education and related services as determined by an ARD committee.
- The student is expected to be confined at home or hospital bedside for a minimum of 4 weeks. The weeks need not be consecutive if the student is chronically ill and the local district policy allows for such.<sup>127</sup>
- The student is confined at home or hospital bedside for medical reasons only.

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<sup>127</sup> 19 TAC [§89.63](#)(c)(2)(A)

- The student’s medical condition is documented by a physician licensed<sup>128</sup> to practice in the United States.<sup>129</sup>

Infants and toddlers from birth through age 2 may be placed in the homebound instructional setting if their IFSP committees determine that placement is appropriate. Students aged 3 through 5 years may be placed in the homebound instructional setting if their ARD committees determine that placement is appropriate.<sup>130</sup>

A student’s IFSP or ARD committee determines the amount of services to be provided to the student in this instructional setting.

A student aged 6 or older who meets the four criteria above does not need to meet the criteria in the federal definition for other health impairment (OHI) to be eligible for homebound services. Neither does a student under the age of 6 for whom an ARD or IFSP committee has determined that the homebound instructional setting is appropriate.

For information on the general education homebound program, which is a program for providing instruction to general education students who are confined at home or hospital bedside, see [3.7 General Education Homebound \(GEH\) Program](#).

For information on remote homebound instruction, see [12.3.4 Remote Homebound Instruction—Special Education Students](#).

#### **4.7.2.1 Homebound Notes**

In making eligibility and placement decisions, the ARD committee must consider information from the licensed physician. However, the documentation from the licensed physician should not be the sole consideration in the committee’s decision-making process.

The teacher serving a student at home or hospital bedside (“homebound teacher”) while the student is in the special education homebound setting must be a certified special education teacher.

A student aged 6 years or older who is served in the special education homebound instructional setting retains the same ADA eligibility code he or she had before receiving homebound services, regardless of how many hours the student will be served in the homebound instructional setting.

The placement of a student who is expelled must not be changed to the homebound instructional setting (see [10.6.2 Disciplinary Removals of Students with Disabilities](#) for detailed information regarding appropriate instructional setting codes and ADA eligibility when expelling students who are receiving special education and related services).

For homebound coding examples, see [4.18.1 Code 01 - Homebound Examples](#).

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<sup>128</sup> You can access the Texas Medical Board’s searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_NoticeVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp). Throughout Subsection 4.7.2 and other parts of Section 4 related to the homebound instructional arrangement/setting and the licensure of physicians, “licensed” means licensed to practice in the United States.

<sup>129</sup> 19 TAC [§89.63](#)(c)(2)(A)

<sup>130</sup> 19 TAC [§89.63](#)(c)(2)(B)

#### 4.7.2.2 Homebound Services and Pregnancy-Related Services (PRS)

See [9.12 PRS and Special Education Services \(SPED\)](#) for detailed information on serving pregnant students through the PRS and special education programs.

#### 4.7.2.3 Homebound Services for Infants and Toddlers with Auditory or Visual Impairments or Both

Infants and toddlers (children from birth through 2 years of age) with auditory impairments or visual impairments or both may receive homebound instruction as determined by the IFSP team. See [4.10.1 Infants Receiving Visual Impairment Services, Orientation and Mobility \(O&M\) Services](#) and [4.10.2 Infants Receiving Auditory Impairment \(Deaf\) Services](#) for detailed information.

#### 4.7.2.4 Preschool Programs for Children with Disabilities and Homebound Services

Students aged 3 through 5 years for whom the ARD committee has determined that homebound is the appropriate instructional setting should be reported with a grade level of EE (early education) and with the ADA eligibility code shown in the following table:

**ADA Eligibility Coding for Students Receiving Preschool Program for Children with Disabilities Services in the Homebound Instructional Setting**

Amount of Time Served in Membership per Week	ADA Eligibility Code
fewer than 2 hours per week	0—enrolled, not in membership
at least 2 hours but fewer than 4 hours per week	2—eligible for half-day attendance
at least 4 hours per week	1—eligible for full-day attendance

**Note:** The ADA eligibility coding information in the preceding chart does not apply to students aged 6 years or older. A student aged 6 years or older who is served in the homebound instructional setting retains the same ADA eligibility code he or she had before receiving homebound services, regardless of how many hours the student will be served in the homebound instructional setting.

#### 4.7.2.5 Homebound Funding and Homebound Documentation Requirements

A student who receives special education and related services in the special education homebound instructional setting earns eligible days present (generates contact hours and thus funding) based on the number of hours the student is served at home or hospital bedside by a certified special education teacher each week. Use the following chart to calculate eligible days present:

**Homebound Funding Chart**

Amount of Time Served in Membership per Week	Eligible Days Present Earned per Week
1 hour	1 day present
2 hours	2 days present
3 hours	3 days present
4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)
More than 4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)

Eligible days present are determined each week. For special education homebound purposes, a week starts Sunday and ends Saturday. Homebound service hours must not be accumulated and carried forward from one week to the next, and service hours must not be applied to a previous week.

The certified special education teachers and related service staff members providing services must keep a log of the amount of time spent serving the student.

The minimum documentation required in a homebound log (the attendance record maintained by a homebound teacher or provider of related services) is the following:

- the name of the homebound teacher or related service provider,
- the student's name and Texas Unique Student ID,
- the date that the homebound teacher or related service provider visited the homebound student, and
- the specific time period that the student was served (for example, 10:00 a.m. until 12:00 p.m.).

Additional documentation may be maintained as part of this record at the discretion of the district. This documentation may include, but is not limited to, mileage records for the homebound teacher or related service provider and information on subjects that were taught as part of the homebound instruction.

#### **4.7.2.6 Test Administration and the Homebound Instructional 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 teacher 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, six-weeks, semester, or final exams or required state assessments 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 must not be credited as attendance.

If the routine, standardized, six-weeks, semester, or final exam administration or required state assessment testing requires less than 1 hour, then the certified special education teacher 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 an additional 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 campus to take required state assessments must have a medical release** from a licensed<sup>131</sup> physician to do so. **The time spent on campus taking required state assessments must not count as any part of the number of hours of homebound service for eligible days present.**

(See [4.18.1 Code 01 - Homebound Examples](#).)

<sup>131</sup> You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_NoticeVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp).

#### **4.7.2.7 Transition from Homebound to the Classroom**

A student transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the requirements shown in the homebound funding chart.

The ARD committee must determine the length of the transition period based on current medical information.

During the transition period, students are to be served in the homebound instructional setting for the period of time each week specified by the ARD 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 in the homebound setting.

Once the student has completed the transition period as determined by the ARD committee, the student no longer generates eligible days present according to the homebound funding chart, but instead generates attendance based on whether the student is present at the official attendance-taking time.

#### **4.7.2.8 Transitioning Students with Chronic Illness between Homebound and the Classroom**

A student with a chronic illness or acute health problem that is a long-term condition that requires the student to be in the homebound instructional setting for at least 4 weeks will generate 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 ARD committee based on current medical information.

During the transition period, students are to be served in the homebound instructional setting for the period of time each week as specified by the ARD 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 in the homebound setting.

Once the student has completed the transition period as determined by the ARD committee, the student no longer generates eligible days present according to the homebound funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

#### **4.7.2.9 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 may 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 homebound instructional setting and a school-based placement must be coded homebound for those days they are in the homebound instructional setting 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 and instructional setting code information for students with a recurring condition.



**Attendance Accounting Information related to  
Students with a Recurring Chronic or Acute Health Condition**

<b>For any week in which the student with the recurring condition:</b>	<b>the student earns contact hours or attendance:</b>	<b>The student's instructional setting code should be as follows:</b>
is served solely in the homebound instructional setting,	according to the requirements of the homebound funding chart.	01, homebound.
is served for at least 4 hours in the homebound instructional setting <b>and</b> attends school at his or her campus,	according to the requirements of the homebound funding chart.	01, homebound, regardless of the fact that the student attended school at his or her campus in addition to receiving homebound instruction.
is served from 1 to 3 hours in the homebound instructional setting <b>and</b> attends school at his or her campus,	according to the requirements of the homebound funding chart for those days the student is provided instruction in the homebound setting <b>and</b> according to whether the student is present at the official attendance-taking time for those days the student attends school at his or her campus.	01, homebound, for those days the student is provided homebound instruction <b>and</b> the code for the applicable non-homebound special education instructional setting* the student is served in while at school (for example, 40, special education mainstream) for those days the student attends school.

\* The instructional setting in which the student is to be served while at school should be specified in the student's IEP.

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 must not generate more than the equivalent of one ADA.

If the student fully transitions to classroom placement, the student no longer generates eligible days present according to the homebound funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

(For an example of how to code a student with a recurring chronic or acute health condition, see the last example in [4.18.1 Code 01 - Homebound Examples](#).)

*Attendance Accounting and Documentation:* To document the changing instructional 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 [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#)).

The eligible days present should be recorded in your district's student attendance accounting system. Any time not accounted for should be reported as absences.

#### 4.7.2.10 Homebound: Career and Technical Education (CTE) Funding Requirements

For a student who receives homebound services to earn CTE contact hours, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the homebound instructional setting. CTE teachers must maintain a log to verify all contact hours with students.

#### 4.7.3 Code 02 - Hospital Class

This instructional setting code should be used when a student is provided special education instruction in a classroom in a hospital facility or a residential care and treatment facility not operated by your school district. A student with a disability who is served in but not residing in the facility is considered to be in an *off home campus* instructional setting. If the student residing in the facility is provided special education services on a school campus, the student is not considered to be in a hospital class.<sup>132</sup>

For hospital class coding examples, see [4.18.2 Code 02 - Hospital Class Examples](#).

#### 4.7.3.1 Hospital Class: CTE Funding Requirements

For a hospital class student to earn CTE contact hours, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the hospital class instructional setting. CTE teachers must maintain a log (see [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#)) to verify all contact hours with hospital class students.

#### 4.7.4 Code 08 - Vocational Adjustment Class (VAC)

This instructional setting code is used for a student who is participating in a special education work-based learning program and is **employed in a paid or unpaid full- or part-time job with regularly scheduled direct involvement** by special education personnel in the implementation of the student's IEP.<sup>133</sup>

This instructional setting code must be used in conjunction with the student's individual transition plan and only after your school district's CTE classes have been considered and determined inappropriate for the student by the student's ARD committee.

This code applies to a student in full-time or part-time **employment**, as documented by the ARD committee in the student's records. This instructional setting code should not be confused with general CTE classes that are offered by your district.

A student with a disability may participate in other occupational preparation programs (which do not generate special education contact hours), including general CTE and career and technical education for the disabled (CTED) classes. However, the student must be employed (paid or unpaid, full- or part-time), receiving special education services as required in the IEP, and coded VAC (08) to claim special education contact hours.

For a VAC coding example, see [4.18.3 Code 08 - Vocational Adjustment Class \(VAC\) Example](#).

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<sup>132</sup> 19 TAC [§89.63](#)(c)(3)

<sup>133</sup> 19 TAC [§89.63](#)(c)(9)



#### ***4.7.5 Code 30 - State Supported Living Centers***

This instructional setting code is used for a student who is provided special education and related services and who currently resides at a state supported living center when the services are provided at a state supported living center. If services are provided on a local district campus, the student is coded residential care and treatment facility.<sup>134</sup>

The thirteen state supported living centers in Texas currently serving students 0 through 21 years of age are the following:

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

##### **4.7.5.1 CTE Contact Hours for Students in State Supported Living Centers**

For a student in a state supported living center to earn CTE contact hours, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the state supported living center instructional setting. CTE teachers must maintain a log to verify all contact hours with students in a state supported living center.

#### ***4.7.6 Applicable Federal Law and Additional Guidance Regarding the Location of Services for Students Currently Residing in a Hospital, Residential Facility, or State Supported Living Center***

According to 20 United States Code, §1412, “[t]o the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities” must be “educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment” may occur “only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

Both federal law and state law require all students with disabilities to receive their instructional and related services in the least restrictive environment (LRE). This requirement applies to all students with disabilities, including students with disabilities who reside in a hospital, residential facility, or state supported living center. However, in some cases, the ARD committee is limited in its ability to place a student on a local district campus. This is true in the case of an adjudicated or incarcerated youth who is

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<sup>134</sup> 19 TAC [§89.63](#)(c)(11)

detained in a secure facility and/or when a court order precludes the student’s inclusion in and exposure to educational settings on a regular school campus.

The following table is meant to clarify which codes to use for students with disabilities who are residing in a hospital or a residential care and treatment facility and receiving special education services from school districts.

**Coding for Students with Disabilities Residing in a Hospital or Care and Treatment Facility and Receiving Education Services from Local School District**

<b>Student is incarcerated or is court ordered to remain at residential facility*?</b>	<b>Parents*** reside within district boundaries?</b>	<b>Student served at local district campus**?</b>	<b>Appropriate Instructional Setting Code</b>
no	no	yes	81–89, based on services
no	no	no	02
no	yes	yes	based on services
no	yes	no	02
yes	no	N/A	81–89, based on services
yes	yes	N/A	02

\*The answer will be “no” except in situations involving adjudicated or incarcerated youth who are detained in secure facilities or other circumstances in which a court orders a student to remain at a facility site. In certain limited circumstances, an ARD committee may review official documentation and determine on a student-by-student basis that an individual student’s current legal or medical status precludes removal from the residential facility. In those individualized and documented cases, codes 81–89 may be used.

\*\*Local district campus indicates a county-district-campus number is assigned, a complete administrative structure and instructional program is in place, and the location of instructional services is separate from the location of residential and treatment services.

\*\*\*The instructional arrangement coding for an adult student who resided in a residential facility can be interchanged with the word “parent”.

Placement or residence of a student at the facility for care or treatment does not automatically qualify the student for special education. The student must meet special education eligibility requirements for a special education code to be assigned.

#### **4.7.7 Code 31 - Home-Based Instruction**

See [4.10.3 Infants \(Birth through 2 Years of Age\) Receiving Home-Based Instruction](#).

#### 4.7.8 Code 32 - Center-Based Instruction

See [4.10.4 Infants \(Birth through 2 Years of Age\) Receiving Center-Based Instruction](#).

#### 4.7.9 Code 34 - Other Environment

See [4.10.5 Infants \(Birth through 2 Years of Age\) Receiving Services in Other Environment](#).

#### 4.7.10 Code 40 - Special Education Mainstream

This instructional setting code is used for a student who is provided special education and related services in the general education classroom in accordance with the student's IEP. The term "special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.<sup>135</sup> "Specially designed instruction" means content, methodology, or delivery of instruction that has been adapted, as appropriate to the needs of an eligible child, to:

- address the unique needs that result from the child's disability and
- ensure access of the child to the general curriculum.<sup>136</sup>

Examples of special education and related services provided to a student in the mainstream instructional setting include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications or accommodations, special materials or equipment, consultation with the student and his or her general classroom teacher(s), staff development, and reduction of ratio of students to instructional staff members.<sup>137</sup>

For mainstream coding examples, see [4.18.4 Code 40 - Mainstream Examples](#).

##### 4.7.10.1 Requirements

For a student to be coded with an instructional setting code of 40 (special education mainstream), the student must have:

- special education and related services provided in a general education classroom on a regularly scheduled basis;
- an IEP specifying the special education and related services that enable the student to access the general curriculum and to make progress toward individual goals and objectives; and
- certified special education personnel involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services:
  - to the student in the general education classroom and/or
  - in collaboration with the student's general education classroom teacher(s).

Monitoring student progress in and of itself does **not** constitute a special education service. If certified special education personnel are **only monitoring** student progress, **mainstream special education funding must not be generated. In order to report this instructional arrangement, document the details of the specially designed instruction that is being provided in the student's IEP.**

<sup>135</sup> 34 CFR, §300.39(a)(1)

<sup>136</sup> 34 CFR, §300.39(b)(3)(i) and (ii)

<sup>137</sup> 19 TAC [§89.63](#)(c)(1)

#### **4.7.10.1 Requirements Related to Teachers Providing Instruction in Mainstream Settings**

A student with a disability receives specially designed instruction. The specially designed instruction documented in the IEP is provided by special education personnel. One teacher, even if dually certified, must 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 aged three or four years may have an instructional 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 aged 3 or 4 years.

#### **4.7.10.2 Special Education Mainstream and Speech Therapy**

Students with an instructional setting of mainstream may receive speech therapy. Please refer to [4.8.1.2 Indicator Code 2 – Speech Therapy with Other Services](#).

#### **4.7.10.3 Preschool Programs for Children with Disabilities and Mainstream Instructional Settings**

**4.7.10.3.1 District-Operated Preschool or Child Care Center, Staff and/or Community Access (3-through 5-Year-Olds):** If your school district establishes a preschool education program or child care center to serve preschool-age children regardless of eligibility or other criteria, your district may use the mainstream code for a student in the program who receives special education services (other than speech therapy) in the general classroom. However, for the mainstream code to be used for the student, the majority of students in his or her class must be students who are not receiving special education services. For the student to generate ADA and weighted funding, a certified special education teacher must provide services under the 2-through-4-hour rule as applicable to meet the individual needs of the student. See [4.9.6 PPCD Services and Students Served in a District-Operated Preschool or Child Care Facility](#) for more information.

**4.7.10.3.2 Prekindergarten (PK) Program:** A preschool-age student who meets eligibility requirements for PK and special education services and is receiving special education services in the PK classroom may be coded mainstream, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate weighted funding, a certified special education teacher must provide services to the student under the 2-through-4-hour rule as applicable to meet the individual needs of the student.

See [4.9.3 PPCD Services and PK Programs](#) for more information.

**4.7.10.3.3 District-Operated Head Start Program:** A preschool-age student who meets eligibility requirements for Head Start and is receiving special education services in a collaborative partnership with a Head Start program may be coded mainstream, provided that the majority of students in his or her class are students who are not receiving special education services. See [4.9.5 PPCD Services and Head Start](#) for more information.

#### **4.7.11 Code 41 or 42 - Resource Room/Services**

This instructional 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 instructional day**.<sup>138</sup>

Code 41 indicates a student is provided special education and related services in a setting other than general education for less than 21% of the student's instructional day.

Code 42 indicates a student is provided special education and related services in a setting other than general education for at least 21% but less than 50% of the student's instructional day.

Code 41 or 42 is used for a student who is receiving related services in a special education setting. Related services include but are not limited to physical therapy, occupational therapy, and counseling by a certified or licensed counselor on a regularly scheduled basis. These related services must be documented in the IEP, and they must be required to assist a child with a disability to benefit from special education. For more information about related services, refer to the Related Services Q & A document available at <http://www.tea.texas.gov/index2.aspx?id=2147496874>.

Note that if a student receives special education services and speech therapy, the appropriate resource room code is used, and the speech therapy indicator code is reported as 2.

For guidance on determining the percentage of the instructional day that a student is provided special education services, see [4.7.13 Additional Guidelines for Instructional Setting Codes 41–44](#). For coding examples, see [4.18.5 Codes 41 and 42 - Resource Room/Services Examples](#). For coding examples specific to 3- or 4-year-old students who are ineligible for PK but are provided special education services solely in a general education PK classroom, see the chart in [4.9.3 PPCD Services and PK Programs](#).

#### **4.7.12 Code 43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus**

This instructional setting code is used for a student who is provided special education and related services and is in a self-contained class or classes for 50% or more of the student's instructional day, on a regular school campus.<sup>139</sup>

Code 43 indicates a student is provided special education and related services and is in a self-contained class or classes at least 50% but no more than 60% of the student's instructional day, on a regular school campus.

Code 44 indicates a student is provided special education and related services and is in a self-contained class or classes more than 60% of the student's instructional day, on a regular school campus.

For guidance on determining the percentage of the instructional day that a student is provided special education services, see the following subsection. For coding examples, see [4.18.6 Codes 43 and 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus Examples](#).

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<sup>138</sup> 19 TAC [§89.63](#)(c)(5)

<sup>139</sup> 19 TAC [§89.63](#)(c)(6)

### 4.7.13 Additional Guidelines for Instructional Setting Codes 41–44

The following additional guidelines may be helpful in determining the appropriate instructional setting code for a student receiving special education and related services.

Base a student’s **resource room/services** or **self-contained, mild/moderate/severe, regular campus** instructional setting code on the percentage of the **instructional day** that the student receives direct, regularly scheduled special education and related services, as required in the student’s IEP, **not** on the student’s disability. For the purpose of determining a student’s instructional setting code, the instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.).

For example, if a student is provided:

- special education and related services for less than 50% of his or her instructional day in a setting other than general education, the student’s instructional setting code would be 41 or 42.
- special education and related services for 50% or more of the student’s instructional day in a self-contained program on a regular education campus, the student’s instructional setting code would be 43 or 44.
- full-time early childhood (preschool program for children with disabilities) special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses and the student is 3 through 5 years of age, the instructional setting code would be 45.

When determining a student’s instructional setting code (other than mainstream), include the percentage of time allocated for speech therapy services (outside of the general education setting) in the percentage of time in the special education setting.

When determining the instructional setting code for a student who attends school less than a full day, use the number of instructional hours he or she attends as determined by the ARD committee as the student’s instructional day. Then, review the number of hours in the instructional day that the student receives special education services to determine the student’s instructional setting code.

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

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

Number of Periods of Special Education Instruction per Day*	8-Period Instructional Day	7-Period Instructional Day	6-Period Instructional Day	5-Period Instructional Day
Seven Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)		
Eight Spec Ed Periods	Mild/Mod/Sev (44)			

\*If a student receives special education and related services outside of the general education classroom on less than a daily basis, determine the percentage to be used in determining the appropriate instructional setting code by dividing the total minutes of instruction outside the general education classroom for the week by the total instructional minutes for the week.

#### 4.7.13.1 Semester Block Scheduling

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

**For example**, say that in the first semester a student attends two general education classes and two special education classes. Convert the student's four-period instructional day to an eight-period instructional day. The student's converted schedule is four general education classes and four special education classes. According to the chart, the student's instructional setting code would be 43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%. Apply this type of conversion to each semester class schedule.

#### 4.7.13.2 AB Block Scheduling

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

#### 4.7.13.3 Schedules in Which Instructional Periods Are Not Equal in Length

If instructional periods are **not equal in length**, make a coding determination for a student after first calculating the percentage of his or her instructional day that the student spends receiving special education and related services. Calculate this percentage by dividing the student's number of special education and related services instruction minutes by the student's total number of instructional minutes.

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

#### 4.7.14 Code 45 - Full-Time Early Childhood (Preschool Programs for Children with Disabilities) Special Education Setting

This instructional setting code is used for children **3 through 5 years of age** who receive full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **A student for whom this code is used does not receive any special education and related services in a regular early childhood setting or spend any part of the instructional day in a regular early childhood setting.** If a student receives any amount of special



education and related services in a regular early childhood setting or spends any part of the instructional day in a regular early childhood setting, this instructional setting code is not applicable. For a coding example, see [4.18.7 Code 45 - Full-Time Early Childhood \(PPCD\) Special Education Setting \(FT EC SPED\) Example](#).

**One of the off home campus codes (codes 91–98)** should be used when a child is placed in a multidistrict classroom (located on a regular campus), on a separate campus, or in a community class to receive full-time early childhood special education and related services.

For more information on special education services for students aged 3 through 5 years, see [4.9 Preschool Programs for Children with Disabilities \(PPCDs\)](#).

#### **4.7.15 Code 50 - Residential Nonpublic School**

This instructional setting code is used for a student who is provided special education and related services through a contractual agreement with an approved residential nonpublic school.<sup>140</sup> A student is placed in a residential nonpublic school through the ARD committee process. This instructional setting code does **not** generate ADA or contact hours. A residential nonpublic school student should be reported with an ADA eligibility code of **0 - Enrolled, Not in Membership**.

For funding purposes, a residential nonpublic school student is reported on the SAS-A111, Application for Approval of Funding for Residential Placement. For more information, see the TEA Special Education Funding page at [http://www.tea.state.tx.us/index2.aspx?id=2147493439&menu\\_id=934&menu\\_id2=941](http://www.tea.state.tx.us/index2.aspx?id=2147493439&menu_id=934&menu_id2=941).

#### **4.7.16 Code 60 - Nonpublic Day School**

This instructional setting code is used for a student who is provided special education and related services through a contractual agreement with an approved nonpublic day school.<sup>141</sup> A student is placed in a nonpublic day school through the ARD committee process. This instructional setting code does **not** generate ADA or contact hours. A nonpublic day school student should be reported with an ADA eligibility code of **0 - Enrolled, Not in Membership**.

For funding purposes, a nonpublic day school student is reported on the SPE-106, Nonpublic Day School Report. For more information, see the TEA Nonpublic Day School Programs Report page at <http://www.tea.state.tx.us/index2.aspx?id=2147497536>.

#### **4.7.17 Code 70 - Texas School for the Blind and Visually Impaired**

This instructional setting code is used for a student who is provided special education and related services at the Texas School for the Blind and Visually Impaired (TSBVI). This instructional setting code does **not** generate contact hours.

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<sup>140</sup> 19 TAC [§89.63](#)(c)(8); 34 CFR, §300.146 and §300.147. A list of approved nonpublic schools can be accessed from the following TEA web page:

[http://www.tea.state.tx.us/index2.aspx?id=2147495614&menu\\_id=2147483703&menu\\_id2=2147483714](http://www.tea.state.tx.us/index2.aspx?id=2147495614&menu_id=2147483703&menu_id2=2147483714).

<sup>141</sup> 19 TAC [§89.63](#)(c)(8); 34 CFR, §300.146 and §300.147. A list of approved nonpublic schools can be accessed from the following TEA web page:

[http://www.tea.state.tx.us/index2.aspx?id=2147495614&menu\\_id=2147483703&menu\\_id2=2147483714](http://www.tea.state.tx.us/index2.aspx?id=2147495614&menu_id=2147483703&menu_id2=2147483714).



A local school district does **not** report a student who is served by the TSBVI; the TSBVI reports the student. Your district should follow the student enrollment and withdrawal procedures as applicable in Sections 3 and 4.

#### **4.7.18 Code 71 - Texas School for the Deaf**

This instructional setting code is used for a student who is provided special education and related services at the Texas School for the Deaf (TSD). This instructional setting code does **not** generate contact hours. The TSD should report a student who is referred to the school by his or her parents or guardians with the student attribution code of 10 (on the TSDS PEIMS 40100 Student Extension Complex Type).

A local school district does **not** report a student who is served by the TSD; the TSD reports the student. Your district should follow the student enrollment and withdrawal procedures as applicable in Sections 3 and 4.

#### **4.7.19 Code 81, 82, 83, 84, 85, 86, 87, 88, or 89 - Residential Care and Treatment Facility (Not School District Resident)**

This instructional setting code is used for a student who is provided special education and related services, who has a disability and resides in a care and treatment facility, and whose parents do not reside within the boundaries of the school district providing educational services to the student. A residential care and treatment facility includes a licensed or verified foster group home but does not include a licensed or verified foster family home.<sup>142</sup>

For this code to be used for a student, the services must be provided on a local district campus. If the instruction is provided at the facility rather than on a school district campus, the instructional setting code used should be *hospital class* (code 02).<sup>143</sup> For additional guidance, see [4.7.6 Applicable Federal Law and Additional Guidance Regarding the Location of Services for Students Currently Residing in a Hospital, Residential Facility, or State Supported Living Center](#).

##### **4.7.19.1 Students Receiving Only Speech Therapy**

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

##### **4.7.19.2 Residential Care and Treatment Facility Categories**

The categories for this instructional setting are as follows:

- 81, residential care and treatment facility - mainstream

Code 81 indicates a student resides in a facility and receives mainstream services on a local school district campus.

- 82, residential care and treatment facility - resource room/services - less than 21%

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<sup>142</sup> as “foster group home” and “foster family home” are defined in 40 TAC [§749.43](#) and [§750.43](#)

<sup>143</sup> 19 TAC [§89.63](#)((c)(10))

Code 82 indicates a student resides in a facility and receives resource room/services for less than 21% of the student's total instructional day on a local school district campus.

- 83, residential care and treatment facility - resource room/services - at least 21% but less than 50%

Code 83 indicates a student resides in a facility and receives resource room/services for at least 21% but less than 50% of the student's total instructional day on a local school district campus.

- 84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% but no more than 60%

Code 84 indicates a student resides in a facility and receives self-contained services for at least 50% but no more than 60% of the student's total instructional day on a local school district campus.

- 85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%

Code 85 indicates a student resides in a facility and receives self-contained services for more than 60% of the student's total instructional day on a local school district campus.

- 86, residential care and treatment facility - separate campus

Code 86 indicates a student resides in a facility and receives special education and related services on a local school district campus in a self-contained program at a separate campus operated by your school district.

- 87, residential care and treatment facility - community class

Code 87 indicates a student resides in a facility and receives special education and related services by school district personnel in a facility (other than a nonpublic day school) not operated by a school district.

- 88, residential care and treatment facility - vocational adjustment class

Code 88 indicates a student resides in a facility and receives VAC services.

- 89, residential care and treatment facility - full-time early childhood special education setting.

Code 89 indicates a student is **3 to 5 years of age**, resides in a facility, and receives full-time special education and related services in educational programs designed primarily for children with disabilities on a local school district campus (other than a separate campus).

For coding examples, see [4.18.8 Codes 81–89 - Residential Care and Treatment Facility \(Nonresident\) Examples](#).

#### 4.7.20 Code 91, 92, 93, 94, 95, 96, 97, or 98 - Off Home Campus

This instructional setting code is used only for a student who is provided special education and related services and meets one of the following criteria:

- The student is one of a group of students from more than one school district served at a single location in another school district when a FAPE is not available in the sending district.<sup>144</sup>
- The student is provided instruction by school district personnel in a facility (other than a nonpublic day school) not operated by a school district.<sup>145</sup>
- The student is in a self-contained program at a separate campus operated by your school district that provides only special education and related services.<sup>146</sup>

For a student with an off home campus instructional setting who is served in a district other than his or her home district, there should be an agreement between the home district and the receiving district regarding the reporting of TSDS PEIMS and attendance data. If the home district reports these data, it may report the student as being enrolled in the home district, even though the student attends the entire instructional day in the receiving district. However, it is also permissible for the receiving district to report the student in the TSDS PEIMS, instead of the home district. Only one district may report TSDS PEIMS data for an individual student. The receiving district is responsible for recording student absences and attendance. The receiving district must either submit this information to the home district (if the home district is responsible for reporting TSDS PEIMS data) or enter the information (if the receiving district is responsible for reporting TSDS PEIMS data for the student).

##### 4.7.20.1 Off Home Campus Categories

The categories for this instructional setting are as follows:

- 91, off home campus - mainstream

Code 91 indicates a student is receiving mainstream services in an off-home-campus setting.

A student 3 through 5 years of age who is receiving special education services in a licensed community child care facility or preschool that is working in a collaborative partnership with your school district may be coded 91, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate ADA and contact hours, a certified special education teacher must provide services under the 2-through-4-hour rule as applicable to meet the individual needs of the student. See [4.9.7 PPCD Services and Students Served in a Community-Based Preschool or Child Care Facility](#) for more information.

- 92, off home campus - resource room/services - less than 21%

Code 92 indicates a student is receiving resource room/services for less than 21% of the student's total instructional day in an off-home-campus setting.

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<sup>144</sup> 19 TAC [§89.63\(c\)\(7\)\(A\)](#)

<sup>145</sup> 19 TAC [§89.63\(c\)\(7\)\(B\)](#)

<sup>146</sup> 19 TAC [§89.63\(c\)\(7\)\(C\)](#)

- 93, off home campus - resource room/services - at least 21% but less than 50%

Code 93 indicates a student is receiving resource room/services for at least 21% but less than 50% of the student's total instructional day in an off-home-campus setting.

- 94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% but no more than 60%

Code 94 indicates a student is receiving self-contained services for at least 50% but no more than 60% of the student's total instructional day in an off-home-campus setting.

- 95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%

Code 95 indicates a student is receiving self-contained services for more than 60% of the student's total instructional day in an off-home-campus setting.

- 96, off home campus - separate campus

Code 96 indicates a student is receiving special education and related services in a self-contained program at a separate campus operated by your school district. This code also applies to students **aged 3 to 5 years** who receive special education and related services in a self-contained classroom on a separate campus.

- 97, off home campus - community class

Code 97 indicates a student is receiving special education and related services by school district personnel in a setting or environment (other than a nonpublic day school) not operated by a school district that prepares the student for postsecondary education/training, integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives (including 18 plus programs/services). This code also applies to students **aged 3 to 5 years** who receive special education and related services in a community setting.

- 98, off home campus - full-time early childhood special education setting

Code 98 indicates a student who is **3 to 5 years of age** is receiving full-time special education and related services in educational programs designed primarily for children with disabilities in a multidistrict classroom located on a regular campus.

An off-home-campus instructional setting code should not be used when a district establishes a program on a regular campus to serve students from a single district in a central setting (for example, a centralized class on a regular campus that is not a separate campus to serve young children with disabilities). Students in such a program would be coded based on the amount of general education and special education services received at a centralized location on a regular campus.

Also, an off-home-campus instructional setting code **must not** be used for students with disabilities placed by school districts in nonpublic day school settings (see [4.7.16 Code 60 - Nonpublic Day School](#)).

For coding examples, see [4.18.9 Codes 91–98 - Off Home Campus Examples](#).

## 4.8 Speech-Language Pathology Services (Speech Therapy) and Speech Therapy Indicator Codes

In Texas, speech-language therapy services are considered an instructional service. This means that speech therapy can be a stand-alone service (student does not receive any other service that is provided through an instructional setting). Speech therapy can also be a related service (student receives speech therapy **in addition to** a service that is provided through another instructional setting).

### 4.8.1 Speech Therapy Indicator Codes

Student Detail Reports and the TSDS PEIMS 42408 record must contain a speech therapy indicator code (Code Table C095, *TSDS PEIMS Data Standards*) for any student receiving special education services. Use the following information to determine the appropriate speech therapy indicator code.

#### 4.8.1.1 Indicator Code 1 – Speech Therapy

This code indicates that a student only receives speech therapy (regardless of the environment where the speech therapy services are provided)—or receives speech therapy and another special education related service (such as occupational therapy)—and that an instructional setting (for example, resource room) is not appropriate. When the only special education service a student receives is speech therapy or speech therapy and another special education related service (such as physical therapy), the student’s Student Detail Report and TSDS PEIMS 42408 record must show an instructional setting code of 00 and a speech therapy indicator code of 1.<sup>147</sup> The student’s TSDS PEIMS 42401 record also must show an instructional setting code of 00. An instructional setting code of 40 **must not** be used.

For your district to claim funding for speech-language pathology services provided to a student, the ARD committee must document in the student’s IEP the services that the student’s speech therapist will provide.

**Note:** A student whose only special education service is speech therapy and who receives fewer than 2 hours (120 minutes) of any form of instruction each day is **not** in membership (that is, has an ADA eligibility code of 0).

For coding examples, see [4.18.10 Speech Therapy Indicator Code 1 Examples](#).

#### 4.8.1.2 Indicator Code 2 – Speech Therapy with Other Services

This code indicates that a student receives speech therapy **along with other services through another special education instructional setting** (for example, resource room). When a student receives speech therapy services in conjunction with other special education services through an instructional setting, the student’s Student Detail Report and TSDS PEIMS 42408 record must show a speech therapy indicator code of 2, regardless of the environment where the speech therapy services are provided. The student’s TSDS PEIMS 42408 record must show an instructional setting code **other than 00**. The student’s TSDS PEIMS 42401 record must show both the student’s primary instructional setting code (a code other than 00) and the instructional setting code of 00. (Note, however, that the 42401 record does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream

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<sup>147</sup> 19 TAC [§89.63](#)

instructional setting and also receives speech therapy services, the 42401 record should have only one instructional setting code reported: 00.)

For a student to be coded with an instructional setting code of 40 (mainstream) (on the TSDS PEIMS 42408 record) and a speech therapy indicator code of 2, the student must have:

- certified special education personnel (other than a certified speech pathologist/therapist) involved in the implementation of the student’s IEP through the provision of direct, indirect, and/or support services:
  - to the student in the general education environment and/or;
  - in collaboration with the student’s general education classroom teacher(s); **and**
- a certified speech pathologist/therapist involved in the implementation of the student’s IEP through the provision of direct, indirect, and/or support services:
  - to the student regardless of the location (general education class or location other than a general education setting) and/or;
  - in collaboration with the student’s general education classroom teacher(s).

When determining a student’s primary instructional setting code (other than mainstream), include the percentage of time allocated for speech therapy services (outside of the general education setting) in the percentage of time in the special education setting.

For coding examples, see [4.18.11 Speech Therapy Indicator Code 2 Examples](#).

#### **4.8.1.3 Indicator Code 0 – No Speech Therapy**

This code indicates that a student does not receive speech therapy. If a student does not receive speech therapy, the student’s Student Detail Report and TSDS PEIMS 42408 record must show a speech therapy indicator code of 0 and an instructional setting code **other than 00**. The student’s TSDS PEIMS 42401 record also must show an instructional setting code **other than 00**.

## **4.9 Preschool Programs for Children with Disabilities (PPCDs)**

Eligible children with disabilities aged 3 through 21 years are entitled to receive a FAPE under the Individuals with Disabilities Education Act (IDEA). In Texas, school district PPCDs provide special education and related services for eligible children with disabilities aged 3 through 5 years. Any child aged 3 through 5 years who is eligible for and receiving special education and related services through a school district is considered to be receiving PPCD services.

PPCD refers to the services provided by the school district, **not** to the place where they are provided. Eligible children may receive PPCD services in a variety of settings, including district settings, such as PK, resource, and self-contained classrooms, and community settings, such as community-based Head Start programs and preschools.

A student receiving PPCD services may have a grade level of EE, PK, or K (kindergarten), depending on the student’s age, the location where services are provided, and whether the student is eligible for PK.

### **4.9.1 Eligibility for PPCD Services**

PPCD services are special education services provided to children aged 3 through 5 years. To receive PPCD services, a child aged 3 through 5 years must meet the same eligibility requirements as other

special education students. An ARD committee must meet and document in the student's record that the student is eligible to receive services through this program.

See [4.2 Special Education and Eligibility](#) and [4.3 Enrollment Procedures](#).

#### **4.9.2 ADA (State Funding) Eligibility for Students Receiving PPCD Services**

Students receiving PPCD services are eligible for ADA on the same basis as other students enrolled in your district. That is, they are subject to the 2-through-4-hour rule, based on the time the student is served.

If the student is scheduled for and provided services for which he or she is eligible for at least 4 hours each day, the student is eligible for full-day attendance (ADA eligibility code of 1). If the student is scheduled for and provided services for which he or she is eligible for at least 2 hours but fewer than 4 hours each day, the student is eligible for half-day attendance (ADA eligibility code of 2). If the student is scheduled for and provided services for which he or she is eligible for fewer than 2 hours each day, the student is not eligible to generate ADA (ADA eligibility code of 0).

For more information on ADA eligibility codes and the 2-through-4-hour rule, see [3.2.1 ADA Eligibility Coding](#) and [3.2.2 Funding Eligibility](#). For information specific to PPCD students who attend a PK program, see the following subsection.

#### **4.9.3 PPCD Services and PK Programs**

A student who is eligible for PPCD services may or may not be eligible for free public PK enrollment. Eligibility for free public PK programs is limited by statute.<sup>148</sup> For the eligibility criteria for free PK, see [Section 7 Prekindergarten \(PK\)](#), specifically [7.2 Eligibility](#).

When a student who is eligible for **both** special education and PK is served in a PK classroom, the student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student. The student is eligible for full-day attendance (ADA eligibility code of 1) if the student is scheduled for and receives at least 4 hours of instruction and services (that is, receives at least 2 hours of special education services in addition to the 2 hours of PK program instruction). The student is eligible for half-day attendance (ADA eligibility code of 2) if the student is scheduled for and receives at least 2 hours but fewer than 4 hours of instruction or services.

When a student who is eligible for special education **but is not eligible for PK** is served in a PK classroom, the student's instructional setting code should be determined based on the information in the chart on the following page. The student's ADA eligibility is determined by the amount of time that the student is provided **special education** services each day. The student is eligible for full-day attendance (ADA eligibility code of 1) if the student is scheduled for and receives at least 4 hours of **special education** services each day. The student is eligible for half-day attendance (ADA eligibility code of 2) if the student is scheduled for and receives at least 2 hours but fewer than 4 hours of **special education** services each day.<sup>149</sup>

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<sup>148</sup> TEC, [§29.153](#)

<sup>149</sup> Special education services, as explained in 19 TAC §89.63(c)(1), may include indirect, and/or consultative services by a special education teacher. See Coding Chart 1: PPCD Services and PK for ADA eligibility.

When a student who is eligible for special education but not eligible for PK is served in a PK classroom, a special education teacher must be in the classroom for the student's entire instructional day for ADA and weighted funding to be generated.

For coding examples, see the chart on the following page. For additional examples, see the applicable examples in [7.6 Examples](#).





**Coding Chart 1: PPCD Services and PK**

	Student Age <sup>1</sup>	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count		
		Coding Information for Student Who Is Eligible for Both Special Education AND PK							Coding Information for Student Who Is Eligible for Special Education BUT Ineligible for PK <sup>2</sup>						
served in the PK classroom by PK and special education teachers for ½ day (at least 2, but fewer than 4 hours) <sup>3</sup>	3 or 4	2 half-day	40	PK	1	0	3	2 half-day	40	EE	1	0	3		
served in the PK classroom by PK and special education teachers for full day (at least 4 hours) <sup>3</sup>	3 or 4	1 full-day	40	PK	1	0	3	1 full-day	40	EE	1	0	3		
served in the PK classroom by PK teacher for ½ day (at least 2 but fewer than 4 hours) with indirect, and/or consultative services by special education teacher less than 2 hrs/day	3 or 4	2 half-day	40	PK	1	0	3	5 ineligible half-day	40	EE	1	0	3		
served in the PK classroom by PK teacher for full day (at least 4 hours) with indirect, and/or consultative services by special education teacher less than 2 hrs/day	3 or 4	1 full-day	40	PK	1	0	3	4 ineligible full-day	40	EE	1	0	3		
served in the ½ day PK classroom but leaves for special education and related services in a self-contained (S-C) environment less than 21% of the instructional day	3 or 4	2 half-day	41	PK	1	0	3	5 ineligible half-day	41	EE	1	0	3		
served in the ½ day PK classroom but leaves for special education and related services in a S-C environment at least 21% but less than 50% of the instructional day	3 or 4	2 half-day	42	PK	1	0	3	5 ineligible half-day	42	EE	1	0	3		
served in the ½ day PK classroom but leaves for special education and related services in a S-C environment at least 50% but less than 60% of the instructional day	3 or 4	2 half-day	43	PK	1	0	3	5 ineligible half-day	43	EE	1	0	3		
served in the PK classroom for ½ day and in a S-C classroom for the other ½ day	3 or 4	1 full-day	43	PK	1	0	3	2 half-day	43	EE	1	0	3		
served in the PK classroom by PK and special education teachers for ½ day and in a S-C classroom for the other ½ day	3 or 4	1 full-day	43	PK	1	0	3	1 full-day <sup>3</sup>	43	EE	1	0	3		
served in the ½ day PK classroom but leaves for special education and related services in a S-C environment more than 60% of the instructional day	3 or 4	2 half-day	44	PK	1	0	3	5 ineligible half-day	44	EE	1	0	3		
served in a S-C classroom by a special education teacher for at least 2 hours, but fewer than 4 hours each day (Students in this setting receive only special education and related services) <sup>4</sup>	3 or 4	2 half-day	45	EE	1	0	3	2 half-day	45	EE	1	0	3		
served in a S-C classroom by a special education teacher for at least 4 hours each day (Students in this setting receive only special education and related services.) <sup>4</sup>	3 or 4	1 full-day	45	EE	1	0	3	1 full-day	45	EE	1	0	3		
served in the ½ day PK classroom and the only sp. ed. svc. the student receives is 1 hour speech therapy/wk.	3 or 4	2 half-day	00	PK	1	0	3	5 ineligible half-day	00	EE	1	0	3		

Note: The examples in this chart related to PK programs assume that your district provides both a 3-year-old PK program and a 4-year-old PK program. For PK eligibility requirements, see [7.2 Eligibility](#).

ADA eligibility code rules: General: 0 = enrolled fewer than 2 hours per *day*, 2 = enrolled 2+ but fewer than 4 hours per *day*, 1 = enrolled at least 4 hours per *day*

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

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

<sup>1</sup> An eligible special education student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

<sup>2</sup> Ineligible PK students may be served in the PK classroom only if space is available and other eligible PK students are not denied enrollment.

<sup>3</sup> The PK and special education teachers must be teaching concurrently for the entire half day (if student is to be eligible for half-day attendance) or for the entire day (if student is to be eligible for full-day attendance).

<sup>4</sup> Refer to [4.7.14 Code 45 - Full-Time Early Childhood \(Preschool Program for Children with Disabilities\) Special Education Setting](#).

#### ***4.9.4 PPCD Services and Kindergarten Programs***

An eligible student who receives special education services and attends a full-day kindergarten program is eligible for a full day of attendance (ADA eligibility code 1). The student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student.

An eligible student who receives special education services in addition to attending a half-day kindergarten program is also eligible for a full day of attendance (ADA eligibility code 1) if the student is scheduled for and receives at least 4 hours of instruction and services. The student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student.

If a kindergarten student who receives special education services turns 6 years of age during the school year, the PPCD indicator code for that student should be changed from 1 to 0 on the date that the student turns 6. Also, note that a 6-year-old student must not have an instructional setting code of 45, full-time early childhood (PPCD) special education setting.

For coding examples, see the chart on the following page. Each row that shows a “current age” age of 5 shows the coding that should be used for a kindergarten student while the student is 5 years of age. Each row that shows a “current age” age of 6 shows the coding that should be used for a kindergarten student beginning on the date the student turns 6 years of age.

Coding Chart 2: Kindergarten and Special Education Services								
	Age 09/01	Current Age	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
<b>A kindergarten student eligible for special education services who is:</b>								
attending a kindergarten classroom for his or her entire instructional day and receives special education services in the kindergarten classroom	5	5	1 full-day or 2 half-day	40	KG	1	0	3
attending a kindergarten classroom for his or her entire instructional day and receives special education services in the kindergarten classroom	5	6	1 full-day or 2 half-day	40	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	5	1 full-day or 2 half-day	41	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	6	1 full-day or 2 half-day	41	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	5	1 full-day or 2 half-day	42	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	6	1 full-day or 2 half-day	42	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	5	1 full-day or 2 half-day	43	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	6	1 full-day or 2 half-day	43	KG	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for more than 60% of the day	5	5	1 full-day or 2 half-day	44	KG	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for more than 60% of the day	5	6	1 full-day or 2 half-day	44	KG	0	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.) <sup>1</sup>	5	5	1 full-day or 2 half-day	45	KG	1	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.)	5	6	1 full-day or 2 half-day	44	KG	0	0	3

ADA eligibility code rules:

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

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

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

<sup>1</sup> Refer to [4.7.14 Code 45 - Full-Time Early Childhood \(Preschool Programs for Children with Disabilities\) Special Education Setting](#).

#### ***4.9.5 PPCD Services and Head Start***

Your district and a Head Start program should provide collaborative services as documented in a memorandum of understanding between the two entities. For students with disabilities served in a district-operated or community-based Head Start program, refer to the chart in [4.9.8 Coding Chart: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility](#) to make coding determinations for grade level, instructional setting code, and PPCD indicator.

ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since Head Start attendance does not generate ADA or weighted funding.

#### ***4.9.6 PPCD Services and Students Served in a District-Operated Preschool or Child Care Facility***

For students with disabilities served in a district-operated preschool or child care facility, refer to the chart in [4.9.8 Coding Chart: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility](#) to make coding determinations for grade level, instructional setting code, and PPCD indicator. ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since preschool and child care services do not generate ADA or weighted funding.

If your district establishes an early childhood education program to serve all 3- and/or 4-year-olds regardless of eligibility or other criteria, your district may use the mainstream code (40) for a student in the program who receives special education services (other than speech therapy) in the general classroom. However, for the mainstream code to be used for the student, the majority of students in his or her class must be students who are not receiving special education services.

District-operated preschool and child care settings include, but are not limited to, a staff child day care facility, a staff child care center open to the community, and a district therapy setting not primarily designed for children with disabilities and in which the majority of the children are nondisabled.

#### ***4.9.7 PPCD Services and Students Served in a Community-Based Preschool or Child Care Facility***

For students with disabilities served in a community-based preschool or child care facility, refer to the chart in [4.9.8 Coding Chart: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility](#) to make coding determinations for grade level, instructional setting code, and PPCD indicator. ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since preschool and child care services do not generate ADA or weighted funding.

If your district enters into a collaborative effort with a preschool or child care center to serve all 3- and/or 4-year-olds regardless of eligibility or other criteria, your district may use the off home campus - mainstream code (91) for a student in the program who receives special education services (other than speech therapy) in the general classroom. However, for code 91 to be used for the student, the majority of students in his or her class must be students who are not receiving special education services.

Community-based child care settings and facilities include, but are not limited to, a private child care center, a private preschool, and a community-based Head Start program.

### 4.9.8 Coding Chart: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility

Coding Chart 3: PPCD Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility							
	Student Age <sup>1</sup>	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
<b>Community-based: A student who is eligible for special education services, is receiving services in a community-based Head Start program, community-based preschool, or community-based child care facility, and is:</b>							
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	91	EE	1	0	3
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	91	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	97	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	97	EE	1	0	3
<b>District-operated: A student who is eligible for special education services, is receiving services in a district-operated Head Start program, district-operated preschool, or district-operated child care facility, and is:</b>							
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	40	EE	1	0	3
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	40	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	45	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	45	EE	1	0	3

ADA eligibility code rules:

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

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

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

<sup>1</sup>An eligible special education student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

### ***4.9.9 PPCD Services and Private or Home School Student Aged 3 or 4 Years and in Need of Special Education***

Under 19 TAC [§89.1096](#), Provision of Services for Students Placed by Their Parents in Private Schools or Facilities, the amount and type, if any, of special education and related services made available by your district to students with disabilities placed in private schools or facilities are determined based on ongoing consultation with representatives of the private school and representatives of parentally placed private school students with disabilities and a proportionate share calculation.<sup>150</sup>

See the TEA Guidance on Parentally Placed Private School Children with Disabilities web page at <http://www.tea.state.tx.us/index2.aspx?id=2147492070> for more information.

#### **4.9.9.1 Dual Enrollment of Private or Home School Student**

If an ARD committee determines that a private or home school student aged 3 or 4 years is eligible for and in need of special education instruction and/or related services, the parent may 1) enroll the student only in the public school, 2) “dual enroll” the student, or 3) decline to have the student enroll in public school.

“Dual enrollment” means the enrollment of a 3- or 4-year-old student who is eligible for special education services in both a public school district, through which the student receives special education services, and a private or home school.

Parents of an eligible student have the right to “dual enroll” the student beginning on the student’s third birthday and continuing until the end of the school year in which the student turns 5, or until the student is eligible to attend your district’s public school kindergarten program, whichever comes first.

When parents choose to enroll a child under the dual enrollment provision, your school district should take the following steps to enroll the student, based on the services and amount of time needed to provide those services as set forth in the student’s IEP:

1.
  - enroll the student for at least 4 hours per day,
  - count the student as eligible for full-day attendance (ADA eligibility code 1),
  - record an instructional setting code for contact hours based on the student’s special education service, and
  - count the student on the annual federal child count indicator through the TSDS PEIMS; **or**
2.
  - enroll the student for at least 2 hours but fewer than 4 hours per day,
  - count the student as eligible for half-day attendance (ADA eligibility code 2),
  - record an instructional setting code for contact hours based on the student’s special education service, and
  - count the student on the annual federal child count indicator through the TSDS PEIMS; **or**

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<sup>150</sup> 34 CFR, §§300.130–300.144



3.
  - enroll the student for fewer than 2 hours per day,
  - count the student as enrolled but not in membership (ADA eligibility code 0), and
  - count the student on the annual federal child count indicator through the TSDS PEIMS but **not** for ADA or contact hours.

If the parent of an eligible student declines dual enrollment for the student, your school district must make the special education and related services available as provided for in 19 TAC [§89.1096\(d\)](#), which provides for parents of an eligible child who decline dual enrollment to request a services plan. Since the obligation of your district to provide special education and related services is limited, and any services provided will be under a services plan, not an IEP, the student will not generate ADA. However, **a student receiving services under a services plan** should be entered into the TSDS PEIMS with an ADA eligibility code of 0 - enrolled, not in membership, and counted on the **last Friday of October for the fall TSDS PEIMS submission** child count snapshot for data reporting purposes.

#### ***4.9.10 Some Common Instructional Setting Codes for Students Receiving PPCD Services***

Following is a list of instructional setting codes commonly used for students receiving PPCD services. **Note that it is not an exhaustive list.** For a complete list of instructional setting codes and detailed information on when to use them, see [4.7 Instructional Setting Codes](#).

Commonly used instructional setting codes for students receiving PPCD services:

**00 - No Instructional Setting**

See [4.7.1 Code 00 - No Instructional Setting \(Speech Therapy\)](#).

**01 - Homebound**

See [4.7.2 Code 01 - Homebound](#). See especially the information in [4.7.2.4 Preschool Programs for Children with Disabilities and Homebound Services](#).

**40 - Mainstream**

See [4.7.10 Code 40 - Special Education Mainstream](#). See especially the information in [4.7.10.3 Preschool Programs for Children with Disabilities and Mainstream Instructional Settings](#).

**41 or 42 - Resource Room/Services**

See [4.7.11 Code 41 or 42 - Resource Room/Services](#).

**43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus**

See [4.7.12 Code 43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus](#).

**45 - Full-Time Early Childhood (PPCD) Special Education Setting**

See [4.7.14 Code 45 - Full-Time Early Childhood \(Preschool Programs for Children with Disabilities\) Special Education Setting](#).

**91, 96, 97, 98 - Off Home Campus**

See [4.7.20 Code 91, 92, 93, 94, 95, 96, 97, or 98 - Off Home Campus](#).

## 4.10 Special Education Services for Infants and Toddlers

Infants and toddlers (children 0 through 2 years of age) who have visual or auditory impairments or both and who are served by your district are eligible for special education services<sup>151</sup> and are eligible to generate ADA. The following subsections describe the coding information to use for these children.

### 4.10.1 Infants Receiving Visual Impairment Services, Orientation and Mobility (O&M) Services, or Both

All infants (birth through 2 years of age) receiving visual impairment services, O&M services, or both **at home, in day care, or in a nondistrict center-based program** should be reported with the information shown in the following table:

<b>Grade Level</b>	EE
<b>Instructional Setting Code</b>	01, homebound (a doctor's statement is not needed)
<b>ADA Eligibility Code</b>	<p><b>0—enrolled, not in membership</b> if the infant is served fewer than 2 hours per week</p> <p><b>2—eligible for half-day attendance</b> if the infant is served at least 2 hours but fewer than 4 hours per week</p> <p><b>1—eligible for full-day attendance</b> if the infant is served at least 4 hours per week</p>

See [4.7.2 Code 01 - Homebound](#) for more information on the homebound instructional setting.

All infants receiving visual impairment services, O&M services, or both **in center-based programs** (not an early childhood intervention [ECI] program) should be reported with the information shown in the following table:

<b>Grade Level</b>	EE
<b>Instructional Setting Code</b>	<p><b>44</b>, self-contained, mild/moderate/severe, regular campus <i>or</i> <b>97</b>, off home campus <i>depending on the location of the services</i></p>
<b>ADA Eligibility Code</b>	<p><b>0—enrolled, not in membership</b> if the infant is served fewer than 2 hours per day</p> <p><b>2—eligible for half-day attendance</b> if the infant is served at least 2 hours but fewer than 4 hours per day</p> <p><b>1—eligible for full-day attendance</b> if the infant is served at least 4 hours per day</p>

### 4.10.2 Infants Receiving Auditory Impairment (Deaf) Services

All infants (birth through 2 years of age) receiving auditory impairment (deaf) services **at home or in day care** should be reported with the information shown in the following table:

<b>Grade Level</b>	EE
<b>Instructional Setting Code</b>	01, homebound (a doctor's statement is not needed)

<sup>151</sup> Under the TEC, [§29.003](#), a FAPE must be available from birth to students with visual or auditory impairments.

<b>ADA Eligibility Code</b>	<p><b>0—enrolled, not in membership</b> if the infant is served fewer than 2 hours per week</p> <p><b>2—eligible for half-day attendance</b> if the infant is served at least 2 hours but fewer than 4 hours per week</p> <p><b>1—eligible for full-day attendance</b> if the infant is served at least 4 hours per week</p>
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See [4.7.2 Code 01 - Homebound](#) for more information on the homebound instructional setting.

All infants receiving auditory impairment (deaf) services **in your school district or in nondistrict centers** should be reported with the information shown in the following table:

<b>Grade Level</b>	EE
<b>Instructional Setting Code</b>	<p><b>44</b>, self-contained, mild/moderate/severe, regular campus <i>or</i></p> <p><b>97</b>, off home campus <i>depending on the location of the services</i></p>
<b>ADA Eligibility Code</b>	<p><b>0—enrolled, not in membership</b> if the infant is served fewer than 2 hours per day</p> <p><b>2—eligible for half-day attendance</b> if the infant is served at least 2 hours but fewer than 4 hours per day</p> <p><b>1—eligible for full-day attendance</b> if the infant is served at least 4 hours per day</p>

#### **4.10.3 Infants (Birth through 2 Years of Age) Receiving Home-Based Instruction**

**Important: Only** a district that operates an ECI program through a contract with the Texas Department of Assistive and Rehabilitative Services may code an infant with this instructional setting code.

An instructional setting code of **31, home-based instruction**, is used for an infant (birth through age 2) to whom early intervention services are provided in the client’s home. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving home-based instruction as described in the previous paragraph:

<b>Grade Level</b>	EE
<b>Instructional Setting Code</b>	<b>31</b> , home-based instruction
<b>ADA Eligibility Code</b>	<b>0—enrolled, not in membership</b>

#### ***4.10.4 Infants (Birth through 2 Years of Age) Receiving Center-Based Instruction***

An instructional setting code of **32, center-based instruction**, is used for an infant (birth through age 2) when the infant and his or her family are provided early intervention services through an ECI program operated through the Texas Department of Assistive and Rehabilitative Services and in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting code does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving center-based instruction as described in the previous paragraph:

<b>Grade Level</b>	EE
<b>Instructional Setting Code</b>	<b>32</b> , center-based instruction
<b>ADA Eligibility Code</b>	<b>0—enrolled, not in membership</b>

#### ***4.10.5 Infants (Birth through 2 Years of Age) Receiving Services in Other Environment***

**Important: Only** a district that operates an ECI program through a contract with the Texas Department of Assistive and Rehabilitative Services may code an infant with this instructional setting code.

Infants receiving early intervention services in an environment other than a home or a center should be coded with an instructional setting code of **34, other environment**. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving services in another environment as described in the previous paragraph:

<b>Grade Level</b>	EE
<b>Instructional Setting Code</b>	<b>34</b> , other environment
<b>ADA Eligibility Code</b>	<b>0—enrolled, not in membership</b>

## 4.11 Shared Services Arrangements (SSAs), Including Regional Day School Program for the Deaf SSAs

An SSA is an arrangement in which school districts enter into a written contract to jointly operate their special education programs. School districts may also enter into SSAs to establish regional day school programs for the deaf. A student who attends a program operated under an SSA may be reported by the receiving district without the necessity of a legal transfer. Note: With the closing of STS, RDSPD SSAs must report students who reside in one district but receive educational services in another district as transfer students.

For more information on ADA eligibility codes, see [3.2.1 ADA Eligibility Coding](#).

The matter of which district will report the student should be outlined in the SSA agreement between the member districts. The same district reports the student for **all** TSDS PEIMS reporting. If the RDSPD fiscal agent district reports TSDS PEIMS data for students who reside in another district, the student must be reported on the 40100 record as a transfer student (attribution code 6 – transfer student). For these transfer students, the district must also report the Campus-ID-of-Residence (data element E0903).

### 4.11.1 Regional Day School Programs for the Deaf (RDSPDs)

Students in an RDSPD must be served a minimum of 45 minutes per week by an RDSPD teacher. All students who receive instructional services through the RDSPD for the minimum time indicated should be reported on the TSDS PEIMS 42408 (Student Data - Special Education) and 42401 (Special Education Attendance Data - Student) records using C067 (Reg-Day-Sch-Prog-Deaf) code 3.

The following table shows the ADA eligibility codes to use for students in an RDSPD.

<b>If a student is enrolled in an RDSPD:</b>	<b>then use ADA eligibility code:</b>
and is a full-day student (served for at least 4 hours [240 minutes]) and is a resident of the district submitting TSDS PEIMS data	<b>1</b> —eligible for full-day attendance
and is a half-day student (served for at least 2 hours [120 minutes]) and is a resident of the district submitting TSDS PEIMS data	<b>2</b> —eligible for half-day attendance
and is a full-day student (served for at least 4 hours [240 minutes]) but is not a resident of the district submitting TSDS PEIMS data	<b>3</b> —eligible for full-day attendance (note: this also requires that the student be assigned an attribution code of 6 – transfer student on the 40100 record)
and is a half-day student (served for at least 2 hours [120 minutes]) but is not a resident of the district submitting TSDS PEIMS data	<b>6</b> —eligible for half-day attendance (note: this also requires that the student be assigned an attribution code of 6 – transfer student on the 40100 record)

## 4.12 Coding Chart: Services for Students with Disabilities— Exceptions to the Norm

Coding Chart 4: Services for Students With Disabilities—Exceptions to the Norm							
	Student Age	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
<b>District Visual Impairment Services, O&amp;M Services, or Both</b>							
Home/day care/nondistrict center-based program	0–2	2–4/hr/week rule	01	EE	0	0 <sup>1</sup>	0
In district center-based program	0–2	2–4 hr/day rule	44 or 97	EE	0	0 <sup>1</sup>	0
<b>District or RDSPD Auditory Impairment (Deaf) Services<sup>2</sup></b>							
At home or in day care	0–2	2–4 hr/week rule	01	EE	0	0 <sup>1</sup>	0
In district or nondistrict centers	0–2	2–4 hr/day rule	44 or 97	EE	0	0 <sup>1</sup>	0
<b>Texas Department of Assistive and Rehabilitative Services ECI Program—Operated by a School District<sup>3</sup></b> (Service ends on 3 <sup>rd</sup> birthday.)							
Home-based instruction	0–2	0	31	EE	0	1	0
Center-based instruction	0–2	0	32	EE	0	1	0
Other environment	0–2	0	34	EE	0	1	0
<b>Head Start Programs (Eligibility depends on amount of time with special education teacher.)</b>							
School-based Head Start (see chart in <a href="#">4.9.5 PPCD Services and Head Start</a> )	3 or 4	2–4 hr/day rule	40/45	EE	1	0	3
Community-based Head Start (see chart in <a href="#">4.9.5 PPCD Services and Head Start</a> )	3 or 4	2–4 hr/day rule	91/97	EE	1	0	3
<b>Private School Students</b>							
Where served not relevant (dual enrolled)	3 or 4	2–4 hr/day rule	Per IEP	EE	1	0	3
Where served not relevant	5–21	0	Per ISP	Approp.	0	0	3
Indirect services—students not reported to TSDS PEIMS	3–21						
<b>Students 18–21 Age on September 1</b>							
In public school; student is working toward completing graduation requirements	18–21	2–4 hr/day rule	Per IEP	12	0	0	3
Student graduated by meeting requirements of 19 TAC <a href="#">§89.1070(b)</a> & returned under <a href="#">§89.1070(k)</a> —Graduation type codes 04–06	18–21	2–4 hr/day rule	Per IEP	12	0	0	3

ADA eligibility code rules:

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

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

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

<sup>1</sup> ECI Indicator code “0” is used for children (0–2) who receive jointly district and ECI services under the ECI TEA MOU from an ECI program not operated by your district.

<sup>2</sup> Districts and RDSPDs should have an agreement related to the reporting of TSDS PEIMS data for these students.

<sup>3</sup> Only districts that operate an ECI program under the auspices of the Texas Department of Assistive and Rehabilitative Services should report children 0–2 using the ECI indicator code 1. Districts without district-operated ECI programs must report children served jointly under the ECI TEA MOU using the ECI indicator code 0.

## 4.13 Extended School Year (ESY) Services

Your district will be funded for any ESY services it provides for special education students beyond the regular school year during a period such as winter, spring, or summer break. The ARD committee determines the need for ESY services based on documented evidence that the student may be expected to exhibit severe or substantial regression that cannot be recouped within a reasonable period of time.<sup>152</sup>

The procedures for providing ESY services are as follows:

1. At the review of the student's IEP, the ARD committee members must consider whether a student will benefit from ESY services based on regression and recoupment information from the service providers, the student's parents, and evaluations (formal, informal, or both) provided by the LEA and/or the student's parents.

A student who receives ESY services must be reported with the same instructional setting code with which the student was reported during the school year, if he or she had an instructional setting code for the school year.

If a student is turning 3 years old during the summer, the ARD committee may begin to implement the IEP at the start of the school year. Or, if necessary for the student to receive a FAPE, the ARD committee may decide to begin to implement the IEP through ESY services.

2. Each special education teacher and related service provider who provides ESY services is responsible for maintaining an ESY services record or register of the actual instructional eye-to-eye contact hours that each student receives. The ESY services record or register must contain the following data:
  - a. The name of the district and the campus
  - b. The county-district-campus number
  - c. The beginning and ending dates of each week of ESY services
  - d. The grade level of each student as shown in the attendance system for the regular school year
  - e. The student's name as shown in the attendance system for the regular school year
  - f. The instructional setting code of the student as shown in the attendance system for the regular school year
  - g. The total actual contact hours served. Each teacher or special education service provider must record in 30-minute increments the actual number of contact hours the student was served in class each day. Increments of fewer than 30 minutes are not counted.
  - h. The total contact hours by instructional setting code, in order to sum the total ESY services contact hours for each instructional setting
3. After the period for the provision of ESY services ends, the teachers and related service providers must sign ESY services records or registers and forward them to the superintendent (or the superintendent's designee) for safekeeping. Your district retains the ESY services records or registers locally for audit purposes. Your district must report ESY services data to the TEA

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<sup>152</sup> TEC, [§42.151\(k\)](#); 19 TAC [§89.1065](#)

using **42408 ESY Services Student Records** according to Section 2 of the TSDS PEIMS *Data Standards*.

**Note: A student coded with an instructional setting code of 40, mainstream, is ineligible for state funding through ESY services.** This prohibition does not mean that your district should not or cannot administer mainstream services as an ESY service. If a student who received mainstream services during the regular school year requires mainstream services through the summer, then your school district should serve the student accordingly. However, funding for the mainstream service must come from sources other than those for ESY services.

## 4.14 Exiting a Limited English Proficient (LEP) Student Who Is Receiving Special Education Services from a Bilingual Education or English as a Second Language (ESL) Program

See [6.8.3 Exit Procedures and Criteria for ELL Students Receiving Special Education Services](#) for information on transferring a LEP student who is receiving special education services out of a bilingual education or ESL program.

## 4.15 Eligible Days Present and Contact Hours

No matter what instructional setting code is assigned to a student, the student's total number of eligible days present for that instructional setting must be recorded for each 6-week reporting period in the Student Detail Report. Eligible days present are determined by whether the student was present at the official attendance-taking time each day or, for the homebound instructional setting, by the number of eligible days present earned each week according to the homebound funding chart (see [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#)).

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

### 4.15.1 Contact Hours for Each Instructional Setting

When computing information for the Campus Summary Report (see Section 2), contact hours for each instructional setting must be recorded. To compute contact hours, multiply the total eligible days present for that instructional setting by the corresponding contact-hour multiplier. Each instructional setting has a different contact-hour multiplier. Use the following chart when computing special education contact hours.



**Contact-Hour Multiplier for Each Instructional Setting Code**

<b>Instructional Setting</b>	<b>Instructional Setting Code(s)</b>	<b>Contact-Hour Multiplier</b>
no instructional setting (speech therapy)	00	0.250
homebound	01	1.000
hospital class	02	4.500
VAC	08	5.500
state supported living center	30	5.500
resource room	41 and 42	2.859
mild/moderate/severe	43 and 44	2.859
full-time early childhood	45	2.859
residential care and treatment	81–89	5.500
off home campus	91–98	4.250

#### **4.15.2 Special Education Contact Hours**

The Student Detail Report should reflect eligible special education days present for each eligible student receiving special education services. Campus Summary Reports and District Summary Reports should document **total** eligible special education days and total special education contact hours by instructional setting code by 6-week reporting period.

$$\text{Total Special Education Contact Hours} = \text{Eligible Special Education Days} \times \text{Contact-Hour Multiplier}$$

#### **4.15.3 Excess Contact Hours**

Excess contact hours should also be totaled for each instructional setting. For funding purposes, a student may receive a maximum of 6 contact hours per day. Time in excess of 6 contact hours per day, earned by any combination of special education and CTE classes, must be deducted from the student’s primary special education instructional setting. Excess contact hours may be deducted from speech therapy **only if** there are no other special education contact hours.

For examples of how to determine excess contact hours, see [4.18.12 Calculation of Excess Contact Hours Examples](#).

#### **4.15.4 Eligible Mainstream Days Present**

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

Your district must produce a separate Campus Summary Report for each instructional track for each campus in your district. At the end of each 6-week reporting period, a District Summary Report must be computed. Campus Summary Reports and District Summary Reports must include eligible mainstream

days present for each grade level, total eligible mainstream days present for all grades, and campus or district mainstream ADA. **At no time are mainstream eligible days present converted to contact hours.**

## 4.16 Special Education Documentation

For your district to claim special education contact hours and receive weighted funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating special education eligible days present and for every student with a speech therapy indicator code on the Student Detail Report.

Your district must maintain the following:

- documentation to support the amount of time teachers served students in the homebound instructional setting each week
- documentation to support the IFSP or ARD committee decisions regarding a student and a copy of the student’s IFSP or IEP, as applicable, in the student’s eligibility folder
- the following statements, if applicable, in the student’s eligibility folder:
  - **homebound**—for a student aged 6 years or older, a licensed physician’s statement confirming the need for the student to be placed in the homebound instructional setting for a minimum of 4 weeks
  - **hospital class**—documentation from a proper authority confirming the need for the student to reside in the facility
  - **residential care and treatment facility**—documentation from a proper authority confirming the placement for the student to reside in the facility

## 4.17 Teacher Requirements

Beginning with the 2016-2017 school year, schools and teachers will only need to meet state requirements for certification. The federal term of “highly qualified teacher status” will no longer apply. It is important to note that all state certification requirements adopted in State Board for Educator Certification rule remain in place.

A special education teacher who delivers direct instruction to students with disabilities in core academic subject areas must meet the appropriate state special education certification requirements<sup>153</sup> for the grade level that he or she is teaching.

For teacher requirements specific to the homebound instructional setting, see [4.7.2.1 Homebound Notes](#).

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<sup>153</sup> For the certification required for particular assignments, see 19 TAC [Chapter 231](#), available at [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=19&pt=7&ch=231&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=19&pt=7&ch=231&rl=Y).

## 4.18 Examples

This subsection provides examples of the codes to use for various situations involving students who receive special education services.

### 4.18.1 Code 01 - Homebound Examples

**Example 1:** An 8-year-old special education student (instructional setting code **41, resource room/services - less than 21%**) develops a medical condition, and the school obtains a licensed physician's statement affirming that the medical condition will prevent him from attending school for at least 4 weeks.

1. *The ARD committee should convene to review all of the student information (including the physician's statement) to determine if homebound services are appropriate. If the ARD committee determines homebound services are appropriate, the committee should document the following in the student's records:*
  - a) *Licensed physician's statement and ARD committee documentation, which must be on file before a student may be coded homebound*
  - b) *The date that homebound services will begin*
  - c) *The change of placement from resource room to a homebound setting, which will result in a change in the instructional setting code from **41** to **01, homebound***
  - d) *The type, frequency, and duration of services that will be provided in the homebound setting*
  - e) *The certified special education and related service providers who will be serving the student in the homebound setting*
  
2. *At the end of the week, special education staff members should inform the attendance clerk of the amount of time the student received service from the certified special education teacher and the number of absences to be recorded in the attendance accounting system.*

*Example A: If the student is served 4 or more hours that week, the student is recorded present every day that week.*

*Example B: If the student is served 2 hours that week, the student is recorded present for 2 days and absent for 3 days of that week.*

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

3. *The ARD committee should convene to review current student information (including the physician's statement) to determine if a transition period is necessary and the date homebound services are no longer appropriate. If the student requires a transition period when returning to the classroom setting, the ARD committee should document the following in the student's IEP:*
  - a) *The length of time for the transition period*
  - b) *The amount of time the student will be served in both settings (homebound and classroom) during the transition period*

- c) *The effective date that the student's instructional setting code will change back to **41***

*During the transition period, the student's instructional setting code remains **01, homebound**, based on the homebound funding chart (see [4.7.2.7 Transition from Homebound to the Classroom](#)). The date the transition period is completed and the student returns to the classroom full time, the student's instructional setting code changes back to **41**.*

**Example 2:** A student with a chronic illness or acute health problem (recurring condition) will be absent from school for at least 4 weeks over the entire school year, as documented by a licensed<sup>154</sup> physician. The ARD committee determines and documents in the IEP that during the time of absence, the student will be served through the homebound instructional setting.

During the first week of the second 6-week reporting period, the student is present on Monday and receives services following the requirements of the 2-through-4-hour rule. The student is then absent on Tuesday, Wednesday, and Thursday but receives 3 hours of homebound instruction from a certified special education teacher on Thursday following the requirements of the homebound funding chart. The student returns to school on Friday and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present. The student's instructional setting code is **42, resource room/services - at least 21% and less than 50%**, for 2 days and **01, homebound**, for 3 days.

During the second week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code **42**.

During the third week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code **42**.

During the fourth week of the second 6-week reporting period, the student is present on Monday, Tuesday, and Wednesday and receives services following the requirements of the 2-through-4-hour rule. The student is then absent on Thursday and Friday but does not receive any homebound instruction because the student is too ill to receive services. The student generates 3 eligible days present in instructional setting code **42**. The student is counted absent for 2 days.

During the fifth week of the second 6-week reporting period, the student is absent all 5 days and is served 4 hours at home by a certified special education teacher following the requirements of the homebound funding chart. The student generates 5 eligible days present in instructional setting code **01**.

During the sixth week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code **42**.

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<sup>154</sup> You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_NoticeVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp).

*To document for attendance reporting purposes the changing instructional settings for this student who has a recurring condition, the attendance clerk accumulates the attendance information for the entire second 6-week reporting period and summarizes the information for the eligible days of attendance and contact hours served. The eligible days present and absent are recorded in the attendance accounting system at the end of the second 6-week reporting period.*

**Example 3:** A certified special education teacher administers the required state math assessment to a student confined to the home on a Tuesday. It takes the student 2 hours to complete the math assessment. The teacher returns on Wednesday and administers the required state reading assessment. It takes the student 2 hours to complete the reading assessment.

*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 is administered. In all cases, the homebound instruction must be in addition to the time the student is tested.*

**Example 4:** 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 an additional 30 minutes of homebound instruction to earn 1 day present.*

**Example 5:** 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 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 setting code for that day is 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 setting code for Friday is **40, mainstream**.*

#### **4.18.2 Code 02 - Hospital Class Examples**

**Example 1:** A student in special education has been confined to a hospital. While at the hospital, the student attends class at the hospital taught by a teacher from your district's high school campus.

*The instructional setting code for this student is **02, hospital class**. Standard attendance accounting rules apply for recording student absences for students in the hospital class instructional setting.*

**Example 2:** A special education student who resides in a residential care and treatment facility within your district's boundaries receives special education instruction and related services at the residential care and treatment facility.

*The instructional setting code for this student is **02, hospital class**.*

#### **4.18.3 Code 08 - Vocational Adjustment Class (VAC) Example**

**Example 1:** A student works half of the school day and attends classes the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTED classes. After 3 weeks, the student loses his job but remains in the special education job training class he has been enrolled in from the beginning of the school year.

*For the time the student is gainfully employed, the instructional setting code for the student is 08, and the CTE code is V2 (see [Section 5 Career and Technical Education \(CTE\)](#)). As soon as the student loses his job, the student's instructional setting code changes to reflect the appropriate code for the interim placement determined by the ARD committee, but the CTE code remains V2 if the student remains enrolled in two vocational classes. Note that CTED classes are CTE classes and not special education classes.*

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

**Example 2:** A student works (paid or unpaid) in a job or job training program (assisted or unassisted) and receives regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. The student may or may not attend special education classes in the district in accordance with the IEP.

For the time the student is employed (paid or unpaid, assisted or unassisted), the instructional setting code for the student is 08. The IEP determines the extent of regularly scheduled direct involvement of special education personnel.

#### **4.18.4 Code 40 - Mainstream Examples**

**Example 1:** A student attends all general education classes. Certified special education personnel are involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student. The student's IEP specifies the services that will be provided by certified special education staff members to enable the student to appropriately progress in the general education curriculum, appropriately advance in achieving the goals set out in the student's IEP, or both.

*The instructional setting code for this student is **40, mainstream**.*

**Example 2:** A student attends six general education classes a day. In five of the six general education classes the student receives special education services by certified special education personnel.

*The instructional setting code for this student is **40, mainstream**, because the student receives special education services in the general education class.*

**Example 3:** A student attends all general education classes and receives special education services in the general education setting. For 1 hour a week, as documented in the IEP, this student receives physical therapy in the general education classroom.

*The instructional setting code for this student is **40, mainstream**, because the student receives all special education and related services in the general education class. (If this student received physical therapy in a location other than a general education setting, then the instructional setting code would be **41, resource room/services - less than 21%**.) The student's physical therapy indicator code is **1**.*

**Example 4:** A student attends all general education classes with an interpreter from the RDSPD.

*The instructional setting code for this student is **40, mainstream**, because the student receives special education services in the general education class. Regardless of the amount of time the interpreter spends with the student, the instructional setting code is **40**.*

**Example 5:** A 4-year-old student with a disability who is eligible for the PK program and the special education program receives special education and related services (including speech therapy) in the PK classroom for 3 hours 5 days a week. The certified special education teacher teaches collaboratively in the PK classroom with the PK teacher for the full 3 hours and the full 5 days. The occupational therapist provides services for 20 minutes twice a week in the PK classroom. The speech therapist provides speech instruction for 30 minutes a week in a location other than a general education setting.

*The student generates half-day ADA eligibility.*

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **40, mainstream**; the speech therapy indicator code is **2**; and the occupational therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*One instructional setting code is recorded for this student: **00, no instructional setting**. (The 42401 record does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 record should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the 42400 record.)*

#### **4.18.5 Codes 41 and 42 - Resource Room/Services Examples**

**Example 1:** A student attends four general education classes and three special education classes a day. The student attends the three special education classes in the resource room.

*The instructional setting code for this student is **42, resource room/services - at least 21% and less than 50%**, because the student is in a location other than a general education setting of the general education class to receive special education services in the resource room and the*



*student receives special education services for at least 21% and less than 50% ( $3/7 = 43\%$ ) of the student's total instructional day.*

*If this student attended six general education classes and one special education class a day, then the student would have an instructional setting code of **41, resource room/services - less than 21%**, because the student would be in a location other than a general education setting of the general education class to receive special education services and would receive special education services for less than 21% ( $1/7 = 14\%$ ) of the student's total instructional day.*

**Example 2:** A student attends all general classes and receives special education services in the general education setting, except for 1 hour a week, as documented in the IEP, when the student is pulled out to receive physical therapy in a special education setting.

*The instructional setting code for this student is **41, resource room/services - less than 21%**, because the student receives regularly scheduled related services in a special education setting but is otherwise served in general education. The physical therapy indicator code is **1**.*

**Example 3:** A student attends all general classes, except for 1 hour a week, as documented in the IEP, when the student receives support services in a resource room from a certified special education teacher, or from an itinerant teacher from an RDSPD.

*The instructional setting code for this student is **41, resource room/services - less than 21%**, because the student receives direct, regularly scheduled special education support services in a special education setting.*

#### **4.18.6 Codes 43 and 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus Examples**

**Example 1:** A student on a departmentalized campus attends four special education classes and three general education classes each day.

*The instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, because the student receives special education services for at least 50% and no more than 60% ( $4/7 = 57\%$ ) of the student's total instructional day.*

**Example 2:** A student on an elementary campus spends 3 out of 6 instructional hours in the special education classroom.

*The instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%** ( $180 \text{ minutes}/360 \text{ minutes} = 50\%$ ).*

**Example 3:** A student on an elementary campus spends 200 minutes out of 300 instructional minutes in the special education classroom. The student spends the other 100 minutes in a general education classroom.



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

**Example 4:** A student on an elementary campus spends 145 minutes out of 300 instructional minutes in the special education classroom and receives 30 minutes (an average of 6 minutes/day) of speech (or any related service)\*. The student spends the other 149 minutes in a general education classroom.

\*The following coding information assumes the student receives speech therapy.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, because 50% (151/300 = 50%) of the student's instructional day is spent in special education. The speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, and **00, no instructional setting**.*

**Example 5:** A student legally transferred into the serving district attends classes for the entire instructional day, in the special education classroom that serves students from other districts.

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

*The student's ADA eligibility code is 3 - Eligible Transfer Student Full-Day (see [3.2.1.4 Code 3 Eligible Transfer Student Full-Day](#)).*

#### **4.18.7 Code 45 - Full-Time Early Childhood (PPCD) Special Education Setting (FT EC SPED) Example**

A 4-year-old student with a disability receives full-time special education and related services in educational programs designed primarily for children with disabilities located on local school district campuses. **No education or related services are provided in the mainstream early childhood settings.**

*The instructional setting code for this student is **45, full-time early childhood special education setting**, because no education or related services are provided in mainstream early childhood settings.*

#### 4.18.8 Codes 81–89 - Residential Care and Treatment Facility (Nonresident) Examples

**Example 1:** A residential care and treatment facility is within the boundaries of your school district. Several special education students who reside in the facility attend school and receive special education services at a school campus in your district. These students' parents do not reside within the boundaries of your district.

*For a special education student who resides in the residential care and treatment facility and receives all special education and related services in **mainstream** classes at a local school district campus, the instructional setting code is **81, residential care and treatment facility - mainstream**.*

*For a special education student who resides in the residential care and treatment facility and attends **one special education class and six general education classes** at a local school district campus, the instructional setting code is **82, residential care and treatment facility - resource room/services - less than 21%** ( $1/7 = 14\%$ ).*

*For a special education student who resides in the residential care and treatment facility and attends **three special education classes and four general education classes** at a local school district campus, the instructional setting code is **83, residential care and treatment facility - resource room/services - at least 21% and less than 50%** ( $3/7 = 43\%$ ).*

*For a special education student who resides in the residential care and treatment facility and attends **three special education classes and three general education classes** at a local school district campus, the instructional setting code is **84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%** ( $3/6 = 50\%$ ).*

*For a special education student who resides in the residential care and treatment facility and attends **five special education classes and one general education class** at a local school district campus, the instructional setting code is **85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%** ( $5/6 = 83\%$ ).*

*For a special education student who resides in the residential care and treatment facility and receives **speech therapy services only**, the instructional setting code is **00, no instructional setting**.*

**Example 2:** A special education student who resides in a residential care and treatment facility within your district's boundaries attends special education classes on a local school district campus that serves only special education students.

*The instructional setting code for this student is **86, residential care and treatment facility - separate campus**.*

**Example 3:** A 3-year-old special education student who resides in a residential care and treatment facility within your district's boundaries receives special education and related services in a self-contained special education classroom within a child care facility.

*The instructional setting code for this student is **87, residential care and treatment facility - community class**.*

*If the services were provided in a self-contained special education class within an agency in the community (such as a community-based Head Start program), then the instructional setting code for this student still would be **87**.*

**Example 4:** A special education student who resides in a residential care and treatment facility within your district's boundaries works half of the school day and attends classes at the high school campus the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTED classes.

*The instructional setting code for this student is **88, residential care and treatment facility - vocational adjustment class**. The student's CTE code is V2 (see [Section 5 Career and Technical Education \(CTE\)](#)). Note that CTED classes are CTE classes and not special education classes.*

**Example 5:** A 4-year-old special education student who resides in a residential care and treatment facility within your district's boundaries receives full-time special education and related services in the PPCD on a local school district elementary campus.

*The instructional setting code for this student is **89, residential care and treatment facility - full-time early childhood special education setting**.*

#### **4.18.9 Codes 91–98 - Off Home Campus Examples**

**Example 1:** A student attends special education classes on a local school district campus that serves only special education students.

*The instructional setting code for this student is **96, off home campus - separate campus**.*

**Example 2:** A student attends the entire instructional day in another school district because the home district does not offer the special education services the ARD committee determined are required for the student to have an appropriate education.

There should be an agreement between the home district and the receiving district regarding the reporting of TSDS PEIMS and attendance data for this student. If the home district reports these data, it may report this student as being enrolled in the home district, even though the student attends the entire instructional day in the receiving district. However, it is also permissible for the receiving district to report this student in the TSDS PEIMS, instead of the home district. Only one district may report TSDS PEIMS data for an individual student. The receiving district is responsible for recording student absences and attendance. The receiving district must either submit this information to the home district (if the home district is responsible for reporting TSDS PEIMS data) or enter the information (if the receiving district is responsible for reporting TSDS PEIMS data for the student).

*If the student attends three general education classes and three special education classes, the instructional setting is determined according to which entity reports TSDS PEIMS attendance data for the student. If reported by the home district, the instructional setting code for this*

student is **94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%** (3/6 = 50%). If reported by the receiving district, the instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**.

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

If the student receives special education services and support in mainstream classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district enters TSDS PEIMS data for this student, then the instructional setting code for this student is **91, off home campus - mainstream**. If the receiving district reports TSDS PEIMS data for this student, the instructional setting code is **40, mainstream**.

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

**Example 3:** A 5-year-old special education student receives full-time special education and related services in a self-contained multidistrict preschool classroom designed for children with disabilities.

*The instructional setting code for this student is **98, off home campus - full-time early childhood special education setting**.*

**Example 4:** A preschool-age student with a disability who is eligible for special education and related services is provided special education services in a self-contained special education classroom within a child care facility.

*The instructional setting code for this student is **97, off home campus - community class**.*

*If the services were provided in a self-contained special education class within an agency in the community, then the instructional setting code for the student still would be **97, off home campus - community class**.*

**Example 5:** A 3-year-old student with a disability receives special education services (including speech therapy) in a community-based child care center for 4 hours 5 days a week and is in a class in which the majority of students are not receiving special education services. The certified special education teacher teaches collaboratively in the community-based child care classroom with the child care provider for the

full 4 hours and the full 5 days. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week.

*The student generates full-day ADA eligibility because the student meets the requirements of the 2-through-4-hour rule.*

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **91, off home campus - mainstream**, and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **91, off home campus - mainstream**, and **00, no instructional setting**.*

**Example 6:** A 4-year-old student with a disability receives special education services and related services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week. An aide is in the classroom 4 hours a day for 5 days a week to provide support services to the student.

*The student's ADA eligibility code is 0 - Enrolled, Not in Membership, because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility.*

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **91, off home campus - mainstream**, and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **91, off home campus - mainstream**, and **00, no instructional setting**.*

**Example 7:** A 4-year-old student with a disability receives special education services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 60 minutes once a week and consults with the child care provider for 60 minutes once a week.

*The student's ADA eligibility code is 0 - Enrolled, Not in Membership, because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility. The instructional setting code for this student is **91, off home campus - mainstream**.*

**Example 8:** A student with a disability attends and receives special education services in a community setting or environment (not operated by a school district) that prepares the student for postsecondary education/training, integrated employment, and/or independent living skills (including 18 plus programs/services). The student may also receive direct involvement or instruction provided by school district personnel.

#### 4.18.10 Speech Therapy Indicator Code 1 Examples

**Example 1:** A student receives services from the speech therapist 30 minutes a week and attends all general education classes. The services from the speech therapist are the only special education services the student receives.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

**Example 2:** A student receives direct speech therapy services **and** indirect support from the speech therapy program through services provided by a speech therapist. These are the only special education services the student receives.

TSDS PEIMS 42408 Record and Student Detail Report:

*Regardless of whether these services and supports are provided in a general education or in a location other than a general education setting the instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

**Example 3:** A 4-year-old student with a disability is eligible for and attends the PK program. The only special education services the student receives are speech therapy and support services, which are provided by the speech therapist. The speech therapist provides services 30 minutes twice a week in a location other than a general education setting and goes into the PK classroom to provide services, consult with the PK teacher, or both 30 minutes a week.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

**Example 4:** A 4-year-old student with a disability attends a community-based child care center. The only special education services the student receives are speech therapy and support services, which are provided by the speech therapist. The speech therapist provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. An aide is in the classroom 2 hours a day 5 days week to provide support services to the student.

*The student will **not** generate contact hours because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility.*

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

**Example 5:** A 4-year-old student receives only speech therapy and physical therapy services. The speech therapist provides services 30 minutes twice a week, and the physical therapist provides services 30 minutes twice a week. **The student does not receive any other services.** The student is ineligible for PK but is eligible for the special education services the student receives.

*The student will **not** generate contact hours because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility.*

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **00, no instructional setting**; the speech therapy indicator code is **1**; and the physical therapy indicator code is **1**.*

TSDS PEIMS 42401 Record:

*The instructional setting code for this student is **00, no instructional setting**.*

#### **4.18.11 Speech Therapy Indicator Code 2 Examples**

**Example 1:** A student attends one 55-minute special education class and five 55-minute general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes in a location other than a general education setting.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **41, resource room/services - less than 21%** (305 minutes/1,650 minutes = 18%), and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **41, resource room/services - less than 21%**, and **00, no instructional setting**.*

**Example 2:** A student attends one 55-minute special education class and four 55-minute general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes in a location other than a general education setting.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **42, resource room/services - at least 21% and less than 50%** (305 minutes/1,375 minutes = 22%), and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record:

*Two instructional setting codes are recorded for this student: **42, resource room/services - at least 21% and less than 50%**, and **00, no instructional setting**.*

**Example 3:** A student with a speech impairment and another type of disability receives special education services and support from a special education teacher in the general education classroom. The student also receives direct speech therapy services.

TSDS PEIMS 42408 Record and Student Detail Report:

*The instructional setting code for this student is **40, mainstream**, and the speech therapy indicator code is **2**. The instructional setting code of 40 may be used regardless of whether the direct speech therapy services are provided in the general education classroom or a location other than a general education setting.*

TSDS PEIMS 42401 Record:

*One instructional setting code is recorded for this student: **00, no instructional setting**. (The 42401 record does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 record should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the 42400 record.)*

#### 4.18.12 Calculation of Excess Contact Hours Examples

**Example 1:** A student attends six CTE classes (V6) and speech therapy (0.25 contact hour multiplier), for a total of 6.25 contact hours a day.

*Since this number of contact hours is over the 6.00 hour per day maximum, 0.25 contact hours must be subtracted from the speech therapy setting (instructional setting code **00, no instructional setting**) for every eligible day present the student accumulates.*

**Example 2:** A student attends two special education classes and four general education classes a day. All four of the general education classes are CTE classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional setting code **42, resource room/services - at least 21% and less than 50%**) and 4.00 contact hours for CTE (V4), totaling 6.859 contact hours a day. The first 6-week reporting period has 30 days taught. Of those 30 days, the student is present 28 days.

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

*The excess contact hours for the first 6-week reporting period for this student are calculated as follows:*

Calculate Special Education Contact Hours:	
Eligible Days Present	28.000
× Special Education Contact Hour Multiplier	× 2.859
<b>Total Special Education Contact Hours</b>	<b>80.052</b>
Calculate CTE Contact Hours:	
Eligible Days Present	28.00
× CTE Contact Hour Multiplier	× 4.00
<b>Total CTE Contact Hours</b>	<b>112.00</b>



Calculate Total Contact Hours:	
CTE Contact Hours	112.000
+ Special Education Contact Hours	<u>+ 80.052</u>
<b>Total Contact Hours</b>	<b>192.052</b>

Calculate Maximum Contact Hours Allowed:	
Number Days Present	28.00
× Maximum Hours per Day	<u>× 6.00</u>
<b>Total Maximum Contact Hours Allowed</b>	<b>168.00</b>

Calculate Total Excess Contact Hours:	
Total Contact Hours	192.052
– Maximum Contact Hours Allowed	<u>– 168.000</u>
<b>Total Excess Contact Hours for First 6 Weeks</b>	<b><u>24.052</u></b>

OR

Calculate Excess Contact Hours per Day:	
Total Contact Hours per Day	6.859
– Maximum Hours per Day	<u>– 6.000</u>
<b>Total Excess Contact Hours per Day</b>	<b>0.859</b>

Calculate Total Excess Contact Hours:	
Total Excess Contact Hours per Day	0.859
× Eligible Days Present	<u>× 28.000</u>
<b>Total Excess Contact Hours for First 6 Weeks</b>	<b><u>24.052</u></b>

**Example 3:** A student attends two special education classes and four general education classes a day. All of the general education classes are CTE classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional setting code **42, resource room/services - at least 21% and less than 50%**) and 4.00 contact hours for CTE (V4), totaling 6.859 contact hours a day. On the 11th school day of the first 6 weeks, the ARD committee meets and changes the student’s schedule. The student then attends one special education class and five general education classes a day. All five of the general education classes are CTE classes. The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional setting code **41, resource room/services - less than 21%**) and 5.00 contact hours for CTE (V5), totaling 7.859 contact hours a day. The first 6-week reporting period has 30 days taught, and this student is present every day.

*The excess contact hours for the first 6-week reporting period for this student are calculated as follows:*

Calculate Special Education Contact Hours for First 10 Days:	
Eligible Days Present	10.000
× Special Education Contact Hour Multiplier	<u>× 2.859</u>
<b>Total Special Education Contact Hours</b>	<b>28.590</b>

Calculate CTE Contact Hours for First 10 Days:	
Eligible Days Present	10.00

× CTE Contact Hour Multiplier	<u>× 4.00</u>
<b>Total CTE Contact Hours</b>	<b>40.00</b>

Calculate Total Contact Hours for First 10 Days:	
CTE Contact Hours	40.000
+ Special Education Contact Hours	<u>+ 28.590</u>
<b>Total Contact Hours for First 10 Days</b>	<b>68.590</b>

Calculate Maximum Contact Hours Allowed for First 10 Days:	
Number Days Present	10.00
× Maximum Hours per Day	<u>× 6.00</u>
<b>Total Maximum Contact Hours Allowed</b>	<b>60.00</b>

Calculate Excess Contact Hours for First 10 Days:	
Total Contact Hours	68.590
– Maximum Contact Hours Allowed	<u>– 60.000</u>
<b>Total Excess Contact Hours for First 10 Days</b>	<b>8.590</b>

Calculate Special Education Contact Hours for Last 20 Days:	
Eligible Days Present	20.000
× Special Education Contact Hour Multiplier	<u>× 2.859</u>
<b>Total Special Education Contact Hours</b>	<b>57.180</b>

Calculate CTE Contact Hours for Last 20 Days:	
Eligible Days Present	20.00
× CTE Contact Hour Multiplier	<u>× 5.00</u>
<b>Total CTE Contact Hours</b>	<b>100.00</b>

Calculate Total Contact Hours for Last 20 Days:	
CTE Contact Hours	100.000
+ Special Education Contact Hours	<u>+ 57.180</u>
<b>Total Contact Hours for Last 20 Days</b>	<b>157.180</b>

Calculate Maximum Contact Hours Allowed for Last 20 Days:	
Number Days Present	20.00
× Maximum Hours per Day	<u>× 6.00</u>
<b>Total Maximum Contact Hours Allowed</b>	<b>120.00</b>

Calculate Excess Contact Hours for Last 20 Days:	
Total Contact Hours	157.180
– Maximum Contact Hours Allowed	<u>– 120.000</u>
<b>Total Excess Contact Hours for Last 20 Days</b>	<b>37.180</b>

Calculate Total Excess Contact Hours:	
Excess Contact Hours Last 20 Days	37.180
+ Excess Contact Hours First 10 Days	<u>+ 8.590</u>
<b>Total Excess Contact Hours for First 6 Weeks</b>	<b><u>45.770</u></b>

OR

Calculate Excess Contact Hours per Day for First 10 Days:	
Total Contact Hours per Day	6.859

– Maximum Hours per Day	<u>– 6.000</u>
<b>Total Excess Contact Hours per Day</b>	<b>0.859</b>
Calculate Total Excess Contact Hours for First 10 Days:	
Total Excess Contact Hours per Day	0.859
× Eligible Days Present	<u>× 10.000</u>
<b>Total Excess Contact Hours for First 10 Days</b>	<b>8.590</b>
Calculate Excess Contact Hours per Day for Last 20 Days:	
Total Contact Hours per Day	7.859
– Maximum Hours per Day	<u>– 6.000</u>
<b>Total Excess Contact Hours per Day</b>	<b>1.859</b>
Calculate Total Excess Contact Hours for Last 20 Days:	
Total Excess Contact Hours per Day	1.859
× Eligible Days Present	<u>× 20.000</u>
<b>Total Excess Contact Hours for Last 20 Days</b>	<b>37.180</b>
Calculate Total Excess Contact Hours:	
Excess Contact Hours for Last 20 Days	37.180
+ Excess Contact Hours for First 10 Days	<u>+ 8.590</u>
<b>Total Excess Contact Hours for First 6 Weeks</b>	<b><u>45.770</u></b>



## Section 5 Career and Technical Education (CTE)

This section addresses unique attendance accounting provisions for CTE. They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including CTE.

### 5.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all CTE coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 5.2 Eligibility and Eligible Days Present

Your district is responsible for ensuring CTE contact hour funding eligibility by meeting the following five criteria:

1. Each CTE course **must** be taught by a **qualified/certified** teacher<sup>155</sup> as defined in 19 Texas Administrative Code (TAC) Chapter 231, [Subchapter E](#), with the exceptions described in the following three paragraphs.
  - This requirement does not apply to an open-enrollment charter school unless the school's charter states that a CTE course must be taught by a qualified/certified CTE teacher. It also does not apply to a district of innovation to the extent the district's innovation plan allows the use of uncertified teachers in CTE classes. Teachers with less than a Bachelor's degree are not eligible to teach CTE courses that meet graduation requirements for English language arts and reading, science, mathematics, or fine arts.

**Note:** Certain teacher assignments may require an industry license which is regulated outside of the Texas Education Agency (TEA).

- When districts partner with technical or community colleges to offer dual credit, including local or statewide articulated CTE courses, the postsecondary faculty must meet Southern Association of Colleges and Schools teacher requirements.

<sup>155</sup> Texas Education Code (TEC), [§21.003](#)

Postsecondary faculty are not required to be certified by the State Board for Educator Certification when teaching secondary students under articulation agreements.

- An individual who has been issued a School District Teaching Permit in accordance with the TEC, §21.055, to teach a CTE course is deemed qualified by the local district that issued the permit and is not required to obtain a teaching certificate in accordance with TEC, §21.003. Teachers with less than a Bachelor’s degree are not eligible to teach CTE courses that meet graduation requirements for English language arts and reading, science, mathematics, or fine arts.
2. Your district must report a teacher of record for each CTE course, except for a dual credit course taught in a non-campus-based setting, such as a community or technical college<sup>156</sup>. The teacher of record reported through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) must be the teacher in the classroom responsible for teaching and learning, grades, attendance, etc.
  3. Your district must maintain documentation showing the average minutes per day for each CTE course, as specified in [5.11 Documentation](#) (see [5.6 Computing Contact Hours](#)).
  4. Your district must ensure that the appropriate resources, laboratories, equipment, and technology are provided to teach the Texas Essential Knowledge and Skills (TEKS) for the courses offered.
  5. To be eligible for CTE contact hour funding, your district must offer at least one coherent sequence of CTE courses in at least three different Career Clusters<sup>157</sup>.

**Important:** If your district assigns a substitute teacher to teach a CTE course and the teacher does not hold the certification required by 19 TAC Chapter 231, [Subchapter E](#), your district may continue to earn CTE weighted funding for that course for no more than 30 consecutive school days.

### **5.2.1 Eligibility of Students for Funding**

Students in grades 6 through 12 are eligible to be **served** in CTE programs.

**Eligibility for Contact Hours:** Only students in grades 9 through 12 are eligible for CTE contact hours, except for students in grades 7 and 8 who are eligible for and enrolled in career and technical education for the disabled courses (see [5.9 Career and Technical Education for the Disabled \(CTED\) Courses](#)).

### **5.2.2 Eligibility of Courses for Funding**

State-approved CTE courses are listed in Section 4, Code Table C022 of the *TSDS PEIMS Data Standards*, available at [http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS\\_Latest\\_Release/](http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/).

<sup>156</sup> Reporting a teacher of record for a dual credit class taught in a non-campus-based setting is optional.

<sup>157</sup> A Career Cluster is one of the 16 Career Clusters around which CTE is organized. A list of the 16 Career Clusters is available on the following TEA web page. <http://ritter.tea.state.tx.us/rules/tac/chapter130/index.html>

Your district must spend its CTE state allotment funding in accordance with the provisions of 19 TAC [§105.11](#), related to maximum allowable indirect costs.

Your school district may receive state weighted funding for all CTE innovative courses approved by the TEA for students in grades 9 through 12. To receive CTE weighted funding, your district must maintain documentation of local board approval to offer any TEA-approved innovative course.<sup>158</sup> With the approval of the local board of trustees, school districts and charter schools may offer any state-approved innovative course for state elective credit. No application is required for a district or charter school to offer an approved innovative course. If your district wishes to submit a new innovative course, your district must follow the process for applying to the TEA for approval to offer the new innovative course.

### ***5.2.3 Earning CTE Contact Hours***

A student may enroll simultaneously in as many CTE courses as his or her schedule permits. For funding purposes, however, the student may receive no more than 6 contact hours per day (see [4.15 Eligible Days Present and Contact Hours](#)).

A student is **not** eligible to receive any CTE contact hours for participating for 1 hour in a 2-hour course or for 1 or 2 hours in a 3-hour course.

See [3.6.9 Effective Dates for Program Changes](#) in Section 3 for important information on making program changes in student attendance records.

See [12.2 Texas Virtual School Network \(TxVSN\)](#) for information on time spent in online courses provided through the TxVSN state-led online learning initiative.

See [12.4 On-Campus Online Courses Not Provided through the TxVSN](#) for information on time spent in on-campus online courses not provided through TxVSN. See [12.5 Self-Paced Computer Course](#) for information on time spent in self-paced computer courses.

### ***5.2.4 Earning CTE Contact Hours in a Non-Campus-Based Setting***

For a student to earn CTE contact hours in any of the following settings or programs, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in that setting, under the supervision of a **qualified/certified** teacher, as defined in 19 TAC Chapter 231, [Subchapter E](#):

- special education instructional setting of homebound (01), hospital class (02), or state supported living center (30)
- general education homebound (GEH) program
- pregnancy-related services (PRS) compensatory education home instruction (CEHI) program

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<sup>158</sup> 19 TAC [§74.27](#)

For information about special education instructional settings, see [4.7 Instructional Setting Codes](#). For requirements related to the log that a special education homebound teacher must keep, see [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#).

For information on the GEH program, see [3.7 General Education Homebound \(GEH\) Program](#).

For information about CEHI and CTE, see [9.13 PRS and Career and Technical Education \(CTE\)](#) and [9.17.4 Example 4](#). For requirements related to the CEHI teacher's log, see [9.15 Documentation](#).

## 5.3 Enrollment Procedures

The procedures for enrolling a student in CTE courses are as follows:

1. A student enrolls in school, and the student's class schedule is determined.
2. Appropriate CTE staff members review the student's schedule and determine the correct CTE code.
3. Attendance personnel record the CTE code in the attendance accounting system.
4. Appropriate CTE staff members review changes in the student's schedule.

If CTE courses are added or dropped, the student's CTE code could change. Changes will occur most often at the beginning of a new semester. If your district operates a block schedule, CTE staff members may need to review student schedules more often, depending on the type of block schedule.

Attendance staff members should record the effective date of any change in a student's CTE code in the attendance accounting system. The effective date is the date the student's schedule changed.

**Important:** A student enrolled in a CTE course for the entire semester must be reported on the TSDS PEIMS 415 course completion record to be reported for CTE contact hours on the TSDS PEIMS 410 record for student attendance and weighted funding.

### *5.3.1 Determining the Number of Students to Enroll in a Course*

In determining the number of students to enroll in any course, your school district must consider the subject to be taught, the teaching methodology to be used, and any need for individual instruction.<sup>159</sup>

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<sup>159</sup> TEC, [§25.112\(c\)](#)



## 5.4 Withdrawal Procedures

The procedures for withdrawing a student from CTE courses are as follows:

1. The student withdraws from school, or the student's class schedule changes. As a result, the student is no longer enrolled in a given CTE course.
2. Attendance personnel record the effective date of withdrawal in the attendance accounting system, and eligible CTE days are no longer accumulated from that date forward for the course from which the student withdrew.

CTE contact hours must **not** be claimed when a student receiving CTE services is placed in a disciplinary setting (for example, in-school suspension or disciplinary alternative education program) for more than 5 consecutive days if the same amount and type of CTE services are not provided by a CTE teacher. After 5 consecutive days without CTE services being provided, district personnel must remove the student from the TSDS PEIMS 42401 record for CTE contact hours effective the first day of placement in the disciplinary setting.

In other words, your district may place a student in a disciplinary setting for up to and including 5 consecutive days and continue to claim CTE contact hours even though no CTE services are provided to the student. A student may earn state graduation credit for a CTE course if the student continues to work on the course even though direct CTE instruction is not provided during periods of disciplinary removal.

## 5.5 CTE (Contact-Hour) Codes

A student who is enrolled in CTE courses approved for state weighted funding must have a corresponding CTE code (V1, V2, V3, V4, V5, or V6) for attendance-accounting purposes. A student's CTE code is used to calculate contact hours and to complete the 42401 record. (See the [TSDS PEIMS Data Standards](#) for instructions on completing that record and the TSDS PEIMS 40100 record for CTE students.)

To determine the CTE code to assign to a student, your district must first determine the code to assign to each CTE course. Use the following chart to determine the CTE code to assign to each CTE course.

CTE Course's Average Minutes per Day	CTE Code
45–89	V1
90–149	V2
150–180+	V3

Each CTE course must be reviewed separately to determine the average minutes per day students attend that course. Three contact hours is the maximum your district may claim for a single course.

For students who are enrolled in more than one CTE course, CTE codes are combined to determine the correct code assigned to each student. For example, a student enrolled in three separate 45-minute CTE courses would be assigned a code of V3 ( $V1 + V1 + V1 = V3$ ).

Note: Auditing of a CTE course (that is, attending the course but not taking it for state graduation credit) is not considered CTE participation for purposes of TSDS PEIMS reporting. A student who is only auditing a CTE course and taking no other CTE courses for state graduation credit should not have a 42401 record.

### 5.5.1 Special Instructions for Districts Operating Block Schedules

If your district operates block schedules in which class periods are not in equal-length increments, use the chart above to determine the CTE code to assign to each CTE course.

Each CTE course must be reviewed separately to determine the average minutes per day students attend that course. Average minutes per day must be computed by reviewing a complete cycle of courses. For example, if a course meets on even-numbered days of the month, district personnel must review a 2-week cycle. (One week the course will meet on Monday, Wednesday, and Friday, and the next week the course will meet on Tuesday and Thursday.) District personnel divide the total number of CTE minutes for the course, for a complete cycle of courses, by the total number of school days during the cycle.

Once district personnel have determined average minutes, they assign the applicable code to each CTE course. They then assign all students attending that CTE course the corresponding CTE code.

**Important:** Three V1 courses are **not** necessarily **equivalent** in average minutes per day to one V3 course. District personnel must evaluate each CTE course separately when determining the average minutes per day for the course.

For students who are enrolled in more than one CTE course, CTE codes are combined to determine the correct code assigned to each student. For example, a student is enrolled in a CTE course that averages 50 minutes per day (V1) and a CTE course that averages 150 minutes per day (V3). When the V1 and the V3 class codes are combined, the student is assigned a code of V4 in the attendance accounting system.

## 5.6 Computing Contact Hours

No matter what CTE code is assigned to a student, district personnel must record in the Student Detail Report the total number of eligible days present for that code for each student for each 6-week reporting period. When computing the Campus Summary Report (Section 2), district personnel must record contact hours for each CTE code. District personnel multiply the number of eligible days present for each CTE code by the corresponding contact-hour multiplier to derive contact hours. Each CTE code has a different contact-hour multiplier.

Use the following chart when computing CTE contact hours.

CTE Code	Contact-Hour Multiplier
V1	1.00
V2	2.00
V3	3.00
V4	4.00
V5	5.00

CTE Code	Contact-Hour Multiplier
V6	6.00

The Student Detail Report should reflect eligible CTE days present for each eligible student enrolled in a state-approved and state-funded CTE course. Campus Summary Reports and the District Summary Report should have total eligible CTE days and total CTE contact hours by career and technical code, by 6-week reporting period.

Total CTE contact hours = eligible CTE days × contact hour multiplier.

**Important:** If district personnel have reported a student in the Student Detail Report with an average daily attendance (ADA) eligibility code of 2 (eligible for half-day attendance), they should **not** report full-day CTE attendance for the student. The CTE days present must be reported as half days.

## 5.7 Career Preparation and Practicum Learning Experiences

Career Preparation consists of time spent at an approved training site, as well as classroom instruction. Practicums are specific to a Career Cluster and combine classroom instruction with learning experiences in a laboratory setting or at an approved training site.

Career Preparation and practicums require that the local education agency and the training sponsor plan and supervise instruction cooperatively. Students receive instruction by participating in occupationally specific classroom instruction and training site experiences.

**Note:** Time a student spends at a training site is instructionally engaged time. Up to 120 minutes per day required time at the training station counts toward meeting full-time and half-time attendance requirements. (See [3.2 Membership and Eligibility for Attendance and Foundation School Program \(FSP\) Funding](#).)

### 5.7.1 Career Preparation Eligibility Requirements

CTE Career Preparation eligibility requirements are as follows. Refer to [5.7.3 Training Plan Requirements and Date on Which Students May Earn Contact Hours](#) through [5.7.5 Required Site Visits by Teachers](#) for additional information and to the glossary for definitions.

- The Career Preparation course<sup>160</sup> is for **paid** experience only. The training component must address all the TEKS for the course and provide a student with a variety of learning experiences that will give the student the broadest possible understanding of the business or industry.
- Each Career Preparation course must consist of student participation in career preparation training appropriate to the instructional program plus participation in related CTE classroom instruction. The course should **span the entire school year**, and classroom instruction must average one class period each day for every school week. A student is expected to be enrolled the entire school year; however, in accordance with local district policy, a student may enter or exit the course when extenuating circumstances require such a change.

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<sup>160</sup> 19 TAC [§127.13](#) and [§127.14](#)

- A student must be a minimum age of 16 and hold valid work documentation, such as a Social Security card, to enroll in any of the Career Preparation learning experiences.
- Students unemployed for more than 15 consecutive school days are not eligible for contact hours.
- Your district must not enroll a student in a Career Preparation course in any setting that does not allow a student to be enrolled for the entire school year, such as credit recovery.

Use the following chart to determine the CTE code for students participating in **paid** CTE Career Preparation.

Classroom Instruction	Work-Based Instruction	Units of Credit	CTE Code
1 hour per day (average)	10 hours per week (average)	2	V2
1 hour per day (average)	15 hours per week (average)	3	V3

### 5.7.2 Practicum Course Eligibility Requirements

CTE practicum course eligibility requirements are as follows. Refer to [5.7.3 Training Plan Requirements and Date on Which Students May Earn Contact Hours](#) through [5.7.5 Required Site Visits by Teachers](#) for additional information and to the glossary for definitions.

- Practicum courses and other two or three-credit CTE courses found in 19 TAC Chapter 130 may be used as laboratory-based, **paid**, or **unpaid** work experiences for students.
- Each practicum course using a work-based learning instructional arrangement must consist of student participation in training appropriate to the student’s coherent sequence of courses plus participation in related CTE classroom instruction. A practicum course **spans the entire year**. A student is expected to be enrolled the entire school year; however, in accordance with local district policy, a student may enter or exit the course when extenuating circumstances require such a change.
- In a **paid** practicum instructional arrangement, related classroom instruction must average one class period each day for every school week.
- A student must be a minimum age of 16 and hold valid work documentation such as a Social Security card to enroll in any of the practicum learning experiences that have a **paid** component.
- Students unemployed for more than 15 consecutive school days in a **paid** practicum learning experience must be placed in an unpaid learning experience.

Use the following chart to determine the CTE code for students participating in a **paid** practicum learning experience.

Classroom Instruction	Work-Based Instruction	Units of Credit	CTE Code
1 hour per day (average)	10 hours per week (average)	2	V2
1 hour per day (average)	15 hours per week (average)	3	V3

Use the following chart to determine the CTE code for students participating in an **unpaid** practicum learning experience.

Combination of Classroom Instruction, Work-Based Instruction	Units of Credit	CTE Code
2 hours per day (average)	2	V2
3 hours per day (average)	3	V3

### 5.7.3 Training Plan Requirements and Date on Which Students May Earn Contact Hours

Written training plans must be on file for any student participating in either a paid or unpaid learning experience at an approved training site except for a student participating in an unpaid practicum for which the teacher of record provides all training. Training plan forms are available at [http://tea.texas.gov/Curriculum and Instructional Programs/Learning Support and Programs/Career and Technical Education/Career and Technical Education - Career Preparation and Practicum Courses/http://tea.texas.gov/CTE Career Preparation and Practicum Courses/](http://tea.texas.gov/Curriculum_and_Instructional_Programs/Learning_Support_and_Programs/Career_and_Technical_Education/Career_and_Technical_Education_-_Career_Preparation_and_Practicum_Courses/http://tea.texas.gov/CTE_Career_Preparation_and_Practicum_Courses/)

A student in **paid** work-based instruction may be counted for contact hours on the first day of enrollment, provided a training plan for the student is on file within 15 school days of the student's employment date. A student participating in **unpaid** practicum work-based instruction may be counted for contact hours on the first day of enrollment, provided a written training plan is completed and on file before the student begins participating in training at the site.

### 5.7.4 Additional Requirements for Students Participating in Paid Learning Experiences

For a student participating in **paid** experiences, employment must begin within 15 school days of the student's enrollment date. If a student's employment ends before the end of the school year, contact hours may be counted without interruption provided the student's **paid** training resumes within 15 school days and a written training plan is on file within 15 school days of employment.

### 5.7.5 Required Site Visits by Teachers

A teacher assigned to teach courses involving work-based learning experiences, both **paid** and **unpaid**, must visit each student training site at least six times each school year. The teacher must be provided time within his or her schedule to visit the training sites. The training site visits must not be conducted during the teacher's planning and preparation period.<sup>161</sup> Regardless of the length of a grading period, at

<sup>161</sup> TEC, [§21.404](#)

least one training site visit must be conducted during each grading period to earn contact hours for that reporting period.

## 5.8 Project-Based Research

A Project-Based Research course<sup>162</sup> must be cooperatively planned by the student and teacher, continuously supervised by the teacher, and conducted by the student with the guidance and support of a mentor or interdisciplinary team.

Your district must maintain a written project plan for each student enrolled in a Project-Based Research course. Your district may count a student in a Project-Based Research course for contact hours on the first day of enrollment, provided the student's project plan is written within 15 school days of the student's enrollment date. If a student's project plan is not written within this time period, your district may count the student for contact hours beginning on the first day the project plan is written.

The Project-Based Research course provides a combination of classroom instruction and supervised research equivalent to an average of five class periods per week. The student and teacher must meet for instruction at least once each week for the purpose of project planning, reporting, evaluation, supervision, and coordination. The student must use remaining class time to conduct research, work with the project mentor or interdisciplinary team, analyze and interpret project data, compile evaluation results, and compose a project presentation. A project progress evaluation for each grading period is required for the student to earn contact hours for that reporting period.

## 5.9 Career and Technical Education for the Disabled (CTED) Courses

Any CTE course may be taught as a CTED course, but only students with disabilities who are in grades 7 through 12 may enroll in CTED courses. CTED courses generate CTE contact hours for students in grades 7 through 12.

**Note:** CTED courses must be taught by a teacher qualified and certified to teach CTE courses. See 19 TAC §130, Subchapter E.

**CTED courses must be self-contained and must serve only special education students.**

For a student to be enrolled in a CTED course, an admission, review, and dismissal committee must determine that services available through a regular CTE course are insufficient for the student to make satisfactory progress and that the specialized services the student needs can only be provided in the specialized, self-contained CTED classroom.

## 5.10 Contracting with Other Entities to Provide CTE Instruction

Your school district may contract with another entity to provide CTE instruction for students enrolled in the district to receive high school credit.<sup>163</sup> The entity may be a school district, a community or technical college, or a career school. In all cases, the home (sending) district must report the student's attendance

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<sup>162</sup> [19 TAC §127.12](#)

<sup>163</sup> TEC, [§29.184](#)

when the course is a high-school-credit-only course (that is, not a dual-credit course). (See [5.12 Quality Control](#) for quality control instructions.)

### ***5.10.1 Attendance Reporting Requirements***

The serving (receiving) district must report attendance in contracted CTE courses to the home district. The serving district must **not** report the student in the serving district's student attendance accounting records, regardless of the time the student has spent in the serving district. The **home** district keeps all attendance in its records and reports this attendance in the home district's Student Detail Report, Campus Summary Report, and District Summary Report (see [2.3.3 District Summary Reports](#)).

### ***5.10.2 Student Absences and Contracted CTE Courses***

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

### ***5.10.3 Dual Credit CTE Courses***

If your school district and a college offer a dual-credit CTE course that meets all the TAC requirements for dual-credit courses, students enrolled in the course are eligible to be counted for CTE contact hour funding. Eligibility for secondary CTE contact hour funding does not preclude the college from also being funded from postsecondary funding sources. **Important:** See [11.3.1 Dual Credit \(High School and College or University\) Programs](#); 19 TAC Part 1, Chapter 4, Subchapter D; and 19 TAC Part 2, Chapter 74, Subchapter C.

## **5.11 Documentation**

To claim CTE contact hours for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating CTE eligible days present on the Student Detail Report. Documentation requirements are as follows.

Adequate documentation of a student's **entry** into the program, **service** in the program, and **withdrawal** from the program must be available. Acceptable documentation for establishing entry, service, and withdrawal is as follows:

- the CTE teacher's grade book (grade books are required to be retained for 1 year from the date that grades are posted to students' academic achievement records; see [2.3.5 Additional Required Documentation](#));
- documentation showing the average minutes per day for each CTE course, such as a course calendar; and
- the student's official schedule change document, if the student changed schedules during the semester.

A student must be reported on the PEIMS 43415 record when the student completes each semester of a course.

## 5.12 Quality Control

As soon as a student is enrolled in a state-approved and state-funded CTE course for which the student is eligible for state credit, district personnel should code the student with the appropriate CTE coding on the TSDS PEIMS 42401 record. As soon as the student changes his or her schedule or withdraws from school, district personnel should revise the student's CTE coding. Your district must establish controls to ensure the CTE code does not change before the date the service changes.

At the beginning of each school year and at the end of each 6-week reporting period, the appropriate CTE staff members should verify the Student Detail Report to ensure that the coding of CTE students is correct.

District personnel must report a student's course completion data on the TSDS PEIMS 415 (course completion data - student) record for each semester of a CTE course for the student to be eligible for CTE contact hours. However, a TSDS PEIMS 43415 record **is not** required if a student drops a CTE course **before** the fall snapshot date during the first semester. A TSDS PEIMS 43415 record **is** required, though, if a student:

- 1) drops a CTE course **after** the fall snapshot date during the first semester or
- 2) drops a CTE course at any point during the second semester.

A student who did not complete a CTE course still receives contact hours for the time spent in the course.

Auditing of a CTE course (that is, attending the course but not taking it for state credit) is not considered CTE participation for purposes of TSDS PEIMS reporting. A student who is only auditing a CTE course and taking no other CTE courses for state credit should not have any 42401 record. Also, the student should not have a 43415 record for the audited CTE course.

## 5.13 Examples

### 5.13.1 Example 1

Student A is enrolled in one 60-minute-per-day CTE course.

*The CTE code for Student A is entered as V1 in the attendance accounting system (one 60-minute class = V1).*

Student B is enrolled in one 120-minute-per-day CTE course.

*The CTE code for Student B is entered as V2 in the attendance accounting system (one 120-minute class = V2).*

Student C is enrolled in three 60-minute-per-day CTE courses.

*The CTE code for Student C is entered as V3 in the attendance accounting system (one 60-minute class = V1;  $V1 + V1 + V1 = V3$ ).*

Student D is enrolled in one 180-minute-per-day CTE course.



*The CTE code for Student D is entered as V3 in the attendance accounting system (one 180-minute class = V3).*

### **5.13.2 Example 2**

A student is enrolled in the course Principles of Architecture for 45 minutes per day for the first semester and in Principles of Applied Engineering for 45 minutes per day for the second semester.

*The CTE code for this student is entered as V1 in the attendance accounting system for both semesters because each course is taught in a 45- to 89-minute class period.*

### **5.13.3 Example 3**

A student is enrolled in Principles of Health Science for 55 minutes per day and in Medical Terminology for 55 minutes per day for the first semester and in Medical Microbiology for 55 minutes per day for the second semester.

*The CTE code for this student is entered in the attendance accounting system as V2 for the first semester and as V1 for the second semester. The student is coded as V2 for the first semester because the student is enrolled in two 55-minute CTE class periods.*

### **5.13.4 Example 4**

A grade 8 student is enrolled in Principles of Transportation Systems (a grade 9–12 course) for the first semester.

*This student will not have a CTE code in the attendance accounting system because the student is in grade 8 and therefore cannot earn contact hours. The student may, however, earn high school credit for successful completion of the grade 9–12 course. District personnel will report the course on the student's 40170 Record on the fall snapshot date.*

### **5.13.5 Example 5**

A student is enrolled in Child Guidance for 174 minutes per day and in Family and Community Services for 87 minutes per day for the first semester. During the second semester, the student is enrolled in Child Guidance for 174 minutes per day.

*The CTE code for this student is entered in the attendance accounting system as V4 for the first semester and as V3 for the second semester. The student is coded as V4 for the first semester because the student is enrolled in one CTE course that is taught for 174 minutes per day and in one CTE course that is taught for 87 minutes per day. The student is coded as V3 for the second semester because Child Guidance is taught for 174 minutes per day.*

### **5.13.6 Example 6**

A student in a Career Preparation course is employed as an automotive machinist for the entire school year. The student is employed 20 hours a week, from 1:00 p.m. until 5:00 p.m. each day, and is enrolled in the Career Preparation course during fourth period.

*The CTE code for this student is entered as V3 for the entire school year in the attendance accounting system because the student attends the 1-hour Career Preparation CTE class period and works an average of at least 15 hours a week.*

### **5.13.7 Example 7**

A student wants to take Business Information Management I; however, this course is not offered at the student's home district. The student's home district contracts with a nearby district for the student to attend the nearby district's Business Information Management I course, which is taught for a 1-hour course period.

*The home district enters this student's CTE code as V1 in the attendance accounting system (see [5.10 Contracting with Other Entities to Provide CTE Instruction](#)).*

### **5.13.8 Example 8**

A student in grade 7 is taking Touch System Data Entry.

*This student will not have a CTE code in the attendance accounting system. However, district personnel will report the course on the student's 40170 Record on the fall snapshot date (see the TSDS PEIMS Data Standards).*

### **5.13.9 Example 9**

A student enrolled in Interior Design I, a 1-hour CTE course, on the first day of school. After 2 weeks in the course, the student decided to take Health Science Theory/Health Science Clinical, a 2-hour CTE course, instead of Interior Design I.

*The CTE code for this student is entered as V1 in the attendance accounting system for the first 2 weeks of school and as V2 for the remainder of the semester. The student is coded as V1 for the first 2 weeks because the student is enrolled in one 1-hour CTE class period. The student is coded as V2 for the remainder of the semester because the student is enrolled in one CTE course that is taught for two 1-hour class periods. Your district should maintain documentation of the student's schedule change.*

### **5.13.10 Example 10**

A student attends school at the high school campus, which operates on a modified block schedule. The student is enrolled in Advanced Animal Science. This course meets for 90 minutes on even-numbered days of the month.

*The CTE code for this student is entered in the attendance accounting system as V1. To illustrate, over a 2-week period, the student receives 450 minutes of instruction in Advanced Animal Science. One week*

*the course meets on Monday, Wednesday, and Friday, for a total of 270 minutes. The following week the course meets on Tuesday and Thursday, for a total of 180 minutes of instruction. This is the same amount of classroom time (7.5 hours) that a student would receive on a traditional schedule (45 minutes each school day).*

### **5.13.11 Example 11**

A student receiving special education services is enrolled in Principles of Health Science (V1). The student develops a physical impairment, and the school obtains a statement from a physician licensed to practice in the United States affirming that the physical impairment will confine the student to home or hospital bedside for at least 4 weeks.

*For a student to earn CTE contact hours while he or she is also being served in the special education homebound, hospital class, or state supported living center instructional setting, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the special education homebound, hospital class, or state supported living center instructional setting (see [4.7 Instructional Setting Codes](#)). On returning to school, the student will earn CTE contact hours, provided the student remains enrolled in the CTE course.*

### **5.13.12 Example 12**

A student is enrolled in 3 hours of high school credit courses, including a 1-hour CTE course. The student is also enrolled in a 2-hour CTE course that is provided by a college and meets all secondary and postsecondary TAC requirements for dual credit courses.

*Your school district receives 1 CTE contact hour for the high school CTE course plus 2 contact hours for the approved CTE college course taught for dual credit (V3). The high school student is also eligible to be counted by the community college for state funding for postsecondary programs. Your district is eligible for full ADA funding for the student provided there is a written dual-credit agreement with the college. See the following:*

- [3.2.4 Dual Credit \(High School and College or University\)](#)
- [11.3 College Credit Programs](#)
- [19 TAC Part 1, Chapter 4, Subchapter D](#)
- [19 TAC Part 2, Chapter 74, Subchapter C](#)

To be eligible for contact hour funding, the content of the college course must correspond to the content of a secondary CTE course approved by the State Board of Education or approved as an innovative course by the TEA and your district. Instruction must include 100% of the TEKS in the equivalent high school course plus advanced academic instruction beyond or in greater depth than prescribed by the high school course TEKS.

### **5.13.13 Example 13**

If a PRS student is receiving CEHI services during the postpartum period and the student is also enrolled in a CTE course, how is the CTE time to be reported?

*A PRS student receiving CEHI services is to remain enrolled in CTE courses during the period of time that she is receiving CEHI services. However, unless a certified CTE teacher is serving the student and providing the same type and level of CTE instruction the student received at school, your district must report the student in the summer submission as ineligible for weighted CTE funding for the period of time*

*that the student is receiving CEHI services. If this situation occurs during the fall snapshot, your district still must report the student on the applicable CTE TSDS PEIMS records.*

#### **5.13.14 Example 14**

An 8th grade student, not enrolled in a CTED course, but is enrolled in a Principles of Law, Public Safety, Corrections, and Security course is not eligible to generate contact hour funding.

Only students in grades 9 through 12 are eligible for CTE contact hours, except for students in grades 7 and 8 who are eligible for and enrolled in career and technical education for the disabled courses. The student in the example would not be included in the 42401 record. (See the TSDS PEIMS Data Standards for instructions on completing that record and the TSDS PEIMS 40100 record for CTE students.)

## Section 6 Bilingual/English as a Second Language (ESL)

This section addresses unique provisions for bilingual and ESL education programs. These provisions must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

The term “limited English proficient (LEP) student,” as used in Section 6 of the handbook, is interchangeable with the terms “English language learner (ELL),” used in 19 Texas Administrative Code Chapter 89, and “student of limited English proficiency,” used in the Texas Education Code, Chapter 29, Subchapter B.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including bilingual/ESL.

### 6.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all bilingual and ESL education program coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 6.2 Eligibility

To be eligible for state funding, a student in the bilingual or ESL education program must meet the following requirements:

- have a language other than English indicated on the home language survey;
- be considered ELL because the student tested below the cutoff scores on the test appropriately administered for the student’s grade level. The following guidelines should be used in determining whether a student is considered ELL:<sup>164</sup>
  - grades prekindergarten (PK) through 1: student scores below cutoff score on an oral language proficiency test (OLPT) approved by the Texas Education Agency (TEA), and
  - grades 2 through 12:
    - student scores below cutoff score on an approved OLPT, and/or

<sup>164</sup> 19 Texas Administrative Code (TAC) [§89.1225\(f\)](#)

- student scores below cutoff scores on the English reading and English language arts sections of a norm-referenced standardized test in English (selected from the *List of Approved Tests for Assessment of English Language Learners*);
- be recommended for placement in the program by a language proficiency assessment committee (LPAC); and
- have a record of parental approval to place the ELL in a bilingual or ESL education program. For ELL in grades 9 through 12, check LPAC documentation for services recommended by the LPAC to meet student needs.

Each student must be served according to the following guidelines: On a student’s initial enrollment and at the end of each school year, the LPAC must review all pertinent information on the ELL student. The LPAC must designate, subject to parental approval, the initial instructional placement of each ELL in the required program; classify the student’s level of English proficiency according to the results of appropriate tests; designate the level of academic achievement of each ELL student; and recommend the student’s exit from the bilingual or ESL education program.<sup>165</sup> A student must not be exited from the bilingual or ESL education program in grades PK through the end of first grade.<sup>166</sup>

**Important:** Students with a grade level of EE (early education) **cannot** generate bilingual/ESL eligible days present.

### ***6.2.1 Students Who Are Eligible to Be Served in the Bilingual or ESL Education Program but Are Not Eligible for Funding***

The following students **may be served** by your district’s bilingual or ESL education program. However, these students are **not eligible for bilingual or ESL education program funding**.

- Students in PK through grade 1 who score at or above the cutoff score on the OLPT
- Students in grades 2 through 12 who score at or above the cutoff score on the OLPT **and** at or above the 40th percentile on the reading and language arts sections of a standardized achievement test
- Students:
  - who have exited (been transitioned out of) the bilingual or ESL education program,
  - whose parents approve of the students’ continuing to participate in the program, and
  - whose schools wish to continue to provide bilingual or ESL education program services to the students

### ***6.2.2 Parent Denial of Services and Eligibility of Students to Receive Bilingual/ESL Summer School Services***

If a student’s parent has denied bilingual/ESL education services and the only summer school program available is a bilingual/ESL summer school program, then the student is **not** eligible to generate

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<sup>165</sup> 19 TAC [§89.1220\(g\)](#)

<sup>166</sup> 19 TAC [§89.1225\(i\)](#)

bilingual/ESL ADA in the summer school program.<sup>167</sup> The student must not participate in the summer school program or earn bilingual/ESL eligible days present (be assigned a bilingual or ESL program type code in the attendance accounting system) in the summer program unless the parents explicitly allow, in writing, placement of the student in the bilingual or ESL education program.

## 6.3 Enrollment Procedures

This subsection explains the procedures for enrolling a student in the bilingual or ESL education program.

1. A student enrolls in your district, and the student's parent completes a home language survey (see [6.11.1 Home Language Survey Requirements](#)). Students in grades 9 through 12 may complete the home language survey themselves.

If a language other than English is indicated on any portion of the survey, your district must test the student for English proficiency.

2. District personnel test the student for English proficiency.
  - a. If your district is required to provide a bilingual education program, it must administer an OLPT in the home language of each student who is eligible to be served in the bilingual education program. If the home language of the student is Spanish, your district must administer the Spanish version of the TEA-approved OLPT that is administered in English. If the home language of the student is other than Spanish, your district must determine the student's level of proficiency using informal oral language assessment measures.
  - b. If the student is in **PK, kindergarten, or grade 1**, trained district personnel administer the OLPT in English. If the student tests below the cutoff score (determined by the exam instrument used), the student is considered an ELL as determined by the LPAC.
  - c. If the student is in **grades 2 through 12**, trained district personnel administer the OLPT.

If the student tests below the cutoff score (determined by the exam instrument used), the student is considered an ELL as determined by the LPAC.

Regardless of whether the student tests below the cutoff score on the OLPT, district personnel also administer the TEA-approved standardized achievement test. If the student scores below the 40th percentile on either the reading or the language arts section of the test, the student is considered an ELL as determined by the LPAC.

**Important:** The standardized achievement test should not be administered if the student's ability in English is so limited that the test is not valid.<sup>168</sup>

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

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<sup>167</sup> 19 TAC [§89.1250\(2\)\(B\)](#)

<sup>168</sup> 19 TAC [§89.1225\(f\)](#)

3. The LPAC recommends placement of the student in either the bilingual or ESL education program, but district personnel **do not yet** assign the student a bilingual or ESL program type code in the attendance accounting system.
4. The LPAC must give written notice to the student's parents informing them that the student has been classified as an ELL and requesting approval (through completion of an approval form) to place the student in the required bilingual or ESL education program. The notice must include information about the benefits of the bilingual or ESL education program for which the student has been recommended and state that it is an integral part of the school program.<sup>169</sup>

The parental approval form must contain a space for the parent's or legal guardian's signature and a space for the date the form was signed, as signed and dated documentation of parental approval is required for bilingual/ESL eligible days present to be claimed for funding purposes.

5. Once parental approval has been received, district personnel assign the student the appropriate bilingual or ESL program type code and parental permission code<sup>170</sup> in the attendance accounting system.

A student may be recorded absent on the effective date of a program change. However, as with all other students who are absent, no bilingual/ESL ADA may be earned by the student for that date.

To be eligible for state bilingual/ESL funding, the district must have all required documentation for each eligible student on file.

### **6.3.1 Students Who Move to Your District**

Within 4 weeks (20 school days) of his or her initial enrollment in the district, a student must be identified as an ELL and enrolled in the required bilingual or ESL education program.<sup>171</sup> However, even though the student may be served in the bilingual or ESL education program, the student should not be coded with the bilingual or ESL program type code<sup>172</sup> unless all documentation, including the signed and dated parental approval form, is on file. Funds for bilingual/ESL students must not be claimed until all documentation is in place.

When a bilingual/ESL student moves to your school district, your district (the receiving district) should immediately begin serving the student in the bilingual or ESL education program while it waits for documentation (LPAC records and assessment information) from the sending district. If your district does not receive this documentation within 4 weeks (20 school days) of the student's enrollment in your district, your district must go through the standard identification and assessment procedures in order to code the student as an ELL in a bilingual education or an ESL program. Your district should make diligent,

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<sup>169</sup> 19 TAC [§89.1220\(i\)](#)

<sup>170</sup> To find the appropriate codes to use, please consult the program type code tables available at the following link: [http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS\\_Latest\\_Release/](http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/). Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes. Search for the C093 code table for parental permission codes.

<sup>171</sup> 19 TAC [§89.1225\(g\)](#)

<sup>172</sup> To find the appropriate code to use, please consult the program type code tables available at the following link: [http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS\\_Latest\\_Release/](http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/). Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.



documented attempts to get the required documentation from the sending district to avoid possible miscoding.

To be eligible for the state bilingual/ESL funding, the district must have all required documentation for each eligible student on file.

## 6.4 Eligibility of Your District's Bilingual or ESL Education Program for State Funding

For your district to claim bilingual/ESL eligible days present for funding, your district must show that its bilingual and ESL education programs meet the following state requirements.<sup>173</sup>

1. A student is served in a full-time bilingual instructional program by staff members certified or on permit to teach bilingual education. The amount of instruction in each language (the student's home language and English) must be commensurate with the student's level of proficiency in both languages and the student's level of academic achievement. ELL students must be provided instruction in language arts, mathematics, science, health, and social studies both in their home language and in English. The appropriate bilingual program type code should be recorded for each student served in a bilingual program.
2. A student is provided instruction in ESL by staff members certified or on permit to teach ESL or bilingual education. In PK through grade 8, the amount of time accorded to instruction in ESL Texas Essential Knowledge and Skills (TEKS) may vary from the amount of time accorded to instruction in English language arts in the general education program for non-ELL students to a full-time instructional setting using second language acquisition methods. In high school, the ESL program must be consistent with graduation requirements<sup>174</sup>. The LPAC may recommend appropriate services that may include content courses provided through sheltered instructional approaches by trained teachers, enrollment in ESL courses, additional state elective English courses, and special assistance provided through locally determined programs. The appropriate ESL program type code should be recorded for each student served in an ESL program.
3. A student is served in a program approved by the TEA under an exception to the a bilingual program or under a waiver to the ESL program. A student is served in a program approved by the TEA under an exception to a language other than English for as long as the State Board for Educator Certification does not have a certificate for that language. A TEA-approved exception or waiver remains valid for the current year only.<sup>175</sup> The appropriate bilingual or ESL program type code should be recorded for each student served in program under a bilingual exception or ESL waiver.

## 6.5 Eligible Days Present

This subsection describes the procedure for reporting bilingual/ESL eligible days present in the attendance accounting system. District personnel must do the following:

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<sup>173</sup> 19 TAC [§89.1210](#)

<sup>174</sup> under 19 TAC [Chapter 74](#)

<sup>175</sup> Texas Education Code (TEC), [§29.061](#); 19 TAC [§89.1207](#)

- identify each student who is being served in the bilingual or ESL education program and is eligible for funding, according to [6.2 Eligibility](#), with the appropriate **bilingual or ESL program type code**<sup>176</sup> in the attendance accounting system.
- record the total number of eligible bilingual/ESL days present for each 6-week reporting period in the Student Detail Report for every student eligible for the program.
- at the end of each 6-week reporting period, compute a Campus Summary Report (see Section 2). Personnel must summarize the total eligible bilingual/ESL days present, for every student in the program, by grade level on this report. There will be a separate Campus Summary Report for each instructional track for each campus in your district. The Campus Summary Report must include the total eligible bilingual/ESL days present for each grade level on that campus, the total eligible bilingual/ESL days present for all grades, and the campus bilingual/ESL ADA.
- at the end of each 6-week reporting period, compute a District Summary Report (see Section 2). Personnel add the information from all Campus Summary Reports for each track in your district to comprise the District Summary Report for each track. This report must include eligible bilingual/ESL days present for each grade level in your district, the total eligible bilingual/ESL days present for all grades, and your district's bilingual/ESL ADA.

### ***6.5.1 Eligible Days Present and Students Placed in a Disciplinary Setting***

Bilingual or ESL education program eligible days present must **not** be claimed when a student receiving bilingual or ESL education program services is placed in a disciplinary setting (for example, in-school suspension or disciplinary alternative education program) for more than 5 consecutive days if the same amount and type of bilingual or ESL education program services are not provided by a bilingual or ESL education program teacher. After 5 consecutive days without bilingual or ESL education program services being provided, district personnel should remove the student from the Texas Student Data System Public Education Information Management System (TSDS PEIMS) 42400 record for bilingual education or ESL program contact hours effective the first day of placement in the disciplinary setting.

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<sup>176</sup> To find the appropriate code to use, please consult the program type code tables available at the following link: [http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS\\_Latest\\_Release/](http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/). Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

## 6.6 Requirement to Serve Eligible Students

Your district **must** place a student in a bilingual or ESL education program as soon as your district identifies the student as an ELL (through the home language survey and test scores) and the LPAC has recommended such placement, regardless of whether or not parental approval has been received.

Your district must place the student in the bilingual or ESL education program on the date the LPAC recommends that service begin but **may count the student for bilingual education funding only after parental approval is received** (and all other requirements having to do with the home language survey, test scores, and documentation of LPAC recommendation have been met)<sup>177</sup>. If a parental denial is received, your district must discontinue serving the student. Review parental permission codes for clarification.

## 6.7 Bilingual and ESL Education Services Your District Is Required to Provide

Each district that is required to offer bilingual and ESL education programs must offer the following for students of limited English proficiency:

1. bilingual education in PK through the elementary grades;
2. bilingual education, instruction in English as a second language, or other TEA-approved transitional language instruction in middle school; and
3. instruction according to LPAC recommendation:
  - a. Under the graduation requirements adopted by the State Board of Education in March 2010, ELL students who successfully complete English for Speakers of Other Languages (ESOL) I and ESOL II may satisfy the English I and English II graduation requirement(s). Students who are identified as ELL and are at the beginning or intermediate level of English language proficiency, as defined by 19 TAC [§74.4\(d\)](#), relating to English Language Proficiency Standards, may be enrolled in ESOL I or ESOL II.
  - b. For all other ELL students in grades 9 through 12, LPAC documentation must reflect appropriate services to meet the student's needs. For example, LPAC documentation may indicate that a student will enroll in state elective English courses to strengthen his or her English skills, enroll in ESL courses for local credit, participate in tutorials, or be assigned to teachers with training in sheltered instruction or training in ESL methods.

All ELL students in grades 9 through 12 who are served according to LPAC recommendations are to be coded as ESL for funding purposes.

**Important:** Students not served in a state-required program must be served in a program approved by the TEA under an exception or a waiver.

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<sup>177</sup> 19 TAC [§89.1220\(j\)](#)

## 6.8 Withdrawal/Reclassification/Exit Procedures

This subsection explains the procedures for withdrawing a student from the bilingual or ESL education program.

1. A student is withdrawn from the bilingual or ESL education program if:
  - the LPAC classifies the student as English proficient when the student attains the required exit criteria as stated in the TEC, [§29.056\(g\)](#) (see [6.8.2 Exit Criteria](#)); or
  - the parent requests in writing to remove his or her child from the program and place the child in a general education classroom; or
  - the student withdraws from (leaves) the district (not exits from the bilingual or ESL education program).
2. Once a student has met the criteria for exiting the bilingual or ESL program, your district must notify the student's parent of the student's reclassification as English proficient and obtain parental approval for his or her exit from the bilingual or ESL education program.<sup>178</sup>

### 6.8.1 Effective Date of Withdrawal

For a student who withdraws from the district, the date the student withdraws is considered the effective date of change. District personnel record the effective date in the attendance accounting system, and eligible bilingual/ESL days are no longer accumulated from that date forward.

For a student who has been classified by the LPAC as English proficient at the end of the school year, the first day of the following school year is considered the effective date of change. District personnel record the effective date in the attendance accounting system, and eligible bilingual/ESL days are no longer accumulated from that date forward. It is rare to change ELL related codes during the school year.

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<sup>178</sup> 19 TAC [§89.1240\(b\)](#)

## 6.8.2 Exit Criteria

The following chart shows the criteria for transferring an ELL student out of the bilingual or ESL education program at different grade levels.

**IMPORTANT:** The exit criteria shown in this chart are accurate as of the publication date of this handbook but are subject to change. Visit the TEA Bilingual Education web page at <http://tea.texas.gov/bilingual/esl/education/> for the most current exit criteria.

2017-2018 English Proficiency Exit Criteria Chart											
At the end of the school year, a district may transfer (exit, reclassify, transition) an ELL student out of a bilingual or ESL education program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instruction program as determined by satisfactory performance in all three assessment areas below and the results of a subjective teacher evaluation. <sup>1</sup>											
For State of Texas Assessments of Academic Readiness (STAAR) English reading and English writing, the performance level for program exit is Level II (Satisfactory Academic Performance) or above.											
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11 <sup>th</sup> /12 <sup>th</sup>
<b>Current School Year Oral = Listening &amp; Speaking</b>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>	Scored Fluent on English OLPT <sup>2</sup>
<b>English Reading<sup>3</sup></b>	Norm-Referenced Standardized Achievement Test <sup>2</sup> (Rdg./Lang.) 40th percentile or above	Norm-Referenced Standardized Achievement Test <sup>2</sup> (Rdg./Lang.) 40th percentile or above	STAAR	STAAR	STAAR	STAAR	STAAR	STAAR	STAAR <sup>4</sup>	STAAR <sup>4</sup>	Norm-Referenced Standardized Achievement Test <sup>2</sup> (Rdg./Lang.) 40th percentile or above
<b>English Writing<sup>3</sup></b>	Agency-Approved Writing Test <sup>2</sup>	Agency-Approved Writing Test <sup>2</sup>	Agency-Approved Writing Test <sup>2</sup>	STAAR	Agency-Approved Writing Test <sup>2</sup>	Agency-Approved Writing Test <sup>2</sup>	STAAR	Agency-Approved Writing Test <sup>2</sup>			Agency-Approved Writing Test <sup>2</sup>
<b>Subjective Teacher Evaluation</b>	Assessments, anecdotal notes, portfolios, etc.										
<p><sup>1</sup> 19 TAC §89.1225(h)</p> <p><sup>2</sup> In the 2017–2018 <i>List of Approved Tests for Assessment of Limited English Proficient Students</i> available on the following web page: <a href="http://tea.texas.gov/bilingual/esl/education/">http://tea.texas.gov/bilingual/esl/education/</a></p> <p><sup>3</sup> For STAAR, English reading and English writing refer to the grade-level tests in grades 3-8 and to the applicable end-of-course English 1 for grade 9, and English II for grade 10.</p> <p><sup>4</sup> Exception: Texas English Language Proficiency Assessment System (TELPAS) Reading and Writing Advanced High will be used for all students with the Texas Assessment of Knowledge and Skills (TAKS) as their graduation requirement under state policy.</p> <p>Note: ELL students may be exited only after the end of first grade based on 19 TAC §89.1225(i).</p> <p>Note: Students for whom the LPAC recommends the use of Dictionaries, Oral Administration, Language and Vocabulary Supports, or Extra Time as an accommodation for any reading or writing assessment, may not be considered for exit at the end of the school year.</p>											

### ***6.8.3 Exit Procedures and Criteria for ELL Students Receiving Special Education Services***

Information is available in the document entitled “Process for Considering Special Exit Criteria from Bilingual/English as a Second Language (ESL) Services under 19 TAC [§89.1225\(k\)](#).”

To access this document, go to <http://tea.texas.gov/bilingual/esl/education/>, and click on the link entitled “Process for Exiting ELL Students Receiving Special Education Services from Bilingual/ESL Programs.”

### ***6.8.4 Continuation of Bilingual or ESL Education Program Services After a Student Has Met Exit Criteria***

A student who has met the exit criteria for being transferred (transitioned/exited/reclassified) out of the bilingual or ESL education program may continue to participate in the program, with school and parental approval. However, such a student is **not** eligible to generate bilingual/ESL ADA.

## **6.9 Evaluation of a Student Who Has Been Transferred (Transitioned/Exited/Reclassified) Out of the Bilingual or ESL Education Program**

During the first 2 years after a student has met criteria to transfer out of a bilingual or ESL education program, the LPAC must monitor the student’s academic progress. During this time, the ELL codes of F and S are used to reflect the first and second years of monitoring. Program type codes other than 0 and parental permission codes should not be present, as the student is no longer an ELL and no longer served.

If the student earns a failing grade in a subject in the foundation curriculum during **any** grading period in the first 2 years after the student has been transitioned out of the program, the LPAC must consider reenrolling the student in a bilingual or ESL education program.

In determining whether to reenroll the student, the LPAC should evaluate the following:

- the total amount of time the student was enrolled in a bilingual or ESL education program
- the student’s grades each grading period in each subject in the foundation curriculum (reading/ELA, math, science, social studies)
- the type of additional interventions provided to the student
- the student’s performance on each assessment instrument administered
- the number of credits the student has earned toward high school graduation, if applicable
- any disciplinary actions taken against the student

After the LPAC reevaluates the student’s progress, the committee may 1) require intensive instruction for the student or 2) reenroll the student in a bilingual or ESL education program.

## 6.10 Teacher Certification Requirements

The following paragraphs describe the certification requirements for teachers of bilingual and ESL education program courses.

### 6.10.1 Students in Grades PK through 5

Students in grades PK through 5 (or through 6, if grade 6 is clustered with elementary grades) who are counted for funding in the bilingual education program must be served by bilingual-certified staff members.

Students in grades PK through 5 (or through 6, if grade 6 is clustered with elementary grades) who are counted for funding in the ESL education program must be served by ESL-certified staff members.

### 6.10.2 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 ELL students.

### 6.10.3 Students in Grades 9 through 12

Students in grades 9 through 12 may be counted for funding in a bilingual or ESL education program even if they are served by staff members who are not bilingual/ESL-certified, but only if the staff members have received professional development in sheltered instruction. However, ESOL I and ESOL II **must** be taught by teachers who have an English or English Language Arts certification plus an ESL or Bilingual certification.

## 6.11 Documentation

For your district to claim bilingual/ESL eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible bilingual/ESL days present on the Student Detail Report. Documentation requirements are as follows.

### 6.11.1 Home Language Survey Requirements

Your district must conduct only one home language survey for each student.

Your district must administer home language surveys to students new to the district for whom a survey has never been completed (in Texas) or for whom a copy of the survey cannot be located within 20 school days. Your district should not administer the home language survey to a student for whom a survey is currently on file with the district.

Your district must require that the survey be signed by the student's parent or guardian for students in PK through grade 8, or by the student for students in grades 9 through 12.

For a student moving from one district to another within Texas, the original copy of the home language survey or a copy of the original copy of the home language survey must be kept in the student's record. If the original copy or a copy of the original copy is not included in the student's record, then a new home language survey must be conducted by the receiving district.

### ***6.11.2 Test Result Documentation Requirement***

The following documentation must be on file for every student accumulating eligible bilingual/ESL days present: proof of a qualifying score on a TEA-approved OLPT, and/or qualifying scores on the English reading and English language arts sections of a TEA-approved norm-referenced measure. The official scores must be documented in the student's record.

### ***6.11.3 LPAC Recommendation and Parental Approval Requirements***

The following documentation must be on file for every student accumulating eligible bilingual/ESL days present:

1. Written documentation of the recommendation for placement by the LPAC
2. Written documentation of the annual review and recommendation of the LPAC
3. A record of parental approval to place an ELL student in a bilingual or ESL education program. This record must include the parent's signature and the date the parent signed the document indicating approval.
  - A record of parental approval must be obtained during the initial identification of an ELL student for placement in a bilingual or ESL education program.
  - Once the record of parental approval is obtained, it remains in effect until the ELL student is exited from the bilingual or ESL education program and is reclassified as a non-ELL student.
  - The parental approval becomes invalid if the parent signs a parental denial form of bilingual/ESL services, which may occur at any time while the student continues to be identified as an ELL.
  - For a student whose parent has denied approval, the LPAC annual review must consider whether the student still qualifies for services. If so, an attempt to obtain parental approval should be made before the beginning of the next school year.

A district may identify a student as an ELL, exit a student from a program, or place a student in a program without written approval of the student's parent or guardian if:

1. the student is 18 years of age or has had the disabilities of minority removed;
2. reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented;
3. approval is obtained from:
  - A. an adult whom the district recognizes as standing in parental relation to the student, including a foster parent or employee of a state or local governmental agency with temporary possession or control of the student; or
  - B. the student, if no parent, guardian, or other responsible adult is available; or



4. a parent or guardian has not objected in writing to the Adopted entry, exit, or placement.<sup>179</sup>

A student receiving bilingual/ESL program services under any of the circumstances described in the preceding paragraph is not eligible for bilingual/ESL funding.

During the monitoring period (the 2-year period following the student's exiting from the bilingual or ESL education program),<sup>180</sup> if the LPAC determines the student will be reenrolled in a bilingual or ESL education program, parental approval must be acquired again.

#### ***6.11.4 Proof That a Student Has Been Served in an Eligible Bilingual or ESL Education Program***

Proof (such as grade books, student Academic Achievement Records [AARs], class rosters, or all of these) must also exist that a student is:

- served in a full-time bilingual instructional program by staff members certified or on permit to teach bilingual education,
- provided instruction in ESL by staff members certified or on permit to teach ESL or bilingual education for the amount of time accorded to English language arts in the regular instructional program,
- provided sheltered instruction as recommended by the LPAC (students in grades 9 through 12 may receive services other than ESL), or
- served in a program approved by the TEA under an exception or a waiver.

#### ***6.11.5 Other Required Documentation***

The student's record must contain documentation of all actions impacting the ELL. This documentation must include the following<sup>181</sup>:

1. the identification of the student as an ELL;
2. the designation of the student's level of language proficiency;
3. the recommendation of program placement;
4. parental approval of entry or placement into the program;
5. parental denial, if applicable;

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<sup>179</sup> 19 TAC [§89.1220\(m\)](#)

<sup>180</sup> TEC, [§29.0561](#)

<sup>181</sup> 19 TAC [§89.1220\(l\)](#)

6. the dates of entry into, and placement within, the program;
7. documentation of state assessment participation decisions and any linguistic accommodations, the justification for these decisions<sup>182</sup>, and additional instructional interventions provided to the student to ensure adequate yearly progress;
8. documentation of the student's eligibility to use the special provision for the end-of-course exam for English I/ESOL I;
9. the date of exit from the program and parental notification and approval of the student's exit from the program;
10. the results of monitoring the student's academic success; and
11. TELPAS writing collections kept for 2 years.

The documentation described in items 1–10 must be forwarded in the same manner as other student records to another school district in which the student enrolls.<sup>183</sup> The student's TELPAS writing collections should be forwarded as well. Student record documentation also should be forwarded if the student enrolls at another campus within your district.

## 6.12 Quality Control

Your district should record the appropriate bilingual or ESL program type code<sup>184</sup> for a student in the attendance accounting system as soon as the student meets all eligibility requirements. All documentation must be on file before the indicator is recorded. The sooner documentation is on file, the sooner funds may be earned for serving the student.

A student who withdraws from school should be coded with a bilingual or ESL program type code of 0 upon withdrawal.

A student who has been classified by the LPAC as English proficient at the end of the school year should be coded with a bilingual or ESL program type code of 0 at the beginning of the following school year.

At the beginning of each semester and at the end of each 6-week reporting period, the appropriate bilingual/ESL staff members should verify the Student Detail Report to ensure that a student's coding is correct.

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<sup>182</sup> in accordance with 19 TAC Chapter 101, [Subchapter AA](#), Commissioner's Rules Concerning the Participation of Limited English Proficient Students in State Assessments

<sup>183</sup> 19 TAC [§89.1220\(l\)](#)

<sup>184</sup> To find the appropriate code to use, please consult the program type code tables available at the following link: [http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS\\_Latest\\_Release/](http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/). Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

## 6.13 Examples

### 6.13.1 Example 1

A student's home language survey indicates that Spanish is spoken in the student's home most of the time. The student's test scores on an approved OLPT are below the cutoff score, and the LPAC recommends placement in the bilingual education program. However, the student's parent has denied placing the student in the bilingual or ESL education program.

*Your school district must not serve the student in either program and must not claim the student for bilingual/ESL state funds. The student should be recorded in the TSDS PEIMS as an ELL with a parental permission code of "C" for parental denial and a bilingual or ESL program type code of 0.*

### 6.13.2 Example 2

A student in grade 3 has a home language survey on file that indicates Spanish is spoken in the student's home most of the time. The student's test scores on the standardized English achievement test are in the 42nd percentile in reading and in the 45th percentile in language arts. The LPAC has recommended placement in the ESL program.

*If the student's parent approves, your district may serve the student in the ESL program. However, your district must not claim the student for bilingual/ESL state funds. Funds must not be collected even though the LPAC recommended placement in the program and the home language survey indicates a language other than English because the student has scored above the cutoff score on the standardized achievement test.*

### 6.13.3 Example 3

An ELL student is assessed in March to determine if he or she could be reclassified as English proficient. The LPAC meets in April to recommend that the student be reclassified as a non-ELL. Your school district will continue to receive funding for the student until the end of the school year.

*Your school district should not pull the student from the classroom before the end of the school year. The student should continue to be served in the bilingual or ESL education program until the end of the school year. Your district should place the student in an all-English classroom at the beginning of the following school year.*

### 6.13.4 Example 4

A student's parent denies placement of his or her child in a bilingual or ESL education program. Therefore, the student is entered in the TSDS PEIMS as an ELL with parental denial. The following school year, the student is still considered as an ELL with parental denial.

*Your school district does not change the status of the student as an ELL with parental denial until the student meets the testing criteria to no longer be considered an ELL. Your district should continue to code the student as LEP with parental denial until all criteria are met.*

### **6.13.5 Example 5**

The only summer school program your district is offering is a bilingual or ESL education program. Parents who have previously denied placement of their child in the bilingual or ESL education program would like their child to participate in the summer school program.

*The student must not participate in the summer school program or earn bilingual/ESL eligible days present (be assigned a bilingual or ESL program type code in the attendance accounting system) in the summer program unless the parents explicitly allow, in writing, placement of the student in the bilingual or ESL education program.*

## Section 7 Prekindergarten (PK)

This section addresses unique attendance accounting provisions for PK. They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including PK.

Any school district may offer PK classes, but your district must offer PK classes if it identifies 15 or more eligible children who are at least 4 years of age on or before September 1 of the current school year.<sup>185</sup> The commissioner of education may exempt a district from this requirement if the district would be required to construct classroom facilities to provide PK classes.<sup>186</sup>

### 7.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all PK coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 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 meet one of the following requirements<sup>187</sup>:

1. be unable to speak and comprehend the English language; or
2. be educationally disadvantaged<sup>188</sup> (eligible to participate in the National School Lunch Program [NSLP]; see [7.2.3 PK Eligibility Based on Being Educationally Disadvantaged \(Eligible for the NSLP\)](#)); or

<sup>185</sup> Texas Education Code (TEC), [§29.153](#)(a-1)

<sup>186</sup> TEC, [§29.153](#)(d)

<sup>187</sup> TEC, [§29.153](#)(b)

<sup>188</sup> The TEC, [§5.001](#)(4), defines “educationally disadvantaged” as “eligible to participate in the national free or reduced-price lunch program.”

3. be homeless<sup>189</sup>; or
4. be the child<sup>190</sup> 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<sup>191</sup> 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
6. have ever been in the conservatorship of the Texas DFPS (foster care) following an adversary hearing.
7. is the child<sup>192</sup> of a person eligible for the Star of Texas Award as:
  - a. a peace officer under Section 3106.002, Government Code;
  - b. a firefighter under section 3106.003, Government Code; or
  - c. an emergency medical first responder under Section 3106.004, Government Code.

Once a student is determined to be eligible for PK, the student remains eligible for the remainder of the current school year in the district in which he or she resides or is otherwise entitled to attend for Foundation School Program benefits, with the exception described in **7.2.2**.

For example, a student who qualifies for PK because the student is eligible to participate in the NSLP (is educationally disadvantaged) is eligible for PK the entire school year even if the family’s annual income increases above the subsistence level during the school year.

A district must verify a student’s eligibility for PK in order to receive funding in the PK program. Districts must have the verification document as well as any required documentation on file for their records.

### **7.2.1 PK Eligibility and Age**

A child who is 3 years old is eligible for PK only if your district operates a 3-year-old PK program. A child who is 5 years of age on September 1 of the current school year is **not** eligible for enrollment in a PK class. It is the position of the Texas Education Agency (TEA) that children who have reached age 5 on September 1 are most appropriately served in kindergarten, and that the law specifically established the PK program to serve students who have not reached age 5. Given the intent of the law, if your district enrolls a 5-year-old student in the PK program, the student must be reported as ineligible for average daily attendance (ADA) (ADA eligibility code 4 or 5); the student’s grade level must be reported as PK.

Students under 5 years of age who do not meet eligibility requirements but are still served in the PK program should be coded ineligible half-day (ADA eligibility code 5). Your district should ensure that

<sup>189</sup> If the student is eligible for PK because the student is homeless, the student must fit the definition of homeless as defined by 42 United States Code (USC), §11302, and 42 USC, §11434a. (See [7.2.4 PK Eligibility Based on Homelessness](#).)

<sup>190</sup> “Child” includes a stepchild. The stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

<sup>191</sup> “Child” includes a stepchild. The stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

<sup>192</sup> [HB 357](#)

serving students who are not eligible for the program does not interfere with serving students who are eligible for the program.

**Note:** Both 3-year-olds and 4-year-olds may be served in the same PK class.

### ***7.2.2 PK Eligibility Based on a Student's Being Limited English Proficient (LEP)***

Appropriate PK staff members determine that a student is eligible for PK based on not speaking and comprehending the English language by:

1. administering the home language survey (if a language other than English is indicated on any portion of the survey, then the student must be tested for English proficiency);
2. testing the student using oral instruments from the list of state approved tests for assessment of limited English proficient (LEP) students; and
3. having a language proficiency assessment committee (LPAC)<sup>193</sup> evaluate the student and receiving confirmation from the LPAC that the LPAC has identified the student as an English language learner.

If a student qualifies for PK on the basis of not speaking and comprehending the English language, is receiving required services through the bilingual/ESL program, and then moves out of the district, the student would be qualified to attend PK in the new district provided that the documentation described in [7.2.2.1](#) is made available to the new district.<sup>194</sup> This requirement also applies to PK LEP 3-year-olds who are promoted to the PK LEP 4-year-old program.

If a student qualifies for PK on the basis of being LEP, is not receiving required services through the bilingual/ESL program because of a parental denial, and then moves out of the district, the student remains eligible for PK if the student enrolls in the new district provided that the documentation described in [7.2.2.1](#) is made available to the new district.

Many districts preregister PK students to determine and plan for the size of the next school year's PK program. Districts may begin this process after April 1 of each year. However, your district must have all the documentation described in [7.2.2.1](#) on file before claiming a student as eligible for PK funding on the basis of the student's being LEP. If preregistration has not occurred, starting on the first day of school, your district has up to 20 school days<sup>195</sup> to complete this documentation; however, as stated before, your district may not claim a student as eligible for PK funding until this documentation is on file.

#### **7.2.2.1 Documentation Required**

If the student is eligible for PK because the student does not speak and comprehend the English language, the following documentation must be on file.

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<sup>193</sup> 19 Texas Administrative Code (TAC) [§89.1220](#)

<sup>194</sup> See 19 TAC [§89.1225\(i\)](#).

<sup>195</sup> 19 TAC [§89.1225\(g\)](#)

1. Home language survey. The home language survey must be administered in English and Spanish; for students of other language groups, the home language survey must be translated into the home language whenever possible. The survey must contain the following questions<sup>196</sup>:
  - a. “What language is spoken in your home most of the time?”
  - b. “What language does your child (do you) speak most of the time?”
2. Proof of a qualifying score on an approved oral language proficiency test. The official scores must be documented in the student’s records.
3. Documentation of the LPAC’s identification of the student as an English language learner.

### **7.2.3 PK Eligibility Based on Being Educationally Disadvantaged (Eligible for the NSLP)**

Any student considered educationally disadvantaged is eligible to receive free PK. The TEC, [§5.001\(4\)](#), defines *educationally disadvantaged* as “eligible to participate in the national free or reduced-price lunch program.” If a student is eligible for PK because the student is educationally disadvantaged (eligible to participate in the NSLP), your district must verify and document that the student is eligible to participate in the NSLP, either because the student’s family income level meets requirements for participation in the NSLP or because of automatic eligibility for the NSLP.

For a student to qualify for the NSLP, either:

#### **1. the student must be automatically eligible for the NSLP**

Children who are automatically eligible for the NSLP under criteria in federal law (42 United States Code [USC], §1758) include the following:

- a child who is a member of a household receiving benefits from the Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families program, or Food Distribution Program on Indian Reservations
- a child who is enrolled as a participant in Head Start or Even Start
- a child who is considered a migrant child
- a child who is considered homeless
- a child who is considered a runaway
- a child who is a foster child

For exact definitions of the terms used in the previous paragraph and complete information on pre-existing bases for automatic NSLP eligibility, see 42 USC, §1758. For information on appropriate documentation of automatic eligibility, see either the United States (US) Department of Agriculture’s *Eligibility Manual for School Meals*, available at <http://www.fns.usda.gov/cnd/guidance/default.htm>, or the Texas Department of Agriculture’s

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<sup>196</sup> 19 TAC [§89.1215\(b\)](#)



*NSLP Handbook: Administrator's Reference Manual*, available at <http://www.squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicy&ARM.asp>. For additional 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 pre-register PK students to determine and plan for the size of the next school year's PK program. Since income level documentation must be current for a student to qualify for PK based on eligibility for the NSLP, your district must verify income level documentation no earlier than the April 1 before the next school year. When verifying income, districts should correlate the eligible school year with the qualifying NSLP year. Qualifying a student for PK on the basis of the student's meeting the NSLP income eligibility requirements does not automatically qualify the student for the NSLP. To qualify a student for the NSLP, your district must provide documentation to the TDA in accordance with the TDA's requirements.

If a student qualifies for PK on the basis of being eligible to participate in the NSLP, and the student then moves to a new district, the new district should review the previous district's determination for accuracy. If the new district finds that the determination was accurate, the student need not requalify for the PK program in the new district. If the new district finds that an error was made, the student must requalify for the PK program in the new district.

#### ***7.2.4 PK Eligibility Based on Homelessness***

A student is eligible on the basis of homelessness if your district's local homeless education liaison identifies the student as homeless, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child.

The term "homeless child," as used in the prekindergarten statute, TEC, [§29.153\(b\)\(3\)](#), is defined by 42 USC, §11434a. The definition of "homeless," "homeless individual," and "homeless person" in 42 USC, §11302, is similar, but not identical, to the definition of "homeless children and youths" in 42 USC, §11434a. As the general admission provision in the TEC, [§25.001\(b\)\(5\)](#), references the homeless definition in 42 USC, §11302, the TEA advises school districts to apply 42 USC, §11434a, and 42 USC, §11302, when determining whether a prekindergarten student is eligible for enrollment. For both definitions, see the entry for "Homeless Students" in [Glossary](#).

#### ***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 the membership of a parent<sup>197</sup> in the armed forces:

The term "member of the armed forces" includes:

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<sup>197</sup> "Parent" includes a stepparent. A stepchild is eligible for PK enrollment whether or not the child resides in the same household as the stepparent.

- a. active duty uniformed members (parents or official guardians) of the US Army, Navy, Marine Corps, Air Force, or Coast Guard who have eligible children residing in Texas.
- b. activated or mobilized uniformed members of the Texas National Guard (army or air guard), or activated or mobilized members of the reserve components of the US Army, Navy, Marine Corps, Air Force, or Coast Guard who have eligible children residing in Texas.
- c. uniformed service members who are missing in action (MIA).

Also, for purposes of eligibility for enrollment in a PK program, a child is considered to be the child of a member of the armed forces if either of the following conditions is met:

- 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.

If a student qualifies for PK on the basis of being a child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, the student remains eligible for enrollment if the child's parent leaves the armed forces, or is no longer on active duty, after the student begins a PK class.

#### **7.2.5.1 Documentation Required**

If the student is eligible for PK because the student is 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 is on active duty or has been injured or killed while on active duty, one of the following forms of documentation must be on file:

1. **Documentation that a district employee verified the student's US Department of Defense (DoD) photo identification for children of active duty service members.** The documentation must include the printed name and signature of the person who verified the identification and the date that it was verified.

If the student has not been issued such an ID, then documentation must be on file that a district employee verified the military member's DoD photo identification (or other DoD-issued documentation indicating that the person is an active-duty member of the military) and verified documentation showing that the student is a child of the military member. The documentation to be kept on file must include the printed name and signature of the person who verified the DoD and other documentation and the date that it was verified, as well as a photocopy of the documentation showing that the student is a child of the military member.

**Important:** Your district should **not** make a copy of DoD identification.

2. **A statement of service from the installation adjutant general director of human resources for children of active members, mobilized reservists, or members of the Texas National Guard.** This office would use the military personnel systems and documentation to verify that the service member is in fact on active duty in Texas or a Texas mobilized reservist. For Texas National Guard members (army or air guard), the Texas National Guard's Office of the Adjutant

General may provide documentation or an official letter from a commander (at or above the lieutenant colonel or, for the navy, at the commander level) confirming active or mobilized status, which is acceptable documentation.

3. **A copy of the death certificate using the service-appropriate DoD form, or a DoD form that indicates death as the reason for the separation from service, for children of service members who died or were killed.**

If the DoD form is not available, the family would ask the casualty assistance office of the closest casualty area command (in Texas) to provide a memorandum signed by the casualty office stating that the service member was killed in action or died while serving.

4. **A copy of Purple Heart orders or citation for children of service members or mobilized reservists or guardsmen who were wounded or injured in combat.**

**A copy of the line of duty determination documentation for children of service members or mobilized reservists or guardsmen who were injured while serving active duty but were *not* wounded or injured in combat.**

If this documentation is not available, a copy of an official letter from a commander (at or above the lieutenant colonel or, for the navy, at the commander level) that states that the service member was wounded or injured while on active duty is acceptable.

A copy of a letter from the US Department of Veterans Affairs indicating that the service member has a service-connected disability and is eligible for disability compensation is also acceptable.

5. **Documentation that a service member is MIA for children of service members who are MIA.**

### ***7.2.6 PK Eligibility Based on a Child's Having Been in Foster Care***

Students who are in or who have ever been in the conservatorship of the Texas DFPS (that is, in foster care) following an adversary hearing are eligible for free PK. These students include not only students who are in or who have ever been in DFPS conservatorship but also students who have been adopted or returned to their parents after having been in DFPS conservatorship.

If a student qualifies for PK on the basis of having ever been in foster care, the student remains eligible for enrollment after the student begins a PK class even if that student is no longer in foster care.

At least annually, the DFPS and Child Protective Services mail verification letters of PK eligibility to the parents and caregivers of eligible children. These letters serve as proof of eligibility. However, if a parent or caregiver does not receive this letter, he or she may obtain evidence of a child's eligibility for PK services by contacting a DFPS education specialist. A list of DFPS education specialists and their contact information is available on the TEA *Student Attendance Accounting Handbook* web page at <http://www.tea.state.tx.us/index2.aspx?id=7739>. The DFPS education specialist will write and sign a letter addressed to the school district attesting to the student's eligibility for free PK based on having been in foster care. The parent or guardian then presents the signed letter to the appropriate district personnel.

### 7.2.7 PK Eligibility Based on a Parent’s Star of Texas Award

A student is eligible on the basis that their parent or guardian has received the Star of Texas Award. A child is eligible for prekindergarten if a parent has received a Star of Texas Awards for peace officers, firefighters, and emergency medical first responders. To be eligible, the parent must have been awarded between 2004 and the current year of the awards ceremony. If an individual has a prekindergarten-aged child and has been nominated but not notified as an honoree prior to the current school year, that individual may make a request that the Office of Early Childhood Education determine eligibility based on the nomination submitted for review to the Criminal Justice Division<sup>198</sup>.

## 7.3 Enrollment Procedures

Obtain proof that the student enrolling is 3 or 4 years old as of September 1 of the current school year. Any of the following documents is acceptable for proof of identity and age:

- birth certificate
- statement of the child’s date of birth issued by the division of the Texas Department of State Health Services responsible for vital statistics for school admission purposes<sup>199</sup>
- passport
- school ID card, records, or report card
- military ID
- hospital birth record
- adoption records
- church baptismal record
- any other legal document that establishes identity and age

Appropriate PK staff members then determine that the student is eligible for PK based on one of the six criteria in [7.2 Eligibility](#).

## 7.4 Withdrawal Procedures

See [3.4 Withdrawal Procedures](#) in Section 3, on general attendance requirements.

## 7.5 Eligible Days Present and ADA Eligibility

PK classes must operate on a half-day basis unless funding other than Foundation School Program funding is used to offer a full-day PK program, as PK is state-funded only as a half-day program.<sup>200</sup> In general, students who meet eligibility requirements for the PK program should be coded as eligible for half-day attendance (ADA eligibility code 2) and not as eligible for full-day attendance (ADA eligibility code 1). Students in PK are also eligible for special programs such as special education (that is, preschool program for children with disabilities [PPCD]) and bilingual/ESL, provided they meet the requirements for these programs. Those programs’ requirements are provided in Sections 4 and 6.

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<sup>198</sup> [Office of the Governor Past Star of Texas Awards](#)

<sup>199</sup> As provided for by the Texas Health and Safety Code, [§191.0046](#). A child’s parent or guardian may request this statement free of charge from the division of the Texas Department of State Health Services responsible for vital statistics. To request this statement, the parent or guardian should complete the Mail Application for a Verification Letter, available at <http://www.dshs.state.tx.us/vs/reqproc/forms.shtm>, marking the application “Free for School Admission.”

<sup>200</sup> TEC, [§29.153\(c\)](#)

The following table shows the ADA eligibility codes to use for students served in a PK classroom. (For the PK program type codes to use for PK students, see the C185 code table in the *Texas Education Data Standards*, available at [http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS\\_Latest\\_Release/](http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/).)

**Note: The 2-through-4-hour rule includes recess and in-class breakfast. For funding purposes classroom time includes recess and in-class breakfast.**

ADA Eligibility Coding for Students Served in a PK Classroom		
	Student Age	ADA Eligibility Code
A student eligible for PK <sup>1</sup> served in the PK classroom by a PK teacher for ½ day	3 or 4	2 half-day
A student eligible for PK <sup>1</sup> served in the PK classroom by a PK teacher for the full day	3 or 4	2 half-day
A student ineligible for PK <sup>2</sup> served in the PK classroom by a PK teacher for ½ day	3 or 4	5 ineligible half-day
A student ineligible for PK <sup>2</sup> served in the PK classroom by a PK teacher for the full day	3 or 4	4 ineligible full-day
A student eligible for PK <sup>1</sup> and special education (PPCD) served in the PK classroom by a PK teacher for ½ day and served in the PPCD for ½ day <sup>3</sup>	3 or 4	1 eligible full-day

<sup>1</sup>According to [7.2 Eligibility](#).

<sup>2</sup>Ineligible PK students may be served in the PK classroom only if space is available and other eligible PK students are not denied enrollment.

<sup>3</sup>This circumstance is just one example of a circumstance in which a student eligible for PPCD services is served in a PK classroom. For more information on coding of PK students who are eligible for special education services, see [7.5.1 Students Who Are Eligible for Special Education \(PPCD\) and Are Served in a PK Classroom](#) and [4.9.3 PPCD Services and PK Programs](#).

For every student eligible for the program, district personnel must record the total number of eligible half-days present for each 6-week reporting period in the Student Detail Report. For every student who is served in the program but did not meet the eligibility requirements, district personnel must record the total number of ineligible half-days present for each 6-week reporting period in the Student Detail Report. Also, for every student eligible for both PK and the PPCD, district personnel must record the total number of eligible days present for each 6-week reporting period in the Student Detail Report.

To claim PK eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student shown as accumulating PK eligible days present on the Student Detail Report. You can find specific documentation requirements in [7.2 Eligibility](#) and [7.3 Enrollment Procedures](#).

The information required in the Student Detail Report for students in the PK program is the same as for students in all other grade levels. Refer to [2.3.1 Student Detail Reports](#) for a list of required information.

At the end of each 6-week reporting period, district personnel must generate a Campus Summary Report (Section 2). The report must provide a summary of the total eligible days present and ineligible days present for the PK grade level. A separate Campus Summary Report will exist for each instructional track for each campus in your district, but only those campuses with PK programs will report PK eligible and ineligible days present.

At the end of each 6-week reporting period, district personnel must generate a District Summary Report (Section 2). The report must provide a summary of the total eligible days present and ineligible days present for the PK grade level from all Campus Summary Reports for each track in your district.

### ***7.5.1 Students Who Are Eligible for Special Education (PPCD) and Are Served in a PK Classroom***

A student who is eligible for **both** special education (PPCD) and PK and is served in a PK classroom is eligible for full-day attendance (ADA eligibility code of 1) if the student is scheduled for and receives at least 4 hours of instruction and services (that is, receives at least 2 hours of special education services in addition to the 2 hours of PK program instruction). The student is eligible for half-day attendance (ADA eligibility code of 2) if the student is scheduled for and receives at least 2 hours but fewer than 4 hours of instruction or services. The student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student.

When a student who is eligible for special education (PPCD) **but is not eligible for PK** is served in a PK classroom, the student's ADA eligibility is determined by the amount of time that the student is provided **special education** services each day. The student is eligible for full-day attendance (ADA eligibility code of 1) only if the student is scheduled for and receives at least 4 hours of **special education** services each day. The student is eligible for half-day attendance (ADA eligibility code of 2) if the student is scheduled for and receives at least 2 hours but fewer than 4 hours of **special education** services each day. The student's instructional setting code should be determined based on the information in the chart shown in [4.9.3 PPCD Services and PK Programs](#). The student's grade level should be reported as EE.

When a student who is eligible for special education but not eligible for PK is served in a PK classroom, a special education teacher must be in the classroom for the student's entire instructional day for ADA and weighted funding to be generated.

See [4.9.3 PPCD Services and PK Programs](#) for more information.

## **7.6 Examples**

### **7.6.1 Example 1**

A student is served in the PK program but does not meet any of the PK eligibility requirements.

*The ADA eligibility code for this student is 5—Ineligible Half-Day, and the grade level is PK.*

### 7.6.2 Example 2

Your school district has two PK classes. One class is held in the morning, and the other class is held in the afternoon. A student is served in both classes for the entire day. The student meets the eligibility requirements for the PK program.

*The ADA eligibility code for this student is **2—Eligible for Half-Day Attendance**, and the grade level is PK. The maximum attendance a student may receive in the PK program is half-day (unless the PK student receives special education services and receives instruction for at least 4 hours per day).*

Note: In a case like this, in which one PK class is held in the morning and one PK class is held in the afternoon, attendance should be taken at a set time in the morning for the morning class and at a set time in the afternoon for the afternoon class. The time attendance is taken must be consistent throughout the entire school year.

### 7.6.3 Example 3

A student is served in the PPCD for half of the day and in PK for the other half of the day. The student meets the eligibility requirements for the PK program.

*The ADA eligibility code for this student is **1—Eligible for Full-Day Attendance**, and the grade level is PK. The instructional setting code for this student is 43 (self-contained, mild/moderate/severe, regular campus - at least 50% but no more than 60%) (see [4.7 Instructional Setting Codes](#) for instructional setting coding guidelines).*

### 7.6.4 Example 4

A student is served in the PPCD for half of the day and in PK for the other half of the day. The student **does not** meet the eligibility requirements for the PK program.

*The ADA eligibility code for this student is **2—Eligible for Half-Day Attendance**, and the grade level is EE. The instructional setting code for this student is 43 (self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%) (see [4.7 Instructional Setting Codes](#) for instructional setting coding guidelines).*

### 7.6.5 Example 5

A student is served in the PK program for half of the day. The student meets the eligibility requirements for the PK program. The student is also served by a speech therapist for 1 hour a week.

*The ADA eligibility code for this student is **2—Eligible for Half-Day Attendance**, and the grade level is PK. The instructional setting code for this student is 00, and the speech therapy indicator code is 1 (see [4.7 Instructional Setting Codes](#) for instructional setting coding guidelines).*

### 7.6.6 Example 6

A student is served in the PK program for half of the day. The student **does not** meet the eligibility requirements for the PK program. The student is only served by a speech therapist for 1 hour a week.

*The ADA eligibility code for this student is **5—Ineligible Half-Day**, and the grade level is EE. The instructional setting code for this student is 00, and the speech therapy indicator code is 1, even though the student will not earn eligible days present for special education. If the same student is served by a speech therapist for 1 hour a day, the coding is the same. (See [4.7 Instructional Setting Codes](#) for instructional setting coding guidelines.)*

### 7.6.7 Example 7

A student is served in the PK program for half of the day. The student is eligible for the PK program because she is LEP. The district in which the student attends PK does not have a PK teacher certified or on permit to teach bilingual education or ESL. The district does not have a bilingual/ESL program under an exception or waiver.

*The ADA eligibility code for this student is **2—Eligible for Half-Day Attendance**. Even though this student is classified as LEP, she is not eligible for bilingual/ESL eligible days present because she is not served by staff members certified or on permit to teach bilingual education or ESL.*

### 7.6.8 Example 8

A student is served in the PK program for half of the day. The student is eligible for the PK program because he is LEP. The district in which the student attends PK has a certified bilingual teacher teaching the PK class.

*The ADA eligibility code for this student is **2—Eligible for Half-Day Attendance**, and the bilingual/ESL indicator code is 1. This student accumulates bilingual/ESL days present as well as half-day eligible days present.*

### 7.6.9 Example 9

A student qualifies for PK on the basis of being eligible to participate in the NSLP because the student's family income level meets requirements for participation in the NSLP. The student moves to a new district. The student's previous district provides the student's new district with a copy of the records used to determine the student's eligibility. The new district reviews the records and finds that the previous district's determination that the student is eligible for participation in the NSLP and thus for PK is correct.

*The student does not need to requalify for the PK program in the new school district for the current school year.*

*If the new district had reviewed the records and found that the previous district made an error in its eligibility determination, the student **would** need to requalify for the PK program.*



### **7.6.10 Example 10**

A PK-age student whose parents are divorced resides in your district with her custodial parent. The student's noncustodial parent serves in the US military and is stationed at a base in another state.

*The student is eligible for PK, and her ADA eligibility code is **2—Eligible for Half-Day Attendance**.*

*If a student has a parent in the US military, he or she is eligible for PK regardless of whether the student's parents are married or where the military parent resides.*

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## Section 8 Gifted/Talented

This section addresses unique attendance accounting provisions for the gifted/talented program. They must be applied in conjunction with the general rules in Sections 1, 2, and 3. If students are served by multiple programs, review and apply the provisions of each applicable program.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including the gifted/talented program.

### 8.1 Responsibility

List in the following spaces the name and phone number of the district personnel to whom all gifted/talented coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 8.2 Eligibility

Final selection of students to be served in the gifted/talented program must be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students.<sup>201</sup>

Your district must identify a kindergarten student for participation in the gifted/talented program **and serve** him or her in the program **before March 1** of the current school year for the student to be eligible for funding, unless the student has moved to your district from another district where he or she was previously served.

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.<sup>202</sup>

Your district should include all students identified and served in the gifted/talented program as part of its gifted/talented enrollment. However, not more than 5 percent of your district's students in average daily attendance are eligible for gifted/talented funding.<sup>203</sup>

<sup>201</sup> 19 Texas Administrative Code (TAC) [§89.1\(4\)](#)

<sup>202</sup> *PEIMS Data Standards*

<sup>203</sup> Texas Education Code (TEC), [§42.156\(c\)](#)

## 8.3 Enrollment Procedures

1. Appropriate gifted/talented program staff members determine that a student requires educational experiences beyond those normally provided by the regular school program.
2. Attendance personnel record the gifted/talented indicator code in the attendance accounting system.

## 8.4 Withdrawal Procedures

A student is withdrawn from the gifted/talented program if:

1. the student withdraws from your district,
2. your district decides the student must be withdrawn from the program according to the local board-approved exit policy, or
3. the student's parent requests that the student no longer be served in the program.

Attendance personnel remove the gifted/talented indicator code from the attendance accounting system and record the effective date of withdrawal.

## 8.5 Policies for Selection of Students to Participate in the Gifted/Talented Program

"Gifted/talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. exhibits high performance capability in an intellectual, creative, or artistic area;
2. possesses an unusual capacity for leadership; or
3. excels in a specific academic field.<sup>204</sup>

Your school district must develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. These policies must include the following:

1. provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code (TEC), [§29.121](#);
2. assessment measures collected from multiple sources according to each area defined in *The Texas State Plan for the Education of Gifted/Talented Students*;

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<sup>204</sup> TEC, [§29.121](#)

3. data and procedures designed to ensure that students from all populations in your district have access to assessment and, if identified, services for the gifted/talented program; and
4. provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.<sup>205</sup>

## 8.6 Coding of Gifted/Talented Students

Your district should code a student who is receiving services through a state-approved gifted/talented program with a gifted/talented indicator code of 1 in the Student Detail Report.

Your district should count a student who is served on more than one campus in your district **only once** for gifted/talented funds.

## 8.7 Documentation

Note: The gifted/talented program should be included in the campus and district improvement plans.

To claim gifted/talented enrollment for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student with a gifted/talented indicator code of 1 on the Student Detail Report.

Your district must keep on file a class roster of all students who are served in the gifted/talented program in each school year. Your district may include a student in the gifted/talented enrollment if the student is **identified and served** in the program.

## 8.8 Quality Control

Controls must be in place to ensure that your district includes a student in only one campus gifted/talented count. If a student changes campuses during a 6-week reporting period or attends another campus to receive gifted/talented instruction, your district should count the student's participation in the program only once.

At the beginning of each school year and at the end of each 6-week reporting period, the appropriate staff members should verify the Student Detail Report to ensure that the coding of gifted/talented students is correct.

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<sup>205</sup> 19 TAC [§89.1](#)(1–3, 5)

## 8.9 Examples

### 8.9.1 Example 1

A third-grade student is served through the gifted/talented program at Sunshine Elementary for the entire school year.

*The gifted/talented indicator code for this student is entered as 1 for the entire school year in the attendance accounting system.*

### 8.9.2 Example 2

A seventh-grade student is served through the gifted/talented program at Moonlight Middle School for the first and second 6-week reporting periods. During the fourth week of the third 6-week reporting period, the student's parent requests that the child not be served in the gifted/talented program any longer.

*The gifted/talented indicator code for this student is entered as 1 for the first, second, and third 6-week reporting periods in the attendance accounting system. There should not be a gifted/talented indicator in the fourth 6-week reporting period for this student.*

### 8.9.3 Example 3

A second-grade student attends Sunshine Elementary from the beginning of school until the second week of the fourth 6-week reporting period. During that second week, the student moves to Raindrop Elementary. The student is served through the gifted/talented program at both schools.

*The gifted/talented indicator code for this student is entered as 1 in the first, second, and third 6-week reporting periods in Sunshine Elementary's attendance accounting system. The gifted/talented indicator code for this student is entered as 1 in the fourth 6-week reporting period in Raindrop Elementary's attendance accounting system. Because the student was served through the gifted/talented program at both schools during the fourth 6-week reporting period, district staff members should take care that the student is reported in only one campus's gifted/talented enrollment.*

### 8.9.4 Example 4

A first-grade student is tested and identified for gifted/talented services in April. The student will not be served through the gifted/talented program until the following school year.

*The gifted/talented indicator code for this student is entered as 0 for the entire school year. Only students who have been identified and served during the school year are eligible.*

## Section 9 Pregnancy-Related Services (PRS)

**Pregnancy-related services** are support services, including compensatory education home instruction (CEHI), that a student receives during the pregnancy prenatal and postpartum periods to help her adjust academically, mentally, and physically and stay in school. These services are delivered to a student when:

- the student is pregnant and attending classes on a district campus,
- a valid medical necessity for confinement during the pregnancy prenatal period prevents the student from attending classes on a district campus, or
- a valid medical necessity for confinement during the pregnancy postpartum period prevents the student from attending classes on a district campus.

Your district may choose whether to offer a PRS program. **If your district chooses to offer a PRS program, the district must offer CEHI services as part of that program.** Your district may offer CEHI only or both CEHI and other support services. However, your district must not code any student as PRS in the attendance accounting system unless CEHI is one of the services provided by the district’s PRS program. A district receives 2.41 PRS weighted funding while pregnancy-related services, consisting of support services and CEHI, are being provided to the student. Documentation by campus officials, licensed medical practitioners, and certified teachers is required to claim PRS eligible days present for funding (see [9.15 Documentation](#)).

**CEHI** is the mandatory component districts offer in a PRS program. CEHI provides academic services to the student at home or hospital bedside when a valid medical necessity for confinement during the pregnancy prenatal or postpartum periods prevents the student from attending classes on a district campus. CEHI must consist of face-to-face instruction by a certified<sup>206</sup> teacher of the district. A substitute teacher may provide CEHI; however, the substitute must be a certified teacher. The CEHI teacher must maintain a log to document the actual amount of prenatal and postpartum CEHI each student receives.

When students are provided CEHI, your district will receive the 2.41 PRS weighted funding. Students who do not come to school and who do not receive CEHI or special education homebound services **must** be counted absent in accordance with the charts provided in this section.

Your district may code students as PRS in the attendance accounting system only if CEHI is one of the service components provided by the district’s PRS program.

For information on remote home instruction, see either [12.3.3 Remote Homebound Instruction—Regular Education Students](#) or [12.3.4 Remote Homebound Instruction—Special Education Students](#), as applicable.

“Remote instruction” for the PRS program means that CEHI is provided to a student through a technology that allows for real-time, two-way interaction between a student and teacher who are in different physical locations. Examples of such technology might be interactive video conferencing or a robot that allows for virtual interaction between student and teacher. The technology must allow

<sup>206</sup> For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school’s charter requires that courses be taught by certified teachers.

for both two-way audio and two-way video interaction. All other Section 9 PRS requirements are required. See the 12.3 definition of “remote instruction”. For information on remote home instruction, including applying for a waiver to provide remote instruction see either [12.3.3 Remote Homebound Instruction—Regular Education Students](#) or [12.3.4 Remote Homebound Instruction—Special Education Students](#), as applicable.

**Support services** are optional components of a PRS program that may be provided to the student during the prenatal period of the pregnancy while the student is attending school. In addition, support services may be provided during the prenatal or postpartum periods of pregnancy while the student is confined at home or hospital bedside and receiving CEHI. In all cases, support services are supplemental in nature and should not take priority over or interfere with the academic services the student receives. Following are examples of support services that a district may choose to offer:

- counseling services, including the initial session when the student discloses the pregnancy
- health services, including services from the school nurse and certified athletic trainer
- transportation for the student, the student’s child(ren), or both to school, child care facility, community service agencies, health services, etc.
- instruction (inside or outside the classroom) related to parenting knowledge and skills, including child development, home and family living, and appropriate job readiness training
- child care for the student’s child(ren)
- schedule modifications (see [9.16 Quality Control](#))
- case management and service coordination (assistance in obtaining services from government agencies and community service organizations)

If your district’s PRS program provides and documents both support services and CEHI, a PRS-eligible student will generate the additional 2.41 PRS funding allotment when the student:

- is in the pregnancy prenatal period and is attending regular classes and receiving PRS support services, or
- is confined to the home in the pregnancy prenatal or postpartum periods and is receiving CEHI.

District staff members should code a student as PRS in the attendance accounting system on the date the student begins receiving services.

**Note:** The phrase “coded PRS” is used throughout this section. To “code a student as PRS” refers to identifying a student within the Texas Student Data System Public Education Information Management System (TSDS PEIMS) as meeting eligibility requirements for PRS (student is pregnant or in the postpartum period) and receiving services on the 400 (Student Basic Attendance) or 42401 (Student Flexible Attendance) record. A student who is pregnant should be coded with an at-risk indicator code on the 40110 record (Student Enrollment Record) because of being pregnant.

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**Important:** See Section 3 for general attendance requirements that apply to all program areas, including PRS.

## 9.1 Responsibility

List in the space provided below the name and phone number of the district personnel to whom all PRS coding questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

## 9.2 Eligibility and Eligible Days Present

**Eligibility for Services:** Any school-age student who is in the prenatal or postpartum period of pregnancy is eligible for **services** under the PRS program. This includes students who are pregnant and students who deliver a live, aborted, or stillborn baby; suffer a miscarriage or death of a newborn; or place a baby up for adoption.

**Eligibility for Funding:** Students who are eligible for average daily attendance (ADA) and who are eligible for PRS program services are eligible for **funding** under the PRS program beginning on the date services begin.

**End of Eligibility:** Eligibility for PRS ends when the student returns from postpartum confinement to resume her regular classes at a school campus or the first day of the seventh week, whichever comes first. For a student requiring extended confinement, eligibility for PRS ends when the student returns from postpartum confinement to resume her regular classes or the first day of the 11th week, whichever comes first (see [9.9.3 CEHI during Break-in-Service Confinement](#) for a limited exception).

### 9.2.1 Absences

During the prenatal period, a student is absent if she does not come to school or, if the student is receiving CEHI, if CEHI is not provided. During the postpartum period, a student is absent if CEHI is not provided.

A student may be recorded absent on the effective date of a program change (date of enrollment in or withdrawal from the PRS program). However, as with all other students, PRS students cannot earn eligible days present on days they are absent.

### 9.2.2 PRS Eligibility and Participation in Other State-Funded Programs

PRS students may simultaneously participate in other state-funded programs (special education, career and technical education, bilingual or ESL education), provided all eligibility requirements of the other programs are met (see Sections 4, 5, and 6). During CEHI, a student may remain coded and continue to generate special program ADA as long as the student continues to receive services at home as designated by the individual program requirements. (See [9.10 Confinement and Earning Eligible Days Present](#) and [9.17.4 Example 4](#).)

### 9.2.3 PRS and the Life Skills Program for Student Parents

The Life Skills Program for Student Parents (previously called the Pregnancy Education and Parenting [PEP] Program) will not be funded for the 2017–2018 school year.

### 9.2.4 Eligibility Timeline

The following chart illustrates a student’s eligibility for PRS and PRS funding during the prenatal and postpartum periods of pregnancy.

Date	Activity	Is student eligible for PRS funding?	Should student be provided CEHI?
9/1	District receives notification of pregnancy and completes intake documentation.	Yes, if PRS support services are initiated at this time.	No, only PRS support services.
11/10	Licensed medical practitioner (LMP) recommends 2-week confinement at home.	Yes.	Yes.
11/24	Student returns to school and continues PRS.	Yes.	No, only PRS support services.
1/3	LMP recommends 5-week confinement at home due to complications.	Yes.	Yes.
2/1	Student returns to school and continues PRS.	Yes.	No, only PRS support services.
3/1	Student delivers baby; 6-week postpartum confinement period begins. Week 3 is the district’s spring break.	Yes.	Yes, but only for weeks 1 and 2 and weeks 4–6.  CEHI is not required for week 3 because it is a district holiday. However, week 3 counts as 1 week of postpartum confinement for the student.
4/15	LMP recommends additional 2-week confinement at home.	Yes.	Yes.

Date	Activity	Is student eligible for PRS funding?	Should student be provided CEHI?
5/1 to Last Day of School Year	LMP recommends that student remain at home until end of school (5 additional weeks).	<p>Yes, but only for the first 2 weeks.</p> <p>After 10 weeks of postpartum confinement, the student is no longer eligible for funding and must be counted absent if she does not return to school.</p>	<p>Yes, but only for the first 2 weeks.</p> <p>After 10 weeks of postpartum confinement, the student is no longer eligible for CEHI.</p> <p>For options after PRS eligibility ends, see <a href="#">3.7 General Education Homebound (GEH) Program</a>.</p>

### 9.2.5 Eligible Days Present

Students who are being served in the PRS program and who are eligible for funding, according to the requirements of this section, must be identified as PRS in the attendance accounting system. The total number of PRS eligible days present must be recorded for each 6-week reporting period in the Student Detail Report (see Section 2) for every student served through the program. Entry dates into and withdrawal dates from the program (if applicable) for each student receiving PRS must also be documented in the Student Detail Report.

At the end of each 6-week reporting period, a campus must generate a Campus Summary Report (see Section 2). The report must include a summary of the total PRS eligible days present, for every student in the program, by grade level. Your district must have a separate Campus Summary Report for each instructional track, for each campus in the district. Each campus report must include the total PRS eligible days present for all grades, as well as PRS ADA for the campus.

District personnel then add the information from all Campus Summary Reports for each track in the district to comprise a District Summary Report for each track. This report must include PRS eligible days present for each grade level in your district, total PRS eligible days present for all grades, and district PRS ADA.

For additional information on eligible days present, see [9.10 Confinement and Earning Eligible Days Present](#) and [9.12.2 SPED, PRS, and Earning Eligible Days Present](#).

## 9.3 Enrollment Procedures

Any school-age student may be enrolled in the PRS program if she is eligible for ADA and in the prenatal or postpartum period of pregnancy.

The student's eligibility to receive PRS is verified by either of the following:

- a campus official or
- a medical practitioner<sup>207</sup> licensed<sup>208</sup> to practice in the United States.

The date the student begins receiving PRS is considered the date of enrollment in the PRS program.

## 9.4 Withdrawal Procedures

A student is no longer eligible for PRS and must be withdrawn from the program on the date one of the following occurs:

- the student no longer receives services through the PRS program;
- the student returns early from postpartum confinement to attend her regular classes on a school campus;
- the student reaches the first day of the seventh week after her pregnancy ended and a licensed medical practitioner has not authorized an extension of postpartum confinement;
- if the student's postpartum confinement was extended, the student reaches the first day of the 11th week after her pregnancy ended; or
- if the student has been allowed to use the break-in-service option, the student reaches the first day of the school week that follows 10 weeks of postpartum confinement.

If your district determines that a student was never pregnant, it must remove all PRS coding for the student from the attendance accounting system even if the district provided the student PRS.

## 9.5 PRS and District and Campus Improvement Plans

District and campus improvement plans must do the following:

1. include a description of your district's PRS program;
2. describe the specific services available to a student through the PRS program; and
3. summarize the use of the compensatory education allotment for PRS in the strategies when the PRS program is used to serve prenatal and postpartum students.

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<sup>207</sup> The term "medical practitioner" includes a physician, an advanced nurse practitioner, and a midwife licensed under the Texas Occupations Code, [Chapter 203](#).

<sup>208</sup> Throughout Section 9, "licensed" means licensed to practice in the United States. You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_NoticeVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp).

## 9.6 Student Detail Reports

Student Detail Reports must contain a PRS indicator code for all students who are being served in the PRS program and who are eligible for state funding (see [9.2 Eligibility and Eligible Days Present](#)).

## 9.7 On-Campus PRS Support Services

A student may be served with PRS support services while she is pregnant and attending classes on a district campus. If your district serves prenatal students with on-campus support services, it will receive the 2.41 PRS weighted funding (your district should code students in the attendance accounting system as receiving PRS while they are being served on campus) (see the Section 9 introduction). Though on-campus support services are optional, they may be necessary for the academic, mental, or physical health of the student to ensure that she does not drop out of school.

A campus official must record the date of the initial contact with the pregnant student and document that on-campus services are being provided.

The services must address the needs of the student with regular, routine support services. Infrequent or sporadic occurrences of support services do not qualify your district for PRS funding.

## 9.8 CEHI during Prenatal Confinement

If your district serves students with CEHI during a prenatal confinement, it will receive the 2.41 PRS weighted funding. Though providing support services to a student who is receiving CEHI during prenatal confinement is optional, these services may be necessary for the academic, mental, or physical health of the student to ensure that she does not drop out of school.

Documentation for each event of prenatal confinement must be obtained from a licensed medical practitioner to verify that a medical necessity for confinement has been determined to exist.

There is no limit to the length of time or number of times CEHI may be provided to a student during the prenatal period. The length of time and number of times the student is provided CEHI services is dependent on the licensed medical practitioner's documentation.

## 9.9 CEHI during Postpartum Confinement

If your district offers a PRS program and an eligible student has not refused program services, your district must provide the student with postpartum CEHI either until the student chooses to return to school or until the end of the sixth week from the beginning date, whichever comes first. The student is not required to provide a medical note indicating a need for confinement to be eligible for or receive postpartum CEHI through the sixth week from the beginning date. Provision of CEHI during postpartum confinement may be extended for 4 additional weeks subject to the documentation requirement in [9.15 Documentation](#). However, under no circumstances will a student remain eligible for PRS funding after the 10th week of postpartum confinement ends.

A student is no longer eligible for the additional 2.41 weighted allotment under the PRS program when she returns to her regular classes at a school campus, with the exception of a student who is dividing the postpartum confinement into two periods under the break-in-service option (see [9.9.3 CEHI during Break-in-Service Confinement](#)).

### ***9.9.1 Beginning and Ending of CEHI during Postpartum Confinement***

The district must:

1. select one type of beginning date for the district (the day pregnancy ends or the day after pregnancy ends) and
2. consistently use the same type of beginning date for all students throughout the school year.

A campus official must record the date a student's pregnancy ended.

Eligibility for CEHI during the postpartum confinement period starts on the district beginning date (day pregnancy ends or day after) and ends on the last day of the sixth week after the beginning date. However, if the postpartum confinement period is extended, eligibility for CEHI ends on the last day of the 10th week after the beginning date (see [9.9.2 CEHI during Extended Confinement](#); see [9.9.3 CEHI during Break-in-Service Confinement](#) for a limited exception).

### ***9.9.2 CEHI during Extended Confinement***

Eligibility for CEHI during postpartum confinement may be extended for an additional 4 consecutive weeks if there are complications with the student's or infant's health. Eligibility for CEHI during extended postpartum confinement starts on the first day of the seventh week after the beginning date and ends on the first day of the 11th week after the beginning date.

### ***9.9.3 CEHI during Break-in-Service Confinement***

Your district may allow a student to divide up to 10 weeks of postpartum confinement CEHI into two periods in instances in which the infant remains hospitalized after delivery. This option is known as break-in-service CEHI. It allows the student to receive CEHI during an initial period of postpartum confinement while recovering from delivery (student recovery period), return to school until the baby is released from the hospital, and then receive CEHI during the remainder of the eligible postpartum confinement time while caring for the baby (baby recovery period). (If the baby is hospitalized again, the student may receive an additional period of CEHI when the baby is released if the student has not already received 10 weeks of postpartum confinement CEHI.)

A student who requires break-in-service confinement remains eligible to receive CEHI until she has been confined for a total of 10 weeks or the school year ends, whichever comes first. For a baby recovery period, the student is not required to provide a medical note indicating a need for extended postpartum confinement to be eligible for or receive break-in-service CEHI beyond the sixth week of postpartum confinement.

The following chart shows the beginning and ending dates for CEHI eligibility for a student who requires break-in-service confinement.

	<b>Begins On</b>	<b>Ends On</b>
<b>Eligibility for CEHI During Student Recovery Period</b> (first period of confinement)	your district's beginning date (day pregnancy ends or day after)	the date the student returns full time to school to await the baby's release from the hospital <b>or</b> the last day of the sixth week (or 10th week if extended confinement is required) after the beginning date, whichever comes first
<b>Eligibility for CEHI During Baby Recovery Period</b> (second period of confinement)	the date the infant is released from the hospital*	the date on which the student has been confined for a total of 10 weeks (including the student recovery and baby recovery periods) during the postpartum period or the end of the school year, whichever comes first (a student who has received 10 weeks of CEHI during the student recovery period is not eligible to receive any more CEHI)

\* A campus official must record the date the infant is released from the hospital.

When the student returns to the school between recovery periods, district personnel should not code her as PRS.

#### **9.9.4 Additional Information on CEHI and Confinement**

Your district must provide CEHI to a student during the confinement period to receive funding. However, your district is not required to provide CEHI to confined students on days designated as school breaks, holidays, teacher work days, etc. Additionally, school breaks, holidays, teacher work days, etc., do not extend the amount of time a student may receive postpartum CEHI. Your district must count these days when determining the amount of time a student is eligible for CEHI (see [9.17 Examples](#) for examples). A district may apply for a waiver to provide CEHI on campus in a small group of four or less students when a student in postpartum recovery is transitioning back to school in accordance with the terms of the approved waiver. See the PRS Waiver Application in the TEAL application for waiver requests.<sup>209</sup>

### **9.10 Confinement and Earning Eligible Days Present**

A student who receives CEHI while on prenatal or postpartum confinement earns eligible days present based on the number of hours she is served at home or hospital bedside by a certified<sup>210</sup> teacher. Use the following chart to determine a student's eligible days present.

<sup>209</sup> [Waiver Applications in TEAL](#)

<sup>210</sup> For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school's charter requires that courses be taught by certified teachers.



### PRS Confinement Service Requirements

Amount of Time Provided CEHI per Week (Week Is Sunday Through Saturday)	PRS Eligible Days Present Earned per Week
0 hours	0 days present PRS
1 hour	1 day present PRS
2 hours	2 days present PRS
3 hours	3 days present PRS
4 hours	4 days present PRS, 0 days absent (if the week is a 4-day week) 5 days present PRS, 0 days absent (if the week is a 5-day week)
More than 4 hours	4 days present PRS, 0 days absent (if the week is a 4-day week) 5 days present PRS, 0 days absent (if the week is a 5-day week)

CEHI requirements and eligible days present are determined each week. The week for CEHI purposes is from Sunday through Saturday. CEHI service hours must not be accumulated and carried forward from one week to the next, and service hours must not be applied to a previous week.

A student who is provided CEHI services retains the same ADA eligibility code she had before receiving CEHI services, regardless of how many hours she will receive CEHI.

Over the period of her confinement, a student receiving CEHI services must be provided instruction in all core academic subject area courses in which she is enrolled. In addition, over the period of confinement, the student should be provided instruction in all other courses in which she is enrolled, if possible.

## 9.11 Returning to Campus for Support Services or Testing

A student confined to the home may be allowed to return to campus and remain coded PRS to receive **temporary, limited** support services (see the introduction to Section 9 for a list of examples of support services) or take required state assessments.

The time spent on campus receiving temporary, limited support services or taking required state assessments must not count as any part of the number of hours served as CEHI for eligible days present.

A student receiving CEHI who returns to campus to receive temporary, limited support services or take required state assessments **must have a medical release** from a licensed<sup>211</sup> medical practitioner to do so.

## 9.12 PRS and Special Education Services (SPED)

Regular education students must not be referred for special education services just because they become pregnant. Regular education students who must be confined to the home or hospital bedside

<sup>211</sup> You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_NoticeVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp).

for pregnancy-related issues are to be provided CEHI and other PRS components through a PRS program.

If your district has a PRS program, it must provide special education students who become pregnant with access to the services offered through the PRS program. A pregnant special education student's admission, review, and dismissal (ARD) committee and PRS program staff members must collaboratively address the student's service needs.

### ***9.12.1 ARD Committee Meetings***

If your district's PRS program provides on-campus support services to pregnant students, an ARD committee meeting should be held promptly after your district learns of a special education student's pregnancy to determine the appropriate services for the student. A pregnant special education student's ARD committee must meet as necessary to address any changes in the student's needs.

During the periods of confinement to the home or hospital bedside, special education services must be provided in the homebound instructional setting.

A district must serve a special education student with special education homebound services and PRS during any periods of confinement regardless of the anticipated period of confinement (that is, the student must be served even when the period of confinement is expected to be fewer than 4 consecutive weeks or fewer than 4 weeks total for the school year).

Furthermore, the period of homebound postpartum services for a special education student may exceed 10 weeks if determined necessary by the ARD committee. However, the PRS components are limited to a maximum of 10 weeks of reimbursable service, and the PRS indicator code may no longer be used after the 10th week has ended.

In addition to the homebound instructional services provided to the student through the special education program, the PRS program must provide at least 2 hours a week of PRS support services for 2–5 days attendance credit and at least 1 hour for 1 day attendance credit. The additional hours provided through the PRS program may include any of the support services such as counseling, support to instructional services, parenting instruction, etc.

A certified teacher, nurse, counselor, or social worker must provide the additional hours of PRS support services for a special education student and must maintain logs documenting the actual amount of services each special education student receives.

### 9.12.2 SPED, PRS, and Earning Eligible Days Present

Use the following chart to determine eligible days present when a student receives homebound services through both the special education and the PRS programs.

Amount of Time Served per Week (Week Is Sunday Through Saturday)		SPED and PRS Eligible Days Present Earned per Week
SPED Homebound	PRS	
1 hour	1 hour	1 day present SPED and PRS
2 hours	2 hours	2 days present SPED and PRS
3 hours	2 hours	3 days present SPED and PRS
4 hours	2 hours	4 days present SPED and PRS (if the week is a 4-day week) 5 days present SPED and PRS (if the week is a 5-day week)
More than 4 hours	2 hours	4 days present SPED and PRS (if the week is a 4-day week) 5 days present SPED and PRS (if the week is a 5-day week)

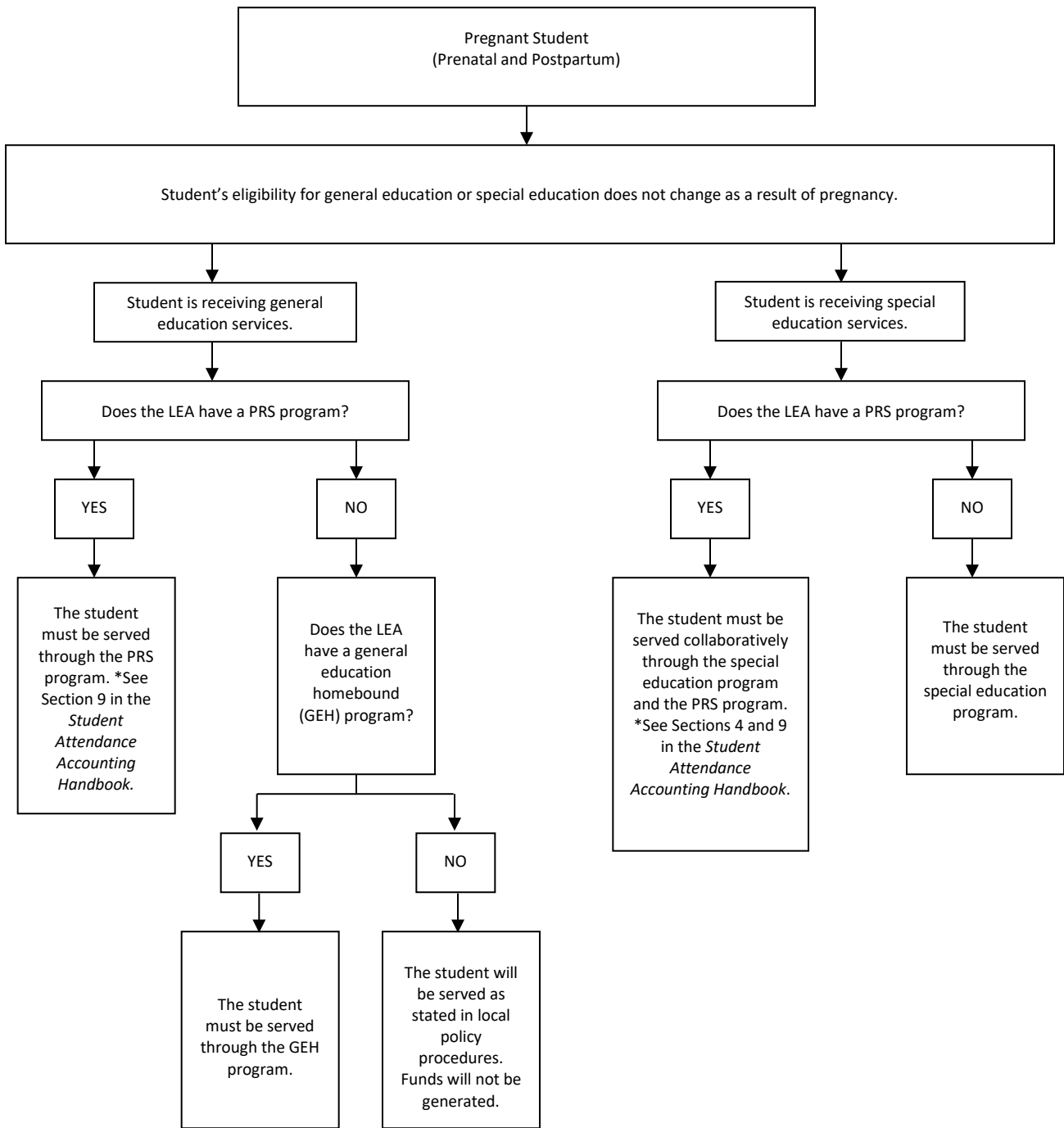
Eligible days present are determined each week, and a week is from Sunday through Saturday. Service hours must not be accumulated and carried forward from one week to the next, and service hours must not be applied to a previous week.

A student who is provided SPED and PRS during confinement retains the same ADA eligibility code she had before receiving the services, regardless of how many hours the student will be provided the services.

If a student is not provided special education homebound services during a week, the student must be counted absent for the entire week even if she was provided PRS during the week. If a student is provided special education homebound services during a week but not PRS, the student may be counted present according to the requirements of the chart in [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#), but the student is not eligible to generate PRS weighted funding for the week.

(See [9.17.8 Example 8](#) for an example of what must occur when a special education student requires special education homebound services and PRS.)

## Determination Chart for Pregnancy-Related Services (PRS)



## 9.13 PRS and Career and Technical Education (CTE)

For a student to earn CTE contact hours while also being provided CEHI, the student must continue to receive the same amount and type of CTE service that she was receiving before she began receiving CEHI. The CTE instruction that the student receives at home or hospital bedside must be **in addition** to the 4 hours necessary for CEHI. The CEHI teacher providing the additional hours for the CTE courses must maintain a log to verify all contact hours with students. (See [9.17.4 Example 4](#), [5.2.1 Eligibility of Students for Funding](#), and [5.2.4 Earning CTE Contact Hours in a Non-Campus-Based Setting](#).)

## 9.14 Test Administration during CEHI

Students confined to the home or hospital bedside may earn eligible days present as stated in the chart above when CEHI instructors administer 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, or final exams or required state assessments 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 must not be credited as attendance. (See [9.17.14 Example 14](#).)

If the administration of tests requires less than 1 hour, then the CEHI instructor must complete the hour with instruction for the student to earn the 1 day present. For example, if a student is administered a final exam and it takes her 30 minutes to complete the exam, the student must receive an additional 30 minutes of CEHI to earn 1 day present.

A student receiving CEHI who returns to her campus to take required state assessments must have a medical release from a licensed medical practitioner to do so.

## 9.15 Documentation

For your district to claim PRS eligible days present for funding, all required documentation supporting a student's eligibility must be on file. Documentation requirements are as follows:

1. Affirmation by a campus official or by a licensed medical practitioner verifying the student's eligibility to receive PRS (see [9.3 Enrollment Procedures](#))
2. Intake documentation by a campus official recording the date of initial contact with a student regarding the student's pregnancy (see [9.7 On-Campus PRS Support Services](#))
3. For each period of prenatal confinement, documentation from a licensed medical practitioner stating a medical necessity for confinement that requires the student to remain at home or in the hospital and specifying the anticipated length of the prenatal confinement (see [9.8 CEHI during Prenatal Confinement](#))
4. Documentation by a campus official of the date when the student's pregnancy ended (see [9.9 CEHI during Postpartum Confinement](#))

5. When the break-in-service option is used, documentation by a campus official of the infant's hospitalization period(s), including the date(s) the infant was released from the hospital (see [9.9 CEHI during Postpartum Confinement](#))
6. For each student whose postpartum period was extended, documentation from a licensed medical practitioner stating a medical necessity for confinement that requires the student to remain at home or in the hospital and specifying the anticipated length of the extended confinement (see [9.9 CEHI during Postpartum Confinement](#))
7. When the prenatal student confined to the home or hospital returns to campus to receive temporary, limited support services or take required state assessments, documentation by a licensed medical practitioner granting permission for the student to be on campus for the temporary, limited services (see [9.11 Returning to Campus for Support Services or Testing](#))
8. When a special education student is served through the PRS program, **both** PRS and special education documentation (see [9.12 PRS and Special Education Services \(SPED\)](#))
9. The teacher's log of the actual amount of CEHI each student received for each week the student received CEHI (applies to both prenatal and postpartum periods)

The minimum documentation required in the logs maintained by a CEHI teacher is the following:

- the name of the teacher,
- the student's name and Texas Unique Student ID,
- the date that the teacher visited the student, and
- the specific time period that the student was served (for example, 10:00 a.m. until 12:00 p.m.)

Additional documentation may be maintained as part of this record at the discretion of the district. This additional 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.

**Note:** Discharge papers and other official forms completed and issued by a hospital, clinic, licensed medical practitioner's office, etc., may be copied and used to support medical notes to identify the medical necessity for confinement or to identify an infant's hospitalization period.

## 9.16 Quality Control

District personnel should identify a student as receiving PRS in the attendance accounting system as soon as services under the PRS program begin. All documentation must be obtained expeditiously and retained for audit purposes so that eligibility requirements are met.

When serving a special education student, your district is not required to maintain the special education and PRS records in the same file; however, your district will be required to provide documentation from both programs for audit purposes.

During the prenatal period, a student should no longer be identified as receiving PRS if, for any reason, the services stop.

During the postpartum period, a student should no longer be identified as receiving PRS when the student returns to her regular classes at her campus or at the end of the allowable postpartum period, whichever comes first.

At the beginning of each school year and at the end of each 6-week reporting period, the appropriate PRS program staff members should verify the Student Detail Report to ensure that initial coding of PRS students is correct.

Schedule modifications are an eligible service under the PRS program. However, these modifications must adhere to general attendance rules in order for students to remain eligible for ADA ([Section 3 General Attendance Requirements](#)). These requirements include attendance for at least 2 hours but fewer than 4 hours each day to be eligible for half-day ADA or at least 4 hours each day to be eligible for full-day ADA.

No student may be coded PRS unless CEHI is one of the services provided by your district. If CEHI is offered but not provided to a student, your district must maintain documentation explaining why the student was not provided CEHI.

When a student is enrolled in the PRS program, districts should inform the student of the services that are offered and the options that are available, such as the CEHI break in service option, in order to support quality district and student service planning.

## 9.17 Examples

### 9.17.1 Example 1

A district decides to implement a PRS program but will offer only CEHI. A student informs the counselor that she is pregnant on October 1. The student receives no services while she is attending her regular classes on her campus. When she delivers on February 15, the district begins providing CEHI. The first day the CEHI teacher sees the student is on Monday, February 19. CEHI continues for the student's 6-week postpartum period, and the student returns to school on March 30.

*The student is coded with a PRS indicator on February 19. This date is her entrance date into the PRS program. Her exit date is March 30.*

### 9.17.2 Example 2

On August 16, the first day of school, a student who was preregistered for grade 11 informs the high school counselor that she is pregnant. The district completes all the required documentation and begins providing PRS on August 23.

*The student is coded with a PRS indicator in the Student Detail Report when PRS begins, August 23. This is the date she begins accumulating PRS eligible days present.*

### 9.17.3 Example 3

A student begins experiencing difficulties associated with her pregnancy 3 weeks after beginning service under the PRS program. The licensed medical practitioner expects her to be confined to her home for 2 consecutive weeks. The CEHI teacher sees the student 3 hours the first week and 5 hours the second week. As expected, the student returns to school full-time after the end of the second week.

*The student remains coded PRS during the entire confinement period. The student may accumulate only 3 days present for the first week. For the second week, however, the student accumulates 5 days present since the teacher sees her at least 4 hours that week.*

#### **9.17.4 Example 4**

A student who is receiving PRS is taking a 1-hour CTE course (code V1). She begins CEHI and is expected to be confined for 5 consecutive weeks. Your district provides the 4 hours of CEHI instruction but chooses not to provide the additional CTE hours while the student is confined.

*Since the student receives CEHI, she remains coded PRS during the entire confinement period. Since the district is not providing the additional hours for CTE, the CTE indicator is removed. The student, however, is not withdrawn from the CTE class. She remains enrolled in the class and is assisted in her class assignments by the CEHI teacher. During this time period, the student is not reported eligible for CTE contact hours on the 42401 TSDS PEIMS record; however, the student is reported on the 41169 and 40170 TSDS PEIMS records if the time period falls during the fall snapshot.*

#### **9.17.5 Example 5**

A student receives CEHI for the entire 6-week postpartum period. Before the end of the 6-week postpartum period, the student's licensed medical practitioner determines that an additional 2 weeks of confinement are required.

*The student remains coded PRS for all 8 weeks of the postpartum confinement period and accumulates eligible days present each week based on the amount of instruction she receives at home from the CEHI teacher. Your district must continue to provide CEHI during the entire confinement period and, for audit purposes, must obtain a written statement from the licensed medical practitioner that prescribes the extended postpartum confinement period.*

#### **9.17.6 Example 6**

A student is scheduled to receive CEHI for the entire 6-week postpartum period. However, she returns to her regular classes on her campus on the first day of the fourth week.

*Since the student receives CEHI while at home, she remains coded PRS during the entire confinement period and accumulates eligible days present each week based on the amount of instruction she receives at home from the CEHI teacher. On the first day of the fourth week, your district must withdraw the student from the PRS program since she has returned to school.*

#### **9.17.7 Example 7**

A student receives CEHI for the entire 6-week postpartum period. She receives at least 4 hours of instruction at home from a CEHI teacher during each of the first 5 weeks. Each of these weeks contains 5 days of instruction. During the sixth week, which contains only 4 days of instruction because of a holiday, the student receives 2 hours of instruction at home.

*Since the student receives CEHI while at home, she remains coded PRS during the entire 6-week postpartum period. The student accumulates 5 eligible days present each week for the first 5 weeks because the teacher provides at least 4 hours of instruction each week. During the sixth week, the student accumulates 2 eligible days present because she receives only 2 hours of instruction.*



### 9.17.8 Example 8

A special education student becomes pregnant. During her prenatal period, the student is confined to bed rest as a result of a valid medical condition. The student delivers the baby during the period of confinement to bed rest, and services are continued until the 6-week postpartum period is completed.

On your district's obtaining the medical note confirming the need for bed rest, the following should occur:

1. district personnel change the student's instructional setting code to 01 (homebound);
2. the special education staff and the PRS staff work collaboratively to implement the services specified in the student's individualized education program (IEP);
3. district personnel document special education attendance based on the Homebound Funding Chart (see [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#)); and
4. in addition to the homebound services provided through the special education program, the PRS program must provide at least 2 hours a week of PRS for 2–5 days' attendance credit and at least 1 hour a week for 1 day's attendance credit.

During the prenatal and postpartum periods, the student's ARD committee must meet as appropriate to review and revise the student's IEP to address the student's needs.

### 9.17.9 Example 9

A student delivers her baby on August 2. Your school district's first day of school is August 15.

*While districts are not obligated to provide PRS to students outside the normal school year, the student's 6-week postpartum eligibility for CEHI extends into the school year. Therefore, the student is eligible for CEHI through September 13. Her first day of school enrollment and attendance is the date of the initial visit to the student's home by the CEHI teacher.*

### 9.17.10 Example 10

Your district has a PRS program. However, a student does not receive CEHI during her postpartum period because of an extenuating circumstance (for example, the student or baby is in a hospital in a different town or the parents refuse services).

*Since PRS rules require that CEHI be provided, your district must maintain documentation explaining the reasons for not providing CEHI to the student.*

### 9.17.11 Example 11

A pregnant student is coded PRS during the school year and provided support services while she is attending her regular classes. She delivers in June after the end of the school year. CEHI is never provided to this student.

*Districts are not required to provide services outside the regular school year. Therefore, this student may remain coded PRS, but there is not a requirement to provide her CEHI during the summer break.*

### **9.17.12 Example 12**

A student delivers her baby on March 1, and a 1-week spring break holiday falls within the student's 6-week postpartum period.

*Districts are not required to provide services during school breaks. The 1-week school break does not extend the amount of time that the student may be provided CEHI. A maximum of 5 weeks is funded for PRS since the district is closed for one of the weeks in the student's 6-week postpartum period.*

### **9.17.13 Example 13**

The CEHI teacher administers a 6-weeks exam that takes the student 30 minutes to complete.

*The teacher must provide an additional 30 minutes of CEHI for the student to earn 1 eligible day present.*

### **9.17.14 Example 14**

A CEHI teacher administers a required state math assessment to a student on a Tuesday. It takes the student 2 hours to complete the math assessment. The teacher returns on Wednesday and administers a required state social studies assessment. It also takes the student 2 hours to complete this assessment.

*The student earns only 1 eligible day present for Tuesday and only 1 eligible day present for Wednesday. The CEHI teacher must schedule 2 more hours of CEHI during the week for the student to earn an entire week of attendance credit. The additional CEHI may be provided on any day of the same week, Sunday to Saturday, including the same calendar day that an assessment is administered. In all cases, the CEHI must be in addition to the time the student is tested.*

### **9.17.15 Example 15**

A student who has been receiving PRS support services delivers her baby on October 31 and returns home from the hospital while the baby remains hospitalized. The student asks to use the break-in-service option. The student receives postpartum CEHI for 3 weeks after delivery (student recovery period) and then returns to school. At the beginning of the 14th week after delivery (February 7), the baby is released from the hospital, and the student returns to confinement to use her 7 remaining consecutive weeks of CEHI eligibility to care for the baby (baby recovery period). Because the district's 1-week spring break falls within the 7-week period, the student receives only 6 weeks of CEHI before returning to school.

*The student remains coded PRS during the entire first confinement period (student recovery period) and earns PRS eligible days present according to the number of hours of CEHI she is provided. While the student attends school between the two confinement periods, she is no longer coded PRS. The student is coded PRS again beginning on the date she is first provided CEHI during the second confinement period and remains coded PRS until she returns to school. During the second confinement period, the student again earns PRS eligible days present according to the number of hours of CEHI she is provided.*

*The 1-week school break does not extend the amount of time that the student may be provided CEHI. A maximum of 6 weeks is funded for PRS during the second period of confinement since the district is closed for one of the weeks in the student's 7-week period of confinement.*

## Section 10 Alternative Education Programs (AEPs) and Disciplinary Removals

Students are sometimes educated during nontraditional hours or days of the week or in alternative settings within the district, such as in AEPs, juvenile justice alternative education programs (JJAEPs), disciplinary alternative education programs (DAEPs), in-school suspension programs, and education programs for incarcerated youth. This section addresses attendance accounting matters related to students in these types of programs.

**Important:** Although your district may determine that an AEP is required to better serve the needs of a particular student, for that student to be eligible for funding, he or she must meet all the eligibility requirements of the Foundation School Program (FSP) (see [3.2 Membership and Eligibility for Attendance and Foundation School Program \(FSP\) Funding](#)) and the AEP.

Also, regardless of the setting in which a student is served, that student's attendance must be reported according to the traditional rules of the standardized attendance accounting system required by the Texas Student Data System *Public Education Information Management System (TSDS PEIMS) Data Standards*.<sup>212</sup> The rules and regulations of the FSP documented in this handbook apply regardless of the AEP that is implemented.

**Important:** See Section 3 for general attendance requirements that apply to all program areas, including AEPs.

**Important for open-enrollment charter schools:** Many of Section 10's requirements are based on statutory requirements in the Texas Education Code (TEC), [Chapter 37](#). Open-enrollment charter schools are not subject to the provisions of the TEC, Chapter 37, with the exception of the TEC, [§37.0021](#), related to discipline management practices or behavior management techniques<sup>213</sup>, and any provision establishing a criminal offense. Please consult Section 10's footnotes and the applicable sections of the TEC to determine whether a particular requirement applies to open-enrollment charter schools. Also, note that per the TEC, [§12.131](#), each charter school is required to adopt a student code of conduct for the charter school or for each charter school campus.

<sup>212</sup> Texas Education Code (TEC), [§42.006](#)

<sup>213</sup> See 19 Texas Administrative Code [§89.1053](#).

## 10.1 Responsibility

List in the space provided below the name and phone number of the district personnel to whom all AEP and discipline questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

## 10.2 General Eligibility Requirements

The attendance of students served in an AEP is subject to requirements associated with the specific AEP.

Generally, a student in an AEP is eligible for average daily attendance (ADA) funding in the district in which the student resides or is otherwise entitled to attend for FSP purposes (see [3.3 Enrollment Procedures and Requirements](#)).

### *10.2.1 “Double-Counting” of ADA for Students in AEPs*

A student must not be counted more than once for ADA purposes because he or she attends both the regular school program and an AEP. However, your district should take into consideration the total amount of time a student is served each day in the district when determining the student’s ADA eligibility code.

### *10.2.2 AEPs and Special Program Eligibility*

Students who are served in AEPs are eligible for special program (special education, career and technical education, bilingual/ESL education, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

### *10.2.3 DAEP or JJAEP Placement for Students 21 Years of Age or Older*

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.<sup>214</sup> The leaver code reported on the TSDS PEIMS 40203 record is 98.

### *10.2.4 Eligibility and Teacher Certification*

Generally, all students reported as eligible to generate ADA must be served by teachers certified by the State Board for Educator Certification or be served under a contract negotiated by the local district. Your district can get more information on contracting for education services by contacting the applicable program division at the Texas Education Agency (TEA).

<sup>214</sup> TEC, [§25.001](#)(b-1)

## 10.3 School Calendar Requirements and Waivers of These Requirements

A district or charter school's AEP's are eligible to earn full ADA if the district or charter school provides at least 43,200 minutes of instruction.<sup>215</sup>

The commissioner of education may waive requirements established by the TEC, State Board of Education rule, or commissioner rule to the extent allowed under the TEC, [§7.056](#).<sup>216</sup> All rules and regulations of student eligibility and attendance reporting are applicable unless specifically waived.

Many times, waiving certain laws or rules associated with education indirectly affects other areas of education. Before applying for a waiver, your district or charter school should evaluate how the reporting of attendance and the funding of students will be affected if the waiver is granted.

### 10.3.1 Requirements Specific to JJAEPs

A JJAEP must operate at least 7 hours per day (420 minutes) and at least 180 days per year unless the JJAEP has applied to the Texas Juvenile Justice Department for a waiver of the 180-day requirement. Any waiver granted under this provision must not exceed the highest number of school days waived by the commissioner during the same school year for a regular school district program.<sup>217</sup>

## 10.4 Attendance Accounting Documentation

Basic attendance accounting records for students served in an AEP must meet the same standards established in this handbook for the regular school program (see Sections 2 and 3).

## 10.5 AEPs for Students in Residential Facilities

The programs covered under this category include, but are not limited to, programs for students in juvenile detention centers; detention centers and correctional facilities that are registered with the Texas Juvenile Justice Department (TJJD); residential care and treatment facilities operated under contract to a public agency, such as the TJJD; residential treatment facilities operated for purposes such as treatment of substance and alcohol abuse; private residential treatment centers (PRTCs); and residential care and treatment facilities operated by a state supported living center, a state agency, or the federal government.

Students residing in the kinds of facilities listed in the previous paragraph or in any other residential facility<sup>218</sup> are eligible for and are entitled to enroll in and receive the education services available from the school district in which the facility is located.<sup>219</sup> While some residential facilities provide an education program for their residents, most of these facilities call on the district of residence (district in

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<sup>215</sup> [TEC § 42.005](#)

<sup>216</sup> TEC, [§7.056](#)

<sup>217</sup> TEC, [§37.011](#)(f)

<sup>218</sup> Per the TEC, [§5.001](#), "residential facility" means (A) a facility operated by a state agency or political subdivision, including a child placement agency, that provides 24-hour custody or care of a person 22 years of age or younger, if the person resides in the facility for detention, treatment, foster care, or any noneducational purpose; and (B) any person or entity that contracts with or is funded, licensed, certified, or regulated by a state agency or political subdivision to provide custody or care for a person under Paragraph (A).

<sup>219</sup> TEC, [§25.001](#)(b)(7)

which the residential facility is located) to provide instructional services to students residing in the facility. When a student aged 3 to 22 years is placed in a residential facility, the facility must notify the district in which the facility is located by the third day after the date of placement, unless the student has been placed in the facility by an agency or political subdivision that funds, licenses, certifies, contracts with, or regulates the facility.<sup>220</sup> A district should contact residential facilities in the district to coordinate implementation of this notice provision.

AEPs for students in residential facilities are subject to the FSP rules and regulations documented in this handbook, which apply regardless of the nontraditional education program that is implemented.

See [3.3.6.2 Students from Outside Your District Who Will Be in Your District for 10 Days or Fewer](#) for information on attendance accounting and students from outside your district who will be residing in a detention facility or other facility in your district for 10 days or fewer.

## 10.6 Disciplinary Removals and Programs

This subsection provides information on attendance accounting as it relates to specific kinds of disciplinary removals and programs. Refer to the TEC, Chapter 37, for statutory requirements related to discipline. Refer to *TSDS PEIMS Data Standards* for information on how your district should handle disciplinary removals and report disciplinary-removal information. The *Data Standards* can be accessed at [http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS\\_Latest\\_Release/](http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/).

### 10.6.1 Students Required to Attend a JJAEP

A JJAEP is not eligible to receive FSP funding and does not report student attendance to the TEA. The school district in which the student is enrolled immediately preceding the student’s JJAEP placement determines ADA eligibility coding for JJAEP students by using the following chart and referring to [3.2.1 ADA Eligibility Coding](#).

**ADA Eligibility of Students Served by a JJAEP**

The student is being served by a JJAEP on the basis of:	Population of County in Which District Is Located	Is the student eligible for ADA?
a <b>mandatory expulsion</b> under the TEC, <a href="#">§37.007</a> (a), (d), or (e).	Greater than 125,000	No, unless specifically authorized in writing by TEA (ADA code 0, 4, or 5 unless otherwise authorized) <sup>221</sup>
a <b>mandatory expulsion</b> under the TEC, <a href="#">§37.007</a> (a), (d), or (e).	At least 72,000 but less than 125,001	Yes (ADA code 0, 1, or 2), unless the county has created a JJAEP approved by TJJD <sup>222</sup> , then use ADA code 0, 4, or 5
a <b>mandatory expulsion</b> under the TEC, <a href="#">§37.007</a> (a), (d), or (e).	Less than 72,000	Yes (ADA code 0, 1, or 2)

<sup>220</sup> TEC, [§29.012](#). The TEC, §29.012, does not apply to a residential treatment facility for juveniles established under the Texas Human Resources Code, [§221.056](#).

<sup>221</sup> Funding is provided to the JJAEP by the TJJD. TEC, [§37.011](#)(h)

<sup>222</sup> If the JJAEP is approved by the TJJD, funding is provided by the TJJD. General Appropriations Act, Article V, Texas Juvenile Justice Department Rider 13

The student is being served by a JJAEP on the basis of:	Population of County in Which District Is Located	Is the student eligible for ADA?
an expulsion <b>other than</b> a mandatory expulsion under the TEC, <a href="#">§37.007(b)</a> , (c), or (f).	Population of any size	Yes (ADA code 0, 1, or 2)
being assigned to attend the JJAEP by a court (student was <b>not</b> expelled).	Population of any size	Yes (ADA code 0, 1, or 2)
being placed in the JJAEP under the TEC, <a href="#">§37.309(b)</a> .	Population of any size	Yes (ADA code 0, 1, or 2)

If a student who is required to attend a JJAEP does not appear, the student should be reported as absent at the campus at which he or she was enrolled before assignment to the JJAEP. On the date that the student does appear to attend the JJAEP, your district reports the student as present at the JJAEP campus. Your district **must not** withdraw a student required to attend a JJAEP.

### ***10.6.2 Disciplinary Removals of Students with Disabilities***

The education services provided to a special education student removed to a disciplinary placement are to be provided following the requirements of the 2-through-4-hour rule (see [3.2 Membership and Eligibility for Attendance and Foundation School Program \(FSP\) Funding](#) and [3.2.1 ADA Eligibility Coding](#)). Where services provided do not meet the requirements of the 2-through-4-hour rule, the student’s ADA eligibility code is 0 Enrolled, Not in Membership.

A student must not be removed to a homebound setting (instructional setting code 01). Your district must determine the student’s instructional setting code based on the percentage of time the student is removed from the general education setting. Note that a special education student’s instructional setting will not change as a result of his or her placement in a DAEP.

(For information regarding funding and expulsion to a JJAEP, see the chart in the preceding subsection.)

### ***10.6.3 Out-of-School Suspension (OSS)***

A principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under the TEC, [§37.001](#), as conduct for which a student may be suspended.<sup>223</sup>

An OSS must not exceed 3 school days. Your district **must count a suspended student absent** if the student does not meet ADA requirements for attendance accounting purposes.

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<sup>223</sup> TEC, [§37.005\(a\)](#)

## 10.7 Examples

### 10.7.1 Example 1

Your district operates a DAEP for behavior management on a separate campus. Your district has moved a student to this alternative campus because of severe discipline problems. The student attends the alternative campus from 8:15 a.m. to 3:30 p.m.

*Your district would code this student with an ADA eligibility code of **1 - Eligible for Full-Day Attendance**.*

### 10.7.2 Example 2

A student commits an expellable offense while on school property. Your district calls the police, and the student is arrested. The juvenile court finds that the student engaged in delinquent conduct and places the student in the county JJAEP for the remainder of the school year.

*Your district should contact the TEA to establish a separate campus for the district's JJAEP students and enroll students at this JJAEP campus as the students are placed at the JJAEP facility.*

*After a student fulfills the JJAEP placement requirements, your district should withdraw the student from the JJAEP campus and enroll the student at an appropriate campus in accordance with local policy.*

### 10.7.3 Example 3

A student is suspended for 3 days because the student violated your district's student code of conduct.

*Your district should code the student as absent while he or she is suspended for 3 days.*



## Section 11 Nontraditional Programs

This section addresses attendance accounting as it relates to nontraditional programs such as the Optional Flexible School Day Program and the Optional Flexible Year Program.

### 11.1 Responsibility

List in the space provided below the name(s) and phone number(s) of the district personnel to whom all nontraditional program questions should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 11.2 General Requirements

Students are sometimes educated during nontraditional hours or days of the week or in nontraditional programs within the district, such as in optional flexible school day programs. Although your district may determine that a nontraditional education program is required to better serve the needs of a particular student, for that student to be eligible for funding, he or she must meet all the eligibility requirements of the Foundation School Program (FSP) and the nontraditional program (see [3.2 Membership and Eligibility for Attendance and Foundation School Program \(FSP\) Funding](#) and this section's requirements).

The attendance of students served in a nontraditional program is subject to requirements associated with that program. Eligibility information appears later in this section. Generally, students in a nontraditional program will be eligible for average daily attendance (ADA) funding in the district in which they reside or are otherwise entitled to attend for FSP purposes (see [3.3 Enrollment Procedures and Requirements](#)).

Regardless of the nontraditional way in which a student is served, that student's attendance must be reported according to the rules of the applicable nontraditional program.

The school calendar for nontraditional programs must follow the same regulations as those stated for the regular school, unless program rules or a waiver alters this requirement. Generally, a school calendar must provide for 75,600 (including intermissions and recesses) minutes of instruction (see [3.8 Calendar](#)).<sup>224</sup>

A student must not be double-counted for ADA while attending both a regular school program and a nontraditional program.

<sup>224</sup> Texas Education Code (TEC), [§25.081](#)

Unless otherwise specified, the rules and regulations of the FSP documented in this handbook apply regardless of the nontraditional program that is implemented.

Students who are served in nontraditional programs are eligible for special program (special education, career and technical education, bilingual/ESL education, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

### **11.3 College Credit Programs**

Your district may offer several different types of college credit programs. The chart on the following two pages provides information on these programs.

### College Credit Programs

College Credit Option	Definition	College Credit (at Texas PS <sup>225</sup> Institutions)	Eligibility for Foundation School Funds	District Expense	Student Expense	Other Considerations
<b>Advanced Placement (AP)</b> TEC, §§ <a href="#">28.052–28.058</a> , 19 TAC <a href="#">§74.29</a>	College Board–approved courses designed to prepare students to be successful on AP exams	Determined by PS institution; dependent on student’s score on AP exam(s); awarded on registration in PS institution	Eligible	District may choose to purchase a College Board membership, to acquire additional teacher training, to take responsibility for exam fees beyond what the state provides, etc.	Any exam fees not provided by the state or district Note: Unless it is offered for free, a student must not be required to take an exam	Districts must not use the AP trademark to designate courses unless they have completed the AP course audit process and received approval from the College Board
<b>International Baccalaureate (IB)</b> TEC, §§ <a href="#">28.052–28.058</a> , 19 TAC <a href="#">§74.29</a>	IBO <sup>226</sup> -approved courses taught in an authorized IB school	Determined by PS institution; dependent on student’s score on IB exam(s); awarded on registration in PS institution; guaranteed to equal at least 24 credit hrs with completed IB diploma at Texas public PS institutions	Eligible	IBO-required fees, training, and materials	Any exam fees not provided by the state or district Note: Unless it is offered for free, a student must not be required to take an exam	Districts must not use the IB trademark to designate courses unless they are authorized by the IBO
<b>Dual Credit</b> 19 TAC §§ <a href="#">4.81–4.85</a> and <a href="#">§74.25</a>	An opportunity for a student to earn HS credit for a college course offered at or in conjunction with a PS institution that provides advanced academic instruction beyond, or in greater depth than, the TEKS <sup>5</sup> for the equivalent HS course.	Awarded immediately by the PS institution offering the course; recognized by the school district and PS institution based on articulation agreement	Eligible regardless of whether course and textbook are available free to the student <sup>227</sup>	District may choose to pay part or all of students’ tuition, purchase required textbooks, or both	Any tuition or textbook expenses not waived or not provided by the institution or district Note: If the tuition or fees are provided free of student expense, the student must not be required to reimburse the tuition or fees based on performance	Students may not earn HS credit for a course for which they have already earned credit. It is the responsibility of the HS to ensure that courses offered for dual credit allow for mastery of the TEKS for the appropriate HS course. While dual credit for local credit courses is allowed in accordance with THECB requirements, the most beneficial dual credit opportunities will allow students to earn state credits toward HS graduation

<sup>225</sup> postsecondary

<sup>226</sup> International Baccalaureate Organization

<sup>227</sup> TEC, [§28.009](#)(a-2)

College Credit Option	Definition	College Credit (at Texas PS <sup>225</sup> Institutions)	Eligibility for Foundation School Funds	District Expense	Student Expense	Other Considerations
<b>Early College High School</b> 19 TAC <a href="#">§§4.151–4.161</a> and <a href="#">§102.1091</a>	A HS model that provides students at risk of not graduating with a blended HS and college curriculum (students earn a HS diploma and 60 college credit hrs tuition-free)	Awarded immediately by the PS institution offering the course; recognized by the school district and PS institution based on articulation agreement	Eligible	The district or charter in which the student is enrolled must pay for tuition, fees, and required textbooks, to the extent those charges are not waived by the institution of higher education	No cost to student; a student enrolled in an ECHS course for HS graduation credit must <b>not</b> be required to pay for tuition, fees, or required textbooks <sup>228</sup>	To operate an ECHS, districts and PS institutions must receive ECHS designation from the TEA and THECB <sup>229</sup>
<b>Articulated Technical Credit</b> (Public Law 109-270, 2006)	An opportunity for a student to earn college credit for technical courses identified by a statewide articulation system through enhanced HS CTE <sup>230</sup> courses	Determined by PS institution; awarded on the student’s meeting the requirements of the PS institution	Eligible	Required teacher professional development provides information for courses on the articulation process, content of college-equivalent courses, and expected levels of student performance	No cost to student	The student must earn at least an 80 in the HS course(s) and often must complete at least 6 hrs in the PS institution before earning the PS credit. The secondary teacher must have a baccalaureate degree or higher with a major in the teaching discipline and have a minimum of an associate degree and 3 yrs verifiable nonteaching work experience directly related to the teaching discipline. More information at <a href="http://www.atctexas.org">www.atctexas.org</a>
<b>Locally Articulated Credit</b> (Public Law 109-270, 2006)	An opportunity for a student to earn HS credit for a college course offered at or in conjunction with an PS institution that provides advanced academic instruction beyond, or in greater depth than, the TEKS <sup>5</sup> for the equivalent HS course.	Determined by PS institution; awarded on the student’s meeting the requirements of the PS institution	Eligible	College and HS faculty meet once a year to discuss course content. The course must meet the TEKS and WECM <sup>231</sup> course outcomes	Local decision based on articulation agreement	Teacher requirements are based on the agreement between the school district and the local college and are written into the articulation agreement

<sup>228</sup> per 19 TAC [§102.1091\(d\)\(3\)](#)

<sup>229</sup> Texas Higher Education Coordinating Board

<sup>230</sup> career and technical education

<sup>231</sup> workforce education course manual

### **11.3.1 Dual Credit (High School and College or University) Programs**

A public junior college, college, or university may offer a course in which a high school student may enroll and for which the student may simultaneously receive both high school and college credit.

Funding eligibility for a student taking a dual credit course will include time instructed in the dual credit course. 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<sup>232</sup>. Please note that Texas Administrative Code (TAC) rules for ECHS programs<sup>233</sup> prohibit requiring a student enrolled in an ECHS course for high school graduation credit to pay for tuition, fees, or required textbooks.

For your district or charter school to receive FSP funding for a student taking a college course, the district or charter school must have documentation of an agreement between the district or charter school and the college and meet other requirements for dual credit courses<sup>234</sup>.

For statutory requirements related to college credit programs, see the Texas Education Code (TEC), [§28.009](#) and [§28.010](#).

#### **11.3.1.1 Student Eligibility for Dual Credit Courses<sup>235</sup>**

A high school student is eligible to enroll in dual credit courses if the student demonstrates college readiness by achieving the minimum passing standard(s) on a qualifying assessment instrument, as shown in the following chart<sup>236</sup>.

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<sup>232</sup> TEC, [§28.009](#)(a-2)

<sup>233</sup> 19 Texas Administrative Code (TAC) [§102.1091](#)

<sup>234</sup> specified in 19 TAC Part 1, Chapter 4, [Subchapter D](#), and in 19 TAC Part 2, Chapter 74, [Subchapter C](#)

<sup>235</sup> 19 TAC [§4.85](#)

<sup>236</sup> 19 TAC [§4.56](#) and [§4.57](#)

**Minimum Passing Standards to Demonstrate College Readiness**  
*Students must meet applicable eligibility requirements for ONE of the listed assessments.*

	Assessment	To Qualify for Math Courses*		To Qualify for English Courses*			
		Math/ Algebra	Combined/ Composite	ELA/Reading Skills	Objective Writing/ Sentence Skills	Writing/ Essay	Combined/ Composite
Academic Courses	ACT	19	23	19	-	-	23
	SAT	500	1070	500	-	-	1070
	TAKS <sup>237</sup>	2200	-	2200	-	3	-
	PSAT/ NMSQT <sup>238</sup>	50	107	50	-	-	107
	PLAN	19	23	19	-	-	23
	ASPIRE	431		435			
	STAAR EOC <sup>239</sup> Algebra I and passing score in Algebra II course	4000					
	STAAR EOC Algebra II	4000					
	STAAR EOC English II			4000			
	STAAR EOC English III			4000			
	TSI <sup>240</sup> Assessment	350	-	351	363	5	

\*Students must meet both subject and composite score standards where both are listed.

Alternatively, a student is eligible to enroll in dual credit courses if the student has satisfied at least one of the following criteria:

- The student has previously attended any institution of higher education and has been determined to have met readiness standards by that institution.
- The student is enrolled in a certificate program of one year or less (Level-One certificates, 42 or fewer semester credit hours or the equivalent) at a public junior college, a public technical institute, or a public state college.
- The student is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States and has been serving for at least three years preceding enrollment.
- The student was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a

<sup>237</sup> Texas Assessment of Knowledge and Skills

<sup>238</sup> Preliminary SAT/National Merit Scholarship Qualifying Test

<sup>239</sup> State of Texas Assessment of Academic Readiness End-of-Course

<sup>240</sup> Texas Success Initiative

reserve component of the armed forces of the United States.

- The student has been exempted from meeting minimum passing standards for demonstrating college readiness by the institution of higher education at which the student will be taking a dual-credit course and the student is non-degree-seeking or non-certificate-seeking.
- A student has successfully completed a college preparatory course under TEC §28.014. This exemption applies only to the content area of the course and for a period of 24 months from the date of high school graduation. Additionally, the exemption is limited to the institution of higher education that partners with the school district in which the student completed the course; however, an institution of higher education may enter into a Memorandum of Understanding with a partnering institution of higher education to accept the exemption for the college preparatory course.

To be eligible for enrollment in a dual credit course offered by a public college, a student must meet all the college's regular prerequisite requirements designated for that course (minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with TAC rules. Also, an institution is not required to offer dual credit courses for high school students.

**Student Eligibility Requirements Specific to Workforce Education Dual Credit Courses:** A student may enroll in only those workforce education dual credit courses for which the student has demonstrated eligibility.

### **11.3.1.2 Reporting Dual Credit Attendance in the Public Education Information Management System (TSDS PEIMS) When the Higher Education Calendar Is Shorter Than the School District Calendar**

In some instances, a student may be taking dual credit courses through an institution of higher education whose calendar is shorter than your school district's calendar. If this is the case, report the student's attendance in the TSDS PEIMS with a different track, to reflect the shorter calendar. Reporting the student with a separate track will prevent any reduction in state funding. Before your district may report such attendance, it must first apply for and receive a waiver as described in 3.8.2.6 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) with Calendars of Fewer than 75,600 Minutes.

### **11.3.1.3 Required Documentation**

In some instances, students taking dual credit courses may not receive any of their instruction on the regular high school campus. It is the responsibility of your district to ensure that attendance is being taken in accordance with the requirements of this handbook.

### ***11.3.2 Early College High School Programs: Student Eligibility Requirements***

A student enrolled in a Texas Education Agency (TEA)-designated Early College High School may enroll in dual credit courses if the student demonstrates college readiness by achieving the minimum passing standard(s) on a qualifying assessment instrument, as shown in the chart on the preceding page.

## 11.4 Gateway to College (GTC) and Similar Programs

A “GTC” program is a program that your school district or charter school may develop through a memorandum of understanding (MOU) with the Gateway to College nonprofit organization or a similar organization in which eligible students are enrolled in the district or charter school and attend classes (either full-time, or part-time) at an institution of higher education (IHE) for the purpose of earning a high school diploma and earning college credits. GTC programs target high school dropouts and students at risk of dropping out. A charter school developing a GTC program must submit an expansion amendment request and be granted the expansion by the commissioner before enrolling students at IHEs for the purpose of earning a high school diploma. An expansion amendment is not required for students who report daily to a high school campus and leave for part of the day to take dual credit courses at a college.

The courses offered through a GTC program may be either high school or dual credit courses if specified in the MOU. However, for instruction provided through the GTC program to count as instruction for the purposes of the 2-through-4-hour rule and FSP funding eligibility, courses must meet the curriculum requirements specified in the TEC, [Chapter 28](#). A developmental education course does not count as instruction for the purposes of the 2-through-4-hour rule and is not eligible for FSP funding unless the course meets the curriculum requirements specified in the TEC, [Chapter 28](#), and the student can receive high school credit for the course. You can find a list of courses that are considered developmental courses in the latest Texas Higher Education Coordinating Board (THECB) *Academic Course Guide Manual*, available on the THECB website at <http://www.thecb.state.tx.us/AAR/UndergraduateEd/WorkforceEd/acgm.htm>.

For a student participating in a GTC program to be eligible for FSP funding, the student must meet all the eligibility requirements of the FSP (see Section 3), including requirements related to half-day and full-day funding eligibility. Students participating in a GTC program and identified under federal title programs must receive appropriate instructional services as required by those federal programs.

The methods for taking attendance and the basic attendance accounting records for students served through a GTC program must meet the same standards and requirements established in this handbook for the regular school program (see Sections 2 and 3). A district or charter school reporting GTC program attendance must adhere to the requirements established in Sections 2 and 3 for the regular school program, including requirements to retain records related to student attendance for 5 years for audit purposes. Official attendance must be taken at the point in time selected by the school district or charter school. The district or charter school may specify more than one official attendance-taking time to accommodate flexible scheduling at the IHE; however, each student must be assigned to only one official attendance-taking time. The school district or charter school must communicate with the IHE daily to receive official attendance information.

The GTC program’s calendar must meet the calendar requirements in [3.8 Calendar](#).

The district or charter school has final responsibility for ensuring that all eligibility and attendance requirements are met.



## 11.5 Optional Extended Year Program (OEYP)

The OEYP will not be funded for 2016–2017. Local education agencies will not be required to report OEYP attendance. As a result, access to the **OEYP Student Records** section of the TSDS PEIMS will be blocked.

## 11.6 Optional Flexible School Day Program (OFSDP)<sup>241</sup>

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 the TEC, [§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, for example, because the students must seek employment to support their families, must provide child care during traditional school hours, or are involved in an Early College High School that is designed to complement a traditional college schedule. Under these circumstances, the students might be able to attend school only during evening hours or for a couple of hours during the day. 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.

Students participating in an OFSDP may attend on a fixed or flexible schedule that does not meet the traditional 75,600 minutes, 5-days-per-week requirement. Typical OFSDP instructional arrangements include the following:

- Weekend or night classes
- Extended day classes
- Classes offered throughout the year
- Flexible schedules
- Credit recovery classes (Your district may offer these classes 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.)

Your district must not charge tuition for participation in an OFSDP, including for participation in classes offered during the summer recess.

### 11.6.1 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**

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<sup>241</sup> See the TEC, [§29.0822](#).

- the student, if less than 18 years of age and not emancipated by marriage or court order, and the student’s parent, or person standing in parental relation to the student, agree in writing to the student’s participation.

Your district may also implement a study program for seniors who have completed the required course work but need additional tutoring to assist them in passing required state assessments so that they may graduate and obtain their high school diploma.

### ***11.6.2 OFSDP Funding***

The OFSDP is **not a competitive grant program**. The OFSDP program provides an alternative method of attendance accounting. A student must receive 2 hours of instruction in the OFSDP (or in OFSDP and traditional attendance program courses) to generate half-day attendance. A student must receive 4 hours of instruction in the OFSDP (or in OFSDP and traditional attendance program courses) to generate full-day attendance. Funding is based on the total eligible minutes of instructional contact time each student receives.

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 classroom time accounted for in traditional courses toward graduation requirements, is 600 minutes, or 10 hours.

Classroom 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 720 instructional 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 a 12-consecutive-month school year cannot exceed the equivalent of one student in ADA with perfect attendance.

### ***11.6.3 Participation in the OFSDP and the Regular Attendance Program***

A student may receive instruction and earn minutes of attendance in both 1) classes held during the regular school day and 2) classes specifically designed for the OFSDP. However, the student must not be simultaneously enrolled in the OFSDP and the traditional attendance program, in terms of how the student’s attendance is reported in the attendance accounting system. In other words, a student:

- must not have the same attendance time or minutes reported simultaneously through the OFSDP and the regular attendance program and
- must not have the same attendance time or minutes reported simultaneously through the TSDS PEIMS with both a 42400 record and a 42401 (OFSDP) record.

However, it is acceptable for a student to earn both traditional attendance and OFSDP attendance if the student’s enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. A student’s attendance program (OFSDP or regular) **must not** be changed in the middle of a 6 week reporting period.\* **Note:** The sum of traditional ADA earned and OFSDP ADA earned **must not exceed one ADA total**.

\*One exception to the prohibition on changing the type of record used during a reporting period would be for a student's initial enrollment in the OFSDP. Another would be for an OFSDP student who begins receiving pregnancy-related services compensatory education home instruction (CEHI) services in the middle of a 6 week reporting period. The student's attendance would be reported with a 42400 record (according to the CEHI funding chart in [9.10 Confinement and Earning Eligible Days Present](#)) and with an ADA eligibility code of 1 at the time the student began receiving CEHI services, even if that date occurred within the 6 week reporting period. Once the student stopped receiving CEHI services and returned to school to participate in the OFSDP, the student's attendance would be reported with a 42401 record and with an ADA eligibility code of 7, even if the transition occurred in the middle of a 6 week reporting period.

#### **11.6.4 Application Process**

To participate in the OFSDP, your district must submit an annual application notifying the TEA that it plans to participate. The application requires the following information: implementation plan description, staff plans, schedules, and student attendance accounting security procedures and documentation.

**Note:** Applications **no longer** need to be submitted 90 days before the program's start date.

#### **11.6.5 FSP Funding Eligibility for Students 21 through 25 Years of Age**

Note that a student who is at least 21 years of age and under 26 years of age and admitted by your school district to complete the requirements for a high school diploma is eligible to generate ADA (and thus FSP funding [including OFSDP funding]).

Also, a student receiving special education services who is 21 years of age on September 1 of a school year is eligible for services (including OFSDP services) through the end of that school year or until graduation, whichever comes first. In addition, a student with a disability who graduated by meeting the requirements of 19 TAC [§89.1070\(b\)\(3\)](#) as determined by an admission, review, and dismissal (ARD) committee and who is still in need of special education services<sup>242</sup> may be served through age 21 inclusive<sup>243</sup>. A student 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.

#### **11.6.6 Reporting Requirements**

Your district must report OFSDP attendance data through the TSDS PEIMS.

It is acceptable to create and report both 42400 and 42401 series records for a student if the student's enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. Note: If a student is participating in both classes that are a part of the traditional attendance program and classes that are a part of the OFSDP simultaneously, **all attendance must be reported through the OFSDP 42401 series records.**

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<sup>242</sup> as determined by the ARD committee per [§89.1070\(f\)](#)

<sup>243</sup> 34 Code of Federal Regulations, §300.102(a)(3)

### ***11.6.7 Estimating OFSDP Funding***

Your school district may estimate the FSP funding to be generated by the OFSDP by entering the OFSDP ADA and full-time equivalent (FTE) data into the latest estimate of state aid template available at the TEA Foundation School Program web page at [http://tea.texas.gov/Finance\\_and\\_Grants/State\\_Funding/Foundation\\_School\\_Program/Foundation\\_School\\_Program/](http://tea.texas.gov/Finance_and_Grants/State_Funding/Foundation_School_Program/Foundation_School_Program/).

### ***11.6.8 OFSDP Withdrawal Policy***

Your school district may adopt a local policy for determining when a student enrolled in an OFSDP may be withdrawn for nonattendance.

### ***11.6.9 More Information***

More information about the OFSDP, including the program application and applicable commissioner's rules, is available on the TEA OFSDP web page at <http://tea.texas.gov/index2.aspx?id=25769817595>.

## **11.7 Optional Flexible Year Program (OFYP)**

An OFYP is a program for students who did not or are likely not to perform successfully on the required state assessments or who would not otherwise be promoted to the next grade level.

To provide additional school days for an OFYP, with the approval of the commissioner, your school district may:

- provide for at least 170 school days (or 71,400 minutes) (for students who are not at risk) and at least 180 school days (75,600, including intermissions and recesses minutes) (for students who are at risk) during the regular school year; and
- use for instructional purposes no more than 5 days that would otherwise be used for staff development or teacher preparation.

### ***11.7.1 Applying to Participate in the OFYP***

To participate in the OFYP, your school district must submit an application. The application is available on the TEA OFYP web page at [http://tea.texas.gov/Finance\\_and\\_Grants/State\\_Funding/Additional\\_Finance\\_Resources/Optional\\_Flexible\\_Year\\_Program/](http://tea.texas.gov/Finance_and_Grants/State_Funding/Additional_Finance_Resources/Optional_Flexible_Year_Program/).

### ***11.7.2 Scheduling of OFYP School Days***

The TEA strongly encourages districts providing OFYPs to provide the additional school days for eligible students throughout the school year instead of only at the end of the school year. This practice helps ensure eligible students' successful program completion.

The TEA also strongly encourages each district, upon OFYP approval, to notify parents and students that the district has been approved to provide an OFYP and include in this notice details of how the district plans to implement the program (that is, whether the district will schedule its OFYP school days throughout the year or at the end of the year).

An OFYP school day must not be scheduled on the same day as any of the following:

- an early release day

- one of your district’s scheduled makeup days
- a day before the fourth Monday in August (this last bullet applies to school districts only; it does not apply to open-enrollment charter schools)

### 11.7.3 Reporting OFYP Attendance

Students who are participating in an OFYP should be reported on a separate instructional track from students who are not participating in an OFYP. If a student participates in the OFYP, the student should not be reported on multiple calendar tracks within a 6-week reporting period.

### 11.7.4 Additional Information

A district approved to provide an OFYP has discretion over whether to allow OFYP-ineligible students to attend school on OFYP school days. If the district decides to allow OFYP-ineligible students to attend school on those days, the ineligible students would not be eligible to generate ADA (FSP funding) for the days. The district should not record attendance for the OFYP-ineligible students who attend school on OFYP school days, except for those students described by the following paragraph.

A student who receives special education services and whose individualized education program (IEP) requires that the student be provided instruction, services, or both for a specified number of school days must be provided instruction and services for that number of school days regardless of whether the student is eligible for the OFYP. If an OFYP-ineligible student who receives special education services is attending school on OFYP school days because of IEP requirements, the student’s reported instructional track must include those days, and attendance must be taken for the student for those days.

## 11.8 High School Equivalency Program (HSEP)

The HSEP is also known as the “In-School GED Program.” The Texas In-School GED Program provides an alternative for high school students aged 16 years and older 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).

### 11.8.1 HSEP Eligibility Requirements

A student is eligible to participate in an HSEP if:

- the student has been ordered by a court under Code of Criminal Procedure, [Article 45.054](#), or by the Texas Juvenile Justice Department to:
  - participate in a preparatory class for the high school equivalency examination; or
  - take the high school equivalency examination administered under the TEC, [§7.111](#); or
- the following conditions are satisfied:
  - the student is at least 16 years of age at the beginning of the school year or semester;
  - the student is at risk of dropping out of school, as defined by the TEC, [§29.081\(d\)](#);
  - the student and the student’s parent, or person standing in parental relation to the student, agree in writing to the student’s participation; and
  - at least 2 school years have elapsed since the student first enrolled in grade 9 and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the district or school.<sup>244</sup>

<sup>244</sup> TEC, [§29.087\(d\)](#); 19 TAC [§89.1403](#)

### **11.8.2 HSEP Attendance Accounting and Funding**

The HSEP provides alternatives to the traditional attendance program and provides flexible attendance schedules. Students in the program are still subject to minimum attendance requirements (TEC, [§25.092](#)).

District personnel must maintain a separate log of program instructional contact time for each student participating in the HSEP.

A student is counted as in attendance based on the actual number of daily contact minutes the student receives instruction in the HSEP, in traditional classes that count toward graduation requirements, or in both. A student must receive instruction in the HSEP (or the HSEP in combination with traditional coursework) at least 45 minutes on a given day for instructional contact time to be recorded. If actual instructional contact time in the HSEP (or the HSEP in combination with traditional coursework) does not equal at least 45 minutes on a 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, including any classroom time accounted for in traditional courses toward graduation requirements, is 600 minutes.

HSEP attendance is reported using the 42401 series TSDS PEIMS records. For students in grades 9–12 who are ADA eligible, create at least one record for TSDS PEIMS reporting for each student who attends at least 45 minutes in the HSEP within the indicated reporting period.

A district must report all minutes of instruction attended 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 or campus. If a student participates in both the HSEP and the traditional attendance program, the student must not generate more than one ADA for FSP funding purposes for a six-week reporting period within a district or campus.

Note: Attendance reporting for students attending an HSEP in a shared services arrangement is the responsibility of the student's home district.

For additional rules and instructions related to the HSEP, visit the TEA HSEP web page at <http://tea.texas.gov/HSEP/>.

## **11.9 Interstate Compact on Educational Opportunity for Military Children**

Texas is a member state of the Interstate Compact on Educational Opportunity for Military Children. The compact is an agreement among member states to abide by a common set of requirements related to education of military children.<sup>245</sup>

This subsection provides information on some important compact definitions and requirements related to attendance accounting.

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<sup>245</sup> The Texas Legislature enacted the compact through the TEC, [§162.002](#)

### **11.9.1 Some Important Compact Definitions**

The following definitions apply for purposes of compact requirements:

“Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders<sup>246</sup>.

“Child of a military family” means a school-age child, enrolled in kindergarten through 12th grade, in the household of an active duty member.

“Education(al) records” means those official records, files, and data directly related to a student and maintained by the school or local education agency.<sup>247</sup>

“Member state” means a state that has enacted the compact.

“Sending state” means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

“Uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), and Public Health Services.

The US NOAA is an agency of the US Department of Commerce (DOC). The US NOAA Commissioned Corps<sup>248</sup> is made up of approximately 300 science and technology professionals who serve in leadership and command positions in the NOAA and DOC and in the Armed Forces during wartime or national emergencies.

The US Public Health Services Commissioned Corps<sup>249</sup> is made up of approximately 6,000 public health professionals who help administer national public health promotion and disease prevention programs through federal programs and agencies. Corps members include doctors, nurses, pharmacists, therapists, researchers, and engineers.

### **11.9.2 Notable Compact Provisions and Requirements**

Following are notable compact provisions and requirements.

#### **11.9.2.1 Entitlement to Continue at Grade Level**

A child of a military family who moves to your district from another member state is entitled to continue enrollment at the same grade level, including kindergarten, that he or she was enrolled in in that other state regardless of the child’s age. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the following:

1. official military orders showing that the military member was assigned to the state or commuting area of the state in which the child was enrolled and attended school. If the child

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<sup>246</sup> pursuant to 10 USC, §1209 and §1211

<sup>247</sup> See Article II of the compact in the TEC, [§162.002](#), for the full definition.

<sup>248</sup> US National Oceanic and Atmospheric Administration Commissioned Corps website: <http://www.noaa.gov/>

<sup>249</sup> US Public Health Service Commissioned Corps website: <http://www.usphs.gov/default.aspx>.



was residing with a legal guardian and not the military member during the previous enrollment, the following must be provided:

- a copy of the family care plan, or
  - proof of guardianship, as specified in the compact, or
  - any information sufficient for your district to establish eligibility under the compact;
2. an official letter or transcript from the proper school authority showing the child's attendance record, academic information, and grade placement;
  3. documented evidence of appropriate immunization; and
  4. evidence of date of birth.

A child of a military family who moves to your district from another member state and who satisfactorily completed a particular grade level in the sending state is entitled to enroll in the next highest grade level. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the items specified in the previous paragraph.

A child of a military family who is under the age of five on September 1 and who moved to Texas from another member state where the child completed prekindergarten is eligible for enrollment in kindergarten and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the items specified in the previous paragraph.

#### **11.9.2.2 Certain Absences Excused for Compulsory Attendance Purposes**

Under the compact, your school district's superintendent may excuse for compulsory attendance purposes a student's absence to visit with a parent or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from deployment to a combat zone or combat support posting.

Note that other Texas law<sup>250</sup> already allows for a teacher, principal, or superintendent of the school in which a student is enrolled to excuse for compulsory attendance purposes the temporary absence of the student for any reason acceptable to the teacher, principal, or superintendent, as described in [3.6.4 Excused Absences for Compulsory Attendance Purposes](#). That same statute also permits a student to be counted as present for FSP (funding) purposes if the student is absent to visit with a parent, stepparent, or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides. Your district is required to excuse up to 5 days for this purpose in a school year. An excused absence for this purpose must be taken no earlier than 60 days before the date of deployment or no later than 30 days after the date of return from deployment.<sup>251</sup>

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<sup>250</sup> TEC, [§25.087](#)

<sup>251</sup> [§25.087](#)(b-4)



## Section 12 Virtual, Remote, and Electronic Instruction

This section addresses attendance accounting as it relates to virtual instruction, remote instruction, and self-paced computer courses.

### 12.1 Responsibility

List in the space provided below the name(s) and phone number(s) of the district personnel to whom all questions related to virtual, remote, and self-paced electronic instruction should be directed:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### 12.2 Texas Virtual School Network (TxVSN)

The state virtual school network includes the TxVSN statewide catalog of supplemental online courses for grades 9 through 12 and the full-time virtual TxVSN Online Schools (OLS) program for grades 3 through 12. The TxVSN provides students throughout the state with access to online courses that address all of the Texas Essential Knowledge and Skills (TEKS) and meet national standards for quality online courses. The network was established by Senate Bill 1788, passed by the 80th Texas Legislature, Regular Session, in May 2007. The Texas Education Code (TEC), [Chapter 30A](#), which established the TxVSN, does not affect the provision of distance learning courses offered under other law. The TxVSN creates an additional distance learning option for districts.

Courses approved through the TxVSN review process first became available for grades 9 through 12 through the TxVSN statewide course catalog in January 2009.

TxVSN online courses may be provided through the TxVSN statewide course catalog by a TxVSN course provider, defined as a school district or open-enrollment charter school that meets certain eligibility requirements; a Texas public or private institution of higher education<sup>252</sup>; a regional education service center; or a nonprofit or private entity that meets certain eligibility requirements. A full-time virtual TxVSN OLS program may be provided only by a Texas public school district or open-enrollment charter school that meets certain eligibility requirements, has notified the Texas Education Agency (TEA) of its intent to participate in the OLS program, and was in operation on January 1, 2013. For a list of the TxVSN online schools officially recognized by the agency, see the TEA TxVSN Online Schools Program web page at <http://www.tea.state.tx.us/index2.aspx?id=4826>.

For more information on the TxVSN and to view the list of available courses in the TxVSN statewide course catalog, visit the TxVSN website at <http://www.txvsn.org/>. For additional commissioner of education rules concerning the TxVSN, see 19 Texas Administrative Code (TAC) §§[70.1001](#)–[70.1035](#).

<sup>252</sup> as defined by 20 United States Code, §1001

The information and provisions in this subsection (Subsection 12.2, including 12.2.1 through 12.2.4) apply specifically to the TxVSN and TxVSN courses. They do not apply to any other form of electronically delivered instruction. See [12.3 Remote Instruction That Is Not Delivered through the TxVSN](#) for information on remote instruction. See [12.4 On-Campus Online Courses Not Provided through the TxVSN](#) for requirements related to time spent in on-campus online courses not provided through the TxVSN. See [12.5 Self-Paced Computer Course](#) for requirements related to time spent in self-paced computer courses.

### ***12.2.1 Student Eligibility for the TxVSN***

A student who is enrolled in a school district or open-enrollment charter school in this state may take one or more electronic courses through the TxVSN, provided the student meets eligibility criteria.

A student is eligible to enroll in a course provided by the TxVSN only if the student meets the following three criteria:

1. the student, on September 1 of the school year:
  - a. is younger than 21 years of age; or
  - b. is younger than 26 years of age and entitled to the benefits of the FSP under the TEC, [§42.003](#);
2. the student has not graduated from high school; **and**
3. the student:
  - a. is otherwise eligible to enroll in a public school in this state; or
  - b. meets the following requirements:
    - i. is a dependent of a member of the United States military;
    - ii. was previously enrolled in high school in this state; and
    - iii. no longer resides in this state as a result of a military deployment or transfer.

#### **12.2.1.1 Student Eligibility for Full-Time Enrollment in TxVSN Courses or Program**

“Full-time enrollment” means enrollment in five or more TxVSN courses for grades 9 through 12 or enrollment in a grade 3 through 8 TxVSN OLS program offered by an officially recognized TxVSN online school.

A student is eligible for full-time enrollment in TxVSN courses or in a TxVSN OLS program only if the student meets one of the following three criteria:

1. the student was enrolled in a public school in this state in the preceding school year;
2. the student has been placed in substitute care<sup>253</sup> in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year; **or**
3. the student:

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<sup>253</sup> Per the Texas Family Code, [§263.001\(a\)\(4\)](#), “substitute care” means the placement of a child who is in the conservatorship of the Texas Department of Family and Protective Services or an authorized agency in care outside the child’s home. The term includes foster care, institutional care, adoption, placement with a relative of the child, or commitment to the Texas Juvenile Justice Department.

- a. is a dependent of a member of the United States military;
- b. was previously enrolled in high school in this state; and
- c. no longer resides in this state as a result of a military deployment or transfer.

### 12.2.1.2 Student Eligibility and Documentation

For a student whose eligibility to enroll full-time in TxVSN courses or in a TxVSN OLS program is based on having been placed in substitute care, a court order related to the placement is acceptable documentation of eligibility. A copy of documentation showing that the Texas DFPS or an authorized agency placed the student in substitute care is also acceptable.

For a student whose eligibility to enroll in TxVSN courses is based on being a dependent of a member of the United States military and no longer residing in Texas because of a military deployment or transfer, the following must be on file:

- documentation that a district employee verified the student's Department of Defense (DoD) photo identification for children of active duty service members. The documentation must include the printed name and signature of the person who verified the identification and the date that it was verified. **Important:** Your district should **not** make a copy of the identification.

If the student has not been issued such an ID, then documentation must be on file that a district employee verified the military member's DoD photo identification (or other DoD-issued documentation indicating that the person is an active-duty member of the military) and verified documentation showing that the student is a dependent of the military member. The documentation to be kept on file must include the printed name and signature of the person who verified the DoD and other documentation and the date that it was verified, as well as a photocopy of the documentation showing that the student is a dependent of the military member. **Important:** Your district should **not** make a copy of the DoD identification.

and

- DoD-issued orders or other DoD-issued documentation showing that the military member has been deployed or transferred outside of Texas.

### 12.2.2 TxVSN FSP Funding and Attendance Accounting

If an eligible student participates in a course offered through the TxVSN or in an officially recognized TxVSN OLS program and meets the requirements for enrollment in a Texas school district or charter school, the student is eligible to generate FSP funding in the same manner as a student who receives instruction in a traditional classroom generates FSP funding.<sup>254</sup> A student is eligible to generate FSP funding for participation in a TxVSN course or program regardless of whether the student is physically present at school while participating in the course or program.

#### 12.2.2.1 Courses for Grades 9 through 12

Enrollment in courses for grades 9 through 12 taken through the TxVSN may apply toward ADA eligibility status. For a TxVSN course for grades 9 through 12 to count toward ADA eligibility status, the student must successfully complete the course regardless of whether or not the student is physically present at

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<sup>254</sup> TEC, [§30A.153\(a\)](#)

the school when taking the online course. Successful completion is defined as earning credit for the online semester course.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in one or more TxVSN courses for grades 9 through 12 (that is, for purposes of determining whether the student is eligible for half-day or full-day attendance), the student is considered to be scheduled for and receiving instruction for 55 minutes each day for each virtual course taken through the TxVSN. In other words, each TxVSN course is considered to be 55 minutes of daily classroom time for purposes of the 2-through-4-hour rule. (See [3.2.2 Funding Eligibility](#) for more information on ADA eligibility.) A total of no more than three semester courses taken through the TxVSN statewide course catalog may be used in determining a student's ADA eligibility for any one semester with a maximum of six total semester courses in a school year.<sup>255</sup> Students enrolled in online courses offered by an officially recognized TxVSN online school are not subject to the three-course maximum; no more than five total semester courses taken through the TxVSN may be used in determining a student's ADA eligibility for any one semester, with a maximum of 10 TxVSN semester courses within a school year..

An exception applies to a student who lacks up to ten semester courses to meet his or her graduation plan, is in the final semester of the school year, and did not generate FSP funding in the first semester of that school year. That student may earn funding for a maximum of six semester courses through the TxVSN course catalog in the second semester of the school year; or, if the student is enrolled in an officially recognized TxVSN online school, he or she may earn funding for a maximum of 10 TxVSN semester courses in the second semester of the school year. Each course is considered to be 55 minutes of daily classroom instruction for purposes of the 2-through-4-hour rule.

For purposes of recording a student's daily attendance, a student enrolled full-time in TxVSN courses for grades 9 through 12 (enrolled in five TxVSN courses) is considered to have been present (in attendance) for each day of instruction in the reporting period. The daily attendance of a student who is not enrolled full-time in TxVSN courses for grades 9 through 12 is determined by whether that student was present or absent at the official attendance-taking time, or, if the student is not scheduled to be on campus at the official attendance-taking time, whether the student was present or absent at the alternative attendance-taking time set for that student. See [3.6.2 Time of Day for Attendance Taking](#) and [3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations](#).

The TEA determines a student's ultimate ADA eligibility status for a semester based on whether the student successfully completed each TxVSN online semester course in which the student was enrolled, using course completion data reported by the district. If the student did not successfully complete a TxVSN course, the TEA adjusts the student's ADA eligibility status accordingly. Resulting adjustments to the district's FSP funding are made in the following school year.

### **12.2.2.2 Programs for Grades 3 through 8**

Enrollment in a grade 3 through 8 full-time virtual TxVSN OLS program that is offered by an officially recognized TxVSN online school may apply toward ADA eligibility status. For enrollment in the grade-level program to count toward ADA eligibility status, the student must successfully complete the program. Successful completion is defined as completion of the TxVSN education program and demonstrated academic proficiency sufficient for promotion to the next grade level. If a student does not complete the entire TxVSN education program at the grade level in which the student is enrolled

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<sup>255</sup> TEC, [§30A.153](#)(a-1)

and demonstrate academic proficiency sufficient for promotion to the next grade level, the district will have any FSP funding for that student reduced to \$0.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in a grade 3 through 8 TxVSN OLS program offered by an officially recognized TxVSN online school, the student is considered to be scheduled for and receiving instruction for 4 or more hours each day. Thus, the ADA eligibility code of the student is reported as 1 - Eligible for Full Day Attendance.

For purposes of recording the student's daily attendance, a student enrolled in a grade 3 through 8 TxVSN OLS program that is offered by an officially recognized TxVSN online school is considered to have been present (in attendance) for each day of instruction in the reporting period.

The TEA determines a student's ultimate ADA eligibility status for the instructional year based on whether the student successfully completed the TxVSN education program, using course completion data reported by the district. If the student did not successfully complete the TxVSN education program, the TEA adjusts the student's ADA eligibility status accordingly. Resulting adjustments to state funding are made in the following school year.

### **12.2.2.3 Enrollment in a TxVSN Course or Program and Receipt of Special Program Services**

A student's enrollment in one or more TxVSN courses or in a TxVSN OLS program offered by a TxVSN online school does not necessarily preclude your district from serving the student in other special programs, such as special education, career and technical education (CTE), bilingual/English as a Second Language (ESL) education, or pregnancy-related services. Nor does it necessarily preclude your district from receiving weighted funding for serving the student in those programs, provided all program requirements are met. See the applicable sections of the handbook for specific program requirements. The determination of whether a TxVSN course or program will meet the needs of a student with a disability must be made by that student's admission, review, and dismissal committee in a manner consistent with state and federal law.<sup>256</sup>

### **12.2.3 Additional TxVSN Requirements and Information**

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.

Your school district or open-enrollment charter school must **not** require a student to enroll in an electronic course.

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<sup>257</sup> enroll in electronic courses through the TxVSN.<sup>258</sup> A student to whom this paragraph applies:

- must not in any semester enroll in more than two electronic courses offered through the state virtual school network,

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<sup>256</sup> TEC, [§30A.007](#)

<sup>257</sup> Subject to the TEC, [§30A.155](#)

<sup>258</sup> TEC, [§30A.107\(c\)](#)

- is not considered to be a public school student and is not eligible to generate FSP funding,
- must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides,
- is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network, and
- is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

### **12.2.4 Examples**

#### **Example 1**

A student who is scheduled for and receiving instruction in traditional classes for 185 minutes each day and who is enrolled in one TxVSN course for grades 9 through 12 is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance because the online course is considered to be 55 minutes of daily classroom time.

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

If the student does not successfully complete the TxVSN course, the TEA will adjust the student's ADA eligibility status to half-day eligibility because the 55 minutes for that course will no longer be considered classroom time and the student will have fallen below the 4 hours (240 minutes) required for full-day eligibility.

#### **Example 2**

A student who is scheduled for and receiving instruction in traditional classes for 4 hours (240 minutes) each day and who is enrolled in one or more TxVSN courses for grades 9 through 12 is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

Whether the student successfully completes the TxVSN course(s) does not impact the student's ADA eligibility status because the student does not need the additional 55 minutes generated by the online course to be eligible for full-day attendance.

#### **Example 3**

A student who is scheduled for and receiving instruction in traditional classes for 1 hour (60 minutes) each day and is enrolled in two TxVSN courses for grades 9 through 12 is reported with an ADA eligibility code of 2 - Eligible for Half-Day Attendance because each TxVSN course is considered to be 55 minutes of daily classroom time (110 minutes total for both TxVSN courses).

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

If the student does not successfully complete both TxVSN courses, the TEA will adjust the student's ADA eligibility status to enrolled, not in membership, and the FSP funding for the student to \$0.

#### **Example 4**

A student who is scheduled for and receiving instruction in traditional classes for 1 hour (60 minutes) each day and is enrolled in four yearlong TxVSN statewide catalog courses for grades 9 through 12 is reported with an ADA eligibility code of 2 – Eligible for Half-Day Attendance because only a maximum of three TxVSN statewide course catalog courses (165 minutes) may apply toward ADA eligibility and 165 minutes plus 60 minutes totals only 225 minutes.

#### **Example 5**

A student who is enrolled in five or more TxVSN courses for grades 9 through 12 offered by an officially recognized TxVSN online school is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

The student is considered present (in attendance) for each day of instruction in the reporting period.

If the student successfully completes at least five courses, his or her ADA eligibility status does not change. If the student successfully completes only three or four of the courses, the TEA will adjust the student's ADA eligibility status to half-day eligibility. If the student successfully completes only two or fewer of the courses, the TEA will adjust the student's ADA eligibility status to enrolled, not in membership, and the FSP funding for the student to \$0.

#### **Example 6**

A student enrolled full time in a grade 3 through 8 TxVSN OLS program offered by an officially recognized TxVSN online school is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

The student is considered to be present (in attendance) for each day of instruction in the reporting period.

If the student successfully completes the TxVSN education program (completes the program and is promoted to the next grade level), his or her ADA eligibility code does not change. If the student does not demonstrate academic proficiency sufficient for promotion to the next grade level, the TEA will adjust the student's ADA eligibility status to enrolled, not in membership, and the FSP funding for the student to \$0.

#### **Example 7**

A student who is not scheduled for traditional classes, is not receiving instruction in traditional classes, is eligible for full-time enrollment in TxVSN courses, and is enrolled in five or more TxVSN courses for grades 9 through 12 offered by a district or charter school that is **not** an officially recognized TxVSN online school is reported with an ADA eligibility code of 2 – Eligible for Half-Day Attendance because only a maximum of three TxVSN statewide course catalog courses (165 minutes) may apply toward ADA eligibility in any one semester. The student is considered present (in attendance) for each day of instruction in the reporting period.

If the student successfully completes at least three TxVSN courses in a semester, his or her ADA eligibility status does not change. If the student successfully completes two or fewer of the courses, the TEA will adjust the student's ADA eligibility status to enrolled, not in membership, and adjust the FSP funding for the student to \$0.

## 12.3 Remote Instruction That Is Not Delivered through the TxVSN

This subsection (12.3) addresses remote instruction other than virtual instruction provided through the TxVSN. For requirements related to the TxVSN, see [12.2 Texas Virtual School Network \(TxVSN\)](#).

Under current agency rules and policies, remote instruction that is not delivered through the TxVSN is **not** eligible for state funding and generation of ADA, except for classes taken through distance learning while a student is in attendance at a regular school campus. However, this subsection describes procedures for submitting requests for waivers of those rules and policies and information on how the agency will evaluate those requests. **In addition to submitting a waiver request, any charter school wishing to provide remote instruction for students (other than distance learning while a student is in attendance at a regular school campus) must submit a nonexpansion amendment request to the commissioner of education and receive commissioner approval before submitting the waiver request for possible implementation of remote instruction. Changing the instructional program would be a substantive amendment request in accordance with 19 TAC [§100.1033\(c\)](#).**

For the purposes of this subsection (12.3), “remote instruction” means instruction provided through a technology that allows for real-time, two-way interaction between a student and teacher who are in different physical locations. Examples of such technology might be interactive video conferencing or a robot that allows for virtual interaction between student and teacher. The technology must allow for both two-way audio and two-way video interaction.

### 12.3.1 Remote Conferencing—Regular Education Students

In Subsection 12.3.1, “remote conferencing” means remote instruction in which a student at an off-campus location is able to virtually participate in classes provided on the student's campus.

If your school district provides instruction through remote conferencing to a regular education student, your district may, **with the approval of a waiver request**, count that instruction as classroom time for FSP funding purposes and count the student in attendance for FSP funding purposes, provided the following requirements are met:

- The student is unable to attend school because of a temporary medical condition<sup>259</sup>.
- The student's temporary medical condition is documented by a physician licensed to practice in the United States.

<sup>259</sup> Pregnancy, in and of itself, is not considered a medical condition. See [12.3.3 Remote Homebound Instruction—Regular Education Students](#) for information on remote pregnancy-related services compensatory education home instruction.



The waiver request must include an explanation of the circumstances. Waivers will be granted on a case-by-case basis. A waiver will not be granted if the student is unable to attend school for a reason other than a medical condition (such as confinement at home for disciplinary reasons).

If a waiver is granted, the affected student will generate attendance according to the 2-through-4-hour rule and based on whether the student is virtually “present” at the official attendance-taking time. The student will **not** be considered to be receiving homebound program instruction and will not be eligible to generate eligible days present through the general education homebound (GEH) program. If the student is eligible to be served through the GEH program, your district should evaluate whether it is more appropriate to serve the student through that program or through remote conferencing. If your district opts to serve the student through the GEH program, then the student would generate attendance (eligible days present) according to the GEH funding method. A student must not generate attendance through both remote conferencing and the GEH program simultaneously. See [3.7 General Education Homebound \(GEH\) Program](#) for GEH requirements. See [12.3.3 Remote Homebound Instruction—Regular Education Students](#) for requirements specific to remote GEH instruction.

Your district can submit a request for a general waiver using the TEA’s automated waiver application system, which is available in the online TEA Login (TEAL) secure environment. When submitting a waiver request, cite the following requirements in item 3 of the “General Waivers” section: 1) the requirement that a student be on campus at the official attendance-taking time in order to be considered present for FSP funding purposes, as required by 19 TAC [§129.21](#) and the *Student Attendance Accounting Handbook*, which is adopted annually through 19 TAC [§129.1025](#), and 2) the agency’s policy of considering only face-to-face instruction as classroom time for purposes of FSP funding.

A student served through remote conferencing may be eligible to generate weighted funding for programs such as CTE or bilingual/ESL education, provided requirements for the applicable program(s) are met. See the applicable sections of this handbook for specific program requirements. In submitting a waiver request, explain how any applicable program requirements will be satisfied if your district intends to claim weighted funding.

### **12.3.2 Remote Conferencing—Special Education Students**

In Subsection 12.3.2, “remote conferencing” means remote instruction 1) in which a student at an off-campus location is able to virtually participate in classes provided on the student’s campus or 2) in which a student at an on- or off-campus location receives instruction or special education services from an appropriately credentialed individual who is at a different location. An example of a situation described by item 2 is one in which a student in a campus classroom receives speech therapy via remote instruction from an appropriately credentialed individual who is not on the student’s campus.

If your school district provides instruction through remote conferencing to a special education student (for all or part of the school day), your district may, **with the approval of a waiver request**, count that instruction as classroom time for FSP funding purposes, including in the calculation of contact hours. To do so, the following conditions must be met:

- The student’s admission, review, and dismissal (ARD) committee must have determined, in a manner consistent with state and federal law<sup>260</sup>, that the remote instruction to be provided meets the needs of the student. \*
- The ARD committee must have documented that determination in the student’s individualized education program.

**\*Note:** If a student’s ARD committee determines that instruction through remote conferencing is appropriate for a student, that determination does not necessarily mean that the student’s instructional setting code will change with the provision of the instruction through remote conferencing. The student’s instructional setting code may stay the same if the actual instruction and services the student is receiving will remain the same and all that will change is the means of delivery of that instruction. In determining what instructional setting code to use for the student, the ARD committee should consider the type of instruction and services being provided instead of the physical location of the student.

The waiver request must include an explanation of the circumstances. Waivers will be granted on a case-by-case basis.

If a waiver is granted, the affected student will generate attendance according to the 2-through-4-hour rule and based on whether the student is physically present on campus at the official attendance-taking time (if the student is scheduled to be on campus at that time) or is virtually “present” at the official attendance-taking time (if the student is scheduled to be off-campus at that time).

Please note that the remote conferencing instruction described in this subsection (12.3.2) is different from remote special education homebound program instruction. For general requirements related to special education homebound instruction, see [4.7.2 Code 01 - Homebound](#). For requirements specific to remote special education homebound instruction, see [12.3.4 Remote Homebound Instruction—Special Education Students](#). If a student is eligible to be placed in the special education homebound instructional setting, it is the responsibility of the student’s ARD committee to determine whether it is more appropriate to place the student in that setting or in another setting that is provided via remote conferencing.

Your district can submit a request for a general waiver using the TEA’s automated waiver application system, which is available in the online TEAL secure environment. When submitting a waiver request, cite the following requirements in item 3 of the “General Waivers” section: 1) the requirement that a student be on campus at the official attendance-taking time in order to be considered present for FSP funding purposes, as required by 19 TAC [§129.21](#) and the *Student Attendance Accounting Handbook*, which is adopted annually through 19 TAC [§129.1025](#), and 2) the agency’s policy of considering only face-to-face instruction as classroom time for purposes of FSP funding. Note that requirement 1 needs to be cited only if the student is scheduled to be off campus at the official attendance-taking time.

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<sup>260</sup> including provisions related to least-restrictive environment (LRE) and free appropriate public education (FAPE) requirements

### 12.3.3 Remote Homebound Instruction—Regular Education Students

In Subsection 12.3.3, “remote homebound instruction” means remote instruction in which a student receives individualized instruction through the GEH program or compensatory education home instruction (CEHI) program and in which all requirements of the program are met except for in-person instruction from the homebound teacher. See [3.7 General Education Homebound \(GEH\) Program](#) for GEH program requirements. See [Section 9 Pregnancy-Related Services \(PRS\)](#) for CEHI program requirements.

If your school district provides remote homebound instruction to an eligible regular education student, your district may, **with the approval of a waiver request**, count the student in attendance for FSP funding purposes provided that all requirements of the homebound program are met except for face-to-face instruction from the homebound teacher.

If a waiver is granted, the affected student will generate attendance (eligible days present) according to the homebound funding provisions in [3.7.3 GEH Funding Chart](#) or [9.10 Confinement and Earning Eligible Days Present](#), as applicable.

Your district can submit a request for a general waiver using the TEA’s automated waiver application system, which is available in the online TEAL secure environment. When submitting a waiver request, cite the following requirement in item 3 of the “General Waivers” section: the requirement that a homebound teacher serve a student in person at the student’s home or hospital bedside in order for FSP funding to be generated, as required by Subsection 3.7.3 [GEH] or Subsection 9.10 [CEHI] of the *Student Attendance Accounting Handbook*, which is adopted annually through 19 TAC [§129.1025](#).

### 12.3.4 Remote Homebound Instruction—Special Education Students

In Subsection 12.3.4, “remote homebound instruction” means remote instruction in which a special education student with an instructional setting code of 01 (homebound) receives individualized instruction through special education homebound instruction and in which all requirements related to special education homebound instruction are met except for in-person instruction from the homebound teacher. See [4.7.2 Code 01 - Homebound](#) for special education homebound requirements.

A student’s ARD committee is responsible for determining, in a manner consistent with state and federal law, whether remote homebound instruction meets the needs of the student.

If your school district provides remote homebound instruction to a special education student, your district may, **with the approval of a waiver request**, count the student in attendance for FSP funding purposes, including weighted funding purposes, provided that the following requirements are met:

- The student’s ARD committee must have determined, in a manner consistent with state and federal law<sup>261</sup>, that the remote homebound instruction to be provided meets the needs of the student.

<sup>261</sup> including provisions related to LRE and FAPE requirements

- The ARD committee must have documented that determination in the student’s individualized education program.
- All requirements related to the provision of special education homebound instruction must be met except for face-to-face instruction from the homebound teacher.

If a waiver is granted, the affected student will generate attendance (eligible days present) according to the homebound funding provisions in [4.7.2.5 Homebound Funding and Homebound Documentation Requirements](#).

Your district can submit a request for a general waiver using the TEA’s automated waiver application system, which is available in the online TEAL secure environment. When submitting a waiver request, cite the following requirement in item 3 of the “General Waivers” section: the requirement that a homebound teacher serve a student in person at the student’s home or hospital bedside in order for FSP funding to be generated, as required by Subsection 4.7.2.5 of the *Student Attendance Accounting Handbook*, which is adopted annually through 19 TAC [§129.1025](#).

### 12.3.5 Distance Learning

In Subsection 12.3, including Subsection 12.3.5, “distance learning” means remote instruction\* in which a student physically located at his or her home campus participates in a class provided at another campus in the same district or in another district at which students and a teacher are physically present. In Subsection 12.3, including Subsection 12.3.5, distance learning does not include instruction provided through the TxVSN. For requirements related to the TxVSN, see [12.2 Texas Virtual School Network \(TxVSN\)](#).

\*To reiterate, “remote instruction” means instruction provided through a technology that allows for **real-time, two-way interaction** between a student and teacher who are in different physical locations.

A class taken through distance learning does not require a waiver to count as attendance if it is taken as part of a schedule that includes regular attendance in classroom instruction at the student’s home campus.

Time spent in distance learning courses may be eligible for weighted funding for programs such as CTE or bilingual/ESL education, provided requirements for the applicable program(s) are met. See the applicable sections of this handbook for specific program requirements.

## 12.4 On-Campus Online Courses Not Provided through the TxVSN

This subsection addresses time spent in an online course **that is provided on a student’s campus and is not provided through the TxVSN**. For information on funding eligibility of courses provided through the TxVSN, see [12.2 Texas Virtual School Network \(TxVSN\)](#). For information on remote instruction, including distance learning in which a student physically located at his or her home campus participates in a class provided at another campus, see [12.3 Remote Instruction That Is Not Delivered through the TxVSN](#).

Time that a student spends in an online course that is not provided through the TxVSN and that your district provides to the student on the student’s campus may be considered classroom time for FSP funding purposes (that is, for purposes of the 2-through-4-hour rule) provided that the following conditions are met:

- For the duration of the course, a certified<sup>262</sup> teacher must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with a traditional course, the student must be regularly scheduled for and attending the online course; that is, the course must not be designed to operate on a “drop-in” basis.

Time spent in a CTE online course provided on a student’s campus may be considered for purposes of computing a student’s CTE contact hours provided that the following conditions are met:

- For the duration of the course, a teacher who is appropriately qualified/certified to teach the course, as defined in 19 TAC [Chapter 231](#)<sup>263</sup>, must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with any other CTE course, the student must be regularly scheduled for and attending the online course; that is, the course must not be designed to operate on a “drop-in” basis.
- All other requirements specified in [Section 5 Career and Technical Education \(CTE\)](#) must be met.

## 12.5 Self-Paced Computer Courses

Time spent in a self-paced computer course may be considered classroom time for FSP funding purposes (that is, this time may be counted as classroom time for purposes of the 2-through-4-hour rule) provided that the following conditions are met:

- For the duration of the course, a certified<sup>264</sup> teacher must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with a traditional course, the student must be regularly scheduled for and attending the self-paced course; that is, the course must not be designed to operate on a “drop-in” basis.

Time spent in a CTE self-paced computer course may be considered for purposes of computing a student’s CTE contact hours provided that the following conditions are met:

- For the duration of the course, a teacher who is appropriately qualified/certified to teach the course, as defined in 19 TAC [Chapter 231](#)<sup>265</sup>, must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with any other CTE course, the student must be regularly scheduled for and attending the self-paced course; that is, the course must not be designed to operate on a “drop-in” basis.
- All other requirements specified in [Section 5 Career and Technical Education \(CTE\)](#) must be met.

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<sup>262</sup> For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school’s charter requires that courses be taught by certified teachers.

<sup>263</sup> The requirement that a teacher be appropriately qualified/certified does not apply to an open-enrollment charter school unless the school’s charter states that a CTE course must be taught by a qualified/certified CTE teacher .

<sup>264</sup> For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school’s charter requires that courses be taught by certified teachers.

<sup>265</sup> The requirement that a teacher be appropriately qualified/certified does not apply to an open-enrollment charter school unless the school’s charter states that a CTE course must be taught by a qualified/certified CTE teacher.

Subsection 12.5 addresses time spent in self-paced courses, not time spent in virtual courses, remote courses, or CTE independent study courses. For information about eligibility of virtual courses for FSP funding, see [12.2 Texas Virtual School Network \(TxVSN\)](#). For information on remote instruction, including distance learning in which a student physically located at his or her home campus participates in a class provided at another campus, see [12.3 Remote Instruction That Is Not Delivered through the TxVSN](#). For information about CTE independent study courses, see [5.8 Project-Based Research](#).

# Section 13 Appendix: Average Daily Attendance (ADA) and Funding

## Definitions

**ADA:** ADA is the average attendance of students for the school year. It is calculated by dividing the number of days attended by students in a six-week period by the number of days taught in the six-week period. The results for all six-week periods in a track are then summed, divided by six, and rounded to three decimal places.

$$\begin{array}{r} \text{ADA} = \\ \text{(Total days present in 1}^{\text{st}} \text{ six weeks)} \quad \div \quad \text{(days taught for 1}^{\text{st}} \text{ six weeks)} \\ \text{(Total days present in 2}^{\text{nd}} \text{ six weeks)} \quad \div \quad \text{(days taught for 2}^{\text{nd}} \text{ six weeks)} \\ \text{(Total days present in 3}^{\text{rd}} \text{ six weeks)} \quad \div \quad \text{(days taught for 3}^{\text{rd}} \text{ six weeks)} \\ \text{(Total days present in 4}^{\text{th}} \text{ six weeks)} \quad \div \quad \text{(days taught for 4}^{\text{th}} \text{ six weeks)} \\ \text{(Total days present in 5}^{\text{th}} \text{ six weeks)} \quad \div \quad \text{(days taught for 5}^{\text{th}} \text{ six weeks)} \\ + \text{(Total days present in 6}^{\text{th}} \text{ six weeks)} \quad \div \quad \text{(days taught for 6}^{\text{th}} \text{ six weeks)} \\ \hline \text{Result} \\ \\ \text{Result} \div 6 = \text{ADA} \end{array}$$

**ADA will be reduced in districts and charter schools that fail to meet the required number of minutes per TEC §25.081 based on applying the proportion of the number of minutes they were short to the calculation of ADA. Example: if the district or charter school only reports 95 % of the required 75,600 (including intermissions and recesses) minutes, they will only receive 95% of funding.**

**ADA must be calculated separately for each track and then added together to calculate total ADA.**

**Note on ADA and HSEP Attendance:** Attendance for the High School Equivalency Program is recorded in contact minutes instead of days present. For this program, 360 contact minutes (60 minutes × 6 hours), or 6 hours, is equivalent to one full day of attendance (one day present), and 1,080 hours (6 hours × 180 days), or 180 days, is equivalent to a full school year’s attendance, or one ADA (the attendance that would be earned by one traditional-program student with perfect attendance). A student must receive at least 45 minutes of instruction in a day for contact minutes to be recorded for the day and may earn a maximum of 600 contact minutes (10 hours) in a single day.

The number of days present that is equivalent to the contact minutes earned by a student for a particular six-week period is calculated as follows:

- Sum the total contact minutes for the reporting period.
- Divide the total contact minutes by 60 to determine the number of hours for the reporting period.

- Divide the number of hours for the reporting period by 6 (that is, the number of hours that is equal to one day present) to determine the number of days present for the reporting period.
- Round the number of days present down to the nearest half day.

Once the number of days present is determined, that number can be used in the regular ADA calculation shown in the table above.

**Note on ADA and OFSDP Attendance:** Attendance for the Optional Flexible School Day Program is recorded in contact minutes instead of days present. For this program, 240 contact minutes (60 minutes × 4 hours), or 4 hours, is equivalent to one full day of attendance (one day present), and 720 hours (4 hours × 180 days), or 180 days, is equivalent to a full school year's attendance, or one ADA (the attendance that would be earned by one traditional-program student with perfect attendance). A student must receive at least 45 minutes of instruction in a day for contact minutes to be recorded for the day and may earn a maximum of 600 contact minutes (10 hours) in a single day.

The number of days present that is equivalent to the contact minutes earned by a student for a particular six-week period is calculated as follows:

- Sum the total contact minutes for the reporting period.
- Divide the total contact minutes by 60 to determine the number of hours for the reporting period.
- Divide the number of hours for the reporting period by 4 (that is, the number of hours that is equal to one day present) to determine the number of days present for the reporting period.
- Round the number of days present down to the nearest half day.

**Days in Attendance:** Days in attendance are the total number of days that a student was in attendance (present at the designated attendance-taking time or absent for a purpose described by 19 TAC [§129.21](#)[j] or [k]) during a specific period (for example, a 180-day school year) while that student was eligible to generate funding (in membership).

**Days in Membership:** Days in membership are the total number of days that a student is enrolled in classes and is regularly scheduled for at least 2 hours daily. (The student may still be ineligible due to eligibility issues other than the amount of time served.) A student is not in membership until the student has been present at the official roll call at least one time.

**School Days:** School days are the total number of days that classes are held in the school year. The law requires that districts have 75,600 minutes unless a waiver has been issued to shorten the school year. Charter schools are not subject to the 75,600-minute requirement. However, state funding is reduced in proportion to the number of minutes by which a charter school's calendar falls below 75,600 minutes. To receive full funding, a charter school must offer 75,600 minutes (including intermissions and recesses), minus any minutes waived by the TEA in writing, just as a school district is required to. Maximum funding is based on 75,600 minutes.

**Refined ADA:** Refined ADA is ADA calculated without ineligible ADA.



**Special Education Full Time Equivalent (FTE):** Special education FTEs are calculated by multiplying the number of eligible days present in a 6-week period that students were placed into a special program instructional setting by the multiplier of the instructional setting (see [4.15.1 Contact Hours for Each Instructional Setting](#)). Excess special education contact hours in that instructional setting for the 6-week period are subtracted from calculated contact hours for the 6-week period. The net contact hours are divided by the number of days in the 6-week period multiplied by six. The calculated FTE for the 6-week period is added to the same instructional setting's monthly FTE and divided by six. The FTE is multiplied by the special education weight appropriate for that instructional setting.

**Weighted Average Daily Attendance (WADA):** WADA is an adjusted student count that compensates for student and district characteristics as defined by statute. Students with special educational needs, for example, are "weighted" by a factor ranging from 1.1 to 5.0 times the "regular" program weight in order to fund their special needs.

## Information on Weights

### Special Education — Weight: 1.1 to 5.0

A special education student is assigned one of 12 special education instructional settings, each with a varying weight (from 1.1 to 5.0) that is based on the duration of the daily service provided and the location of the instruction.

For most special education students, weighted special education funding is based on the number of special education contact hours the students generate. Thirty contact hours per week equates to one special education "full-time equivalent (FTE)." Contact hours for a period are determined by multiplying a student's special education eligible days present for the period by the contact-hour multiplier for the student's instructional setting.

An approximation of weighted funding can be determined as follows: The number of FTEs for a particular instructional setting is determined by dividing the number of contact hours for the year earned by all students assigned to that setting by 1,080 (6 hours × 180 days). A district's weighted funding for those FTEs is approximately equal to the number of FTEs multiplied by the district's adjusted basic allotment multiplied by the applicable weight for the instructional setting.

Special education students assigned the mainstream instructional setting do not generate special education funding based on contact hours and the portion of an FTE that those hours constitute. Instead, they generate special education funding based on ADA.

A student cannot earn more than 6 contact hours, earned by any combination special education and career and technical education classes, per day. Hours in excess of 6 contact hours per day must be reported as excess special education contact hours and are not factored in to weighted funding calculations.

For more information, see [4.15 Eligible Days Present and Contact Hours](#).

**Contact-Hour Multiplier for Each Instructional Setting**

Instructional Setting	Contact-Hour Multiplier
homebound	1.000
hospital class	4.500
no instructional setting (speech therapy only)	0.250
resource room	2.859
self-contained mild/moderate/severe	2.859
full-time early childhood	2.859
off home campus	4.250
vocational adjustment class	5.500
state supported living center	5.500
residential care and treatment	5.500

**Weight for Each Instructional Setting**

Instructional Setting	Weight
homebound	5.0
hospital class	3.0
speech therapy	5.0
resource room	3.0
self-contained mild/moderate/severe	3.0
off home campus	2.7
vocational adjustment class	2.3
state supported living centers	2.8
nonpublic contracts	1.7
residential care and treatment	4.0
mainstream	1.1

**Compensatory Education—Weight: 0.2, or 2.41 for a Student Receiving Pregnancy-Related Services (PRS)**

Compensatory education funding provides funding for programs and services designed to supplement the regular education program for students identified as at risk of dropping out of school.

Funding is based on the number of educationally disadvantaged students from the prior federal year (October through September). The number of educationally disadvantaged students is generally determined by averaging the highest six months' counts of students who are eligible for a free or reduced-price lunch through the National School Lunch Program (NSLP).

PRS ADA is calculated similar to the way refined ADA is calculated. PRS days for a 6-week period are divided by the number of days taught in the 6-week period. The results for all 6-week periods in a track are then summed and divided by six, and the result is rounded to three decimal places. The PRS ADA calculation is then multiplied by 0.2936 to calculate PRS FTE.

**Career and Technical Education (CTE)—Weight: 1.35**

CTE funding pays for CTE course materials and staff salaries. CTE courses are designed to enable students to gain entry-level employment in high-skill, high-wage jobs; continue their education; or do both.

Funding is based on contact hours, similar to special education. Contact hours are calculated based on the number of eligible days of students taking CTE classes multiplied by the V code (V1, V2, V3, V4, V5, or V6) for the appropriate number of hours that the student is enrolled. See [5.5.1 Special Instructions for Districts Operating Block Schedules](#) and [5.6 Computing Contact Hours](#) for more information. For a detailed explanation of how a district's total CTE allotment is calculated, see the document entitled *Estimating a District's Foundation School Program (FSP) CTE Allotment*, available on the TEA CTE Allotment web page at [http://tea.texas.gov/Finance\\_and\\_Grants/State\\_Funding/Additional\\_Finance\\_Resources/Career\\_and\\_Technology\\_Education\\_Allotment/](http://tea.texas.gov/Finance_and_Grants/State_Funding/Additional_Finance_Resources/Career_and_Technology_Education_Allotment/).

**Bilingual/English as a Second Language (ESL)—Weight: 0.1**

Bilingual/ESL funding pays for bilingual/ESL program staff salaries and additional resources.

Funding is based on the number of bilingual/ESL ADA reported by the school. Bilingual/ESL ADA is calculated similar to the way refined ADA is calculated.

**Gifted/Talented—Weight 0.12**

Gifted/talented funding pays for gifted/talented program staff salaries and resources.

Funding is based on the number of students served through the gifted/talented program. The number of students eligible for this funding is capped for each district at 5% of the district's refined ADA.



## Glossary

**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 Foundation School Program (FSP) purposes (eligible to generate average daily attendance [ADA] and thus funding). **Note: The 2-through-4-hour rule includes recess and in-class breakfast.**

**ADA-eligible student** – A student who is coded as eligible in the attendance accounting system (coded with ADA eligibility code 1, 2, 3, 6, or 7).

**admission, review, and dismissal (ARD) committee** – A committee that each school district or special education shared services arrangement is required to establish and that makes decisions concerning the educational program of a student referred for special education. All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing a student's individualized education program (IEP).

**age** – For the purposes of establishing FSP eligibility, a student's age as of September 1 of the current school year. However, a child with a disability may become eligible for services from the date of birth if other special education requirements are met.

If school starts before the student's birth date, the attendance is eligible for the entire school year as long as the student will be the required age on or before September 1 of the current school year.

**at-risk** – At risk of dropping out of school according to state criteria defined in the Texas Education Code (TEC), [§29.081](#)(d). At-risk students include the following:

- students who were not advanced from one grade level to the next for one or more school years
- students in grades 7–12 who did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or are not maintaining such an average in two or more subjects in the foundation curriculum in the current semester
- students who did not perform satisfactorily on an assessment instrument administered to the students under the TEC, Chapter 39, [Subchapter B](#), and have not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument
- students in prekindergarten, kindergarten, or grade 1, 2, or 3 who did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year
- limited English proficient (LEP) students, as defined by the TEC, [§29.052](#)
- recovered dropouts
- pre- and postadjudicated students
- homeless students
- pregnant or parenting students

- students who previously resided or currently reside in a residential placement facility in the district<sup>266</sup>

**attendance snapshot** – The moment when official attendance is determined for all students. At the moment the snapshot is taken, a student is either present or absent.

**average daily attendance (ADA)** – The number of students in average daily attendance. ADA is based on the number of days of instruction in the school year. The aggregate days attendance is divided by the number of days of instruction to compute ADA. ADA is used in the formula to distribute funding to Texas public school districts.

**bilingual/English as a second language (ESL) eligible days** – A term used to describe the days that bilingual or ESL students were in attendance. Your district should count only students who meet eligibility requirements and are served by staff members certified or on permit to teach bilingual education, ESL education, or both or students who are served in a program approved by the Texas Education Agency (TEA) under an exception or a waiver (Section 6).

**Campus Summary Report** – A report that summarizes the attendance data of all students on a campus, aggregated by 6-week reporting period by instructional track (if applicable) (Section 2).

**career and technical education career preparation and practicum courses** – Teacher and student assignment designations for instruction that develops essential knowledge and skills through a combination of classroom-based technical instruction and work-based training (Career Preparation courses are paid learning experiences only; practicum courses for each Career Cluster are paid or unpaid learning experiences) in career and technical education occupationally specific training areas. The work-based training components (paid or unpaid) may be provided through cooperative education, internships, job-shadowing, apprenticeships (US Bureau of Apprenticeship and Training [BAT] approved), clinical rotation, preceptorships, etc. The coordinated classroom instruction, work-based training, and education should provide the student with a variety of learning experiences that will give the student the broadest possible understanding of all aspects of the business or industry.

**Career Cluster** – One of the 16 Career Clusters around which career and technical education is organized.

<http://tea.texas.gov/cte/>.

**center-based instruction** – The instructional setting code used for a child who, along with his or her family, is provided early intervention services through early childhood intervention (ECI) programs operated through the Texas Department of Assistive and Rehabilitative Services in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting does **not** generate contact hours or ADA.

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<sup>266</sup> Texas Education Code (TEC), [§29.081\(d\)](#)

**community-based dropout recovery education program** – A private or public education program to serve students who are at risk of dropping out of school. The attendance of a student in the program is eligible in the district in which the student resides or is otherwise entitled to attend for FSP fund benefits (Section 3).<sup>267</sup>

**compensatory education home instruction (CEHI)** – Academic services provided at home or hospital bedside to a student being served under a pregnancy-related services program. A student receiving CEHI is counted present for FSP purposes based on the amount of service the student receives at home each week by a certified teacher (Section 9).

**compulsory attendance age** – Any age at which a child is required to attend school. Unless specifically exempted by law, those children at least 6 years of age and those who have not yet reached their nineteenth birthday are required to attend school. A student enrolled in prekindergarten or kindergarten must attend school.<sup>268</sup>

**days of instruction** – The number of days to satisfy the instructional time requirements established under the Student Attendance Accounting Handbook that are required by a district or charter school to accumulate 75,600 minutes of operation in a school year.

**direct, regularly scheduled** – A term used when referring to the special education services that certified special education staff members provide directly to a student on a regularly scheduled basis as outlined in the student’s IEP. Supports that certified special education staff members provide to other individuals for the student’s benefit are not included in this term.

**disciplinary alternative education program (DAEP)** – An alternative education program that meets the following requirements: Instruction is provided in a setting other than a student’s regular classroom; is located on or off of a regular school campus; provides for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP; focuses on English, math, science, history, and self-discipline; provides for students’ educational and behavioral needs; provides supervision and counseling; separates elementary students from nonelementary students; provides educational instructional services for students who are at least 6 years old and have committed an offense that requires a removal from the regular education program to a DAEP; and provides educational instructional services for students who are less than 10 years old and have committed expellable offenses.<sup>269</sup>

**District Summary Report** – A report that summarizes the attendance data of all students in your district, aggregated by 6-week reporting period by instructional track (if applicable) (Section 2).

**early childhood intervention (ECI) services**– Services under the Individuals with Disabilities Education Act, Part C, (IDEA-C) for children with disabilities who are under age 3. Once a child is 3 years old, he or she is ineligible for ECI services. Your school district should evaluate the child to determine eligibility for special education services under IDEA-B. Under no circumstances is a 3-year-old child eligible to continue receiving ECI services.

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<sup>267</sup> TEC, [§29.081](#)(e),(f)

<sup>268</sup> TEC, [§25.085](#)(b),(c)

<sup>269</sup> TEC, §§[37.006](#), [37.007](#), and [37.008](#)

**early education (EE)** – A grade level for students 0 through 5 years of age who have not been placed in prekindergarten or kindergarten. These students include students receiving special education services who do not meet the 2 hours of instruction per day requirement for membership and students in a Head Start program that does not meet the requirements for state funds. These students also include those served by preschool program for children with disabilities teachers in a licensed child care facility working in a collaborative partnership with your school district.

**educationally disadvantaged [prekindergarten]** – Term used to describe a student who is eligible to participate in the National School Lunch Program established under 42 United States Code (USC), §1751 et seq.<sup>270</sup>

**eligible days** – Days that eligible students were in attendance. This figure is calculated by subtracting absences and ineligible days of attendance from days of membership. Funding is based on the number of eligible days for each student.

**eligible transfer student** – A nonresident student who has been legally transferred into your district. This student is eligible for ADA funds in your district. Transfers apply only to students wishing to transfer from one Texas school district to another and do not apply to students who reside in another state.

**enrollment (in enrollment)** – Actually receiving instruction by attendance in a public school, as opposed to being registered but not yet receiving instruction.

**excess contact hours** – Any combination of career and technical education and special education services that exceeds 6 hours per day. Those hours exceeding 6 must be subtracted from the primary special education instructional setting.

For example, a student in a resource room instructional setting (codes 41 and 42) earns 2.859 contact hours per day. If that student is also enrolled in four 1-hour career and technical education courses, the total contact hours per day equals 6.859. The excess 0.859 contact hour for each day must be subtracted from the special education contact hours.

The only time excess contact hours are subtracted from speech is when speech is the only special education service (for example, a student with 6 hours of career and technical education and speech [0.25 contact hours per day]).

**expulsion** – Expulsion involves a due process hearing that results in a student's being removed to either no educational setting or a disciplinary alternative educational setting. A student must be expelled from school for certain offenses<sup>271</sup> and may be expelled for others. The student is generally withdrawn from the school he or she was attending on the date that expulsion takes effect. In many circumstances, the student is then enrolled in a disciplinary alternative education setting such as a DAEP or JJAEP. If a student who has been expelled enrolls in another school district before the period of expulsion is ended, the receiving district may continue a legal expulsion or may allow the student to enroll and attend classes. (See **out-of-school suspension** later in this section.)

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<sup>270</sup> TEC, [§5.001](#)(4)

<sup>271</sup> According to the TEC, [§37.007](#), Expulsion For Serious Offenses



**Foundation School Program (FSP)** – The program under which Texas public school districts receive resources to provide a basic instructional program and facilities to eligible students.

**general education homebound (GEH)** – The instructional setting under which students receive services at home or hospital bedside from a certified teacher and are counted present for FSP purposes based on the amount of service they receive at home or hospital bedside each week. Students served under this setting do not qualify for special education eligibility. They must be confined for medical reasons only and be expected to be confined for a minimum of 4 weeks (which need not be consecutive).

**High School Equivalency Program (HSEP)** – Also known as the “In-School GED Program,” a program that provides an alternative for high school students 16 through 21 years of age (22 years 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).

**home-based instruction** – The setting for providing early intervention services through ECI programs operated through the Texas Department of Assistive and Rehabilitative Services in the home of the client. Both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider must also receive training. This instructional setting does **not** generate contact hours or ADA.

**homebound** – The special education instructional setting under which students receive services at home or hospital bedside from a certified teacher and are counted present for FSP purposes based on the amount of service they receive at home or hospital bedside each week. Students served under this setting must meet all special education eligibility requirements to be counted eligible.

**homeless students** – As defined by 42 USC, §11302(a), the terms “homeless”, “homeless individual”, and “homeless person” mean —

- (1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;
- (2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- (3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
- (4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;
- (5) an individual or family who —
  - (A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal,

State, or local government programs for low-income individuals or by charitable organizations, as evidenced by —

- (i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
  - (ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
  - (iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;
- (B) has no subsequent residence identified; and
- (C) lacks the resources or support networks needed to obtain other permanent housing; and
- (6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who —
- (A) have experienced a long term period without living independently in permanent housing,
  - (B) have experienced persistent instability as measured by frequent moves over such period, and
  - (C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

As defined by 42 USC, §11434a, the term “homeless children and youths” —

- (A) means individuals who lack a fixed, regular, and adequate nighttime residence [within the meaning of §11302(a)(1)]; and
- (B) includes —
  - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings [within the meaning of §11302(a)(2)(C)<sup>272</sup> of this title];
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in §6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

**individualized education program (IEP)** – A program developed by an ARD committee for each student served in special education. The IEP should include the special education and related services and the amount of services the student is to receive as well as the instructional setting. This information is necessary for proper coding of special education students in the attendance accounting system.

**ineligible days** – Days the student was present and in membership but was ineligible for ADA funds.

**in-school suspension** – A suspension in which a student is removed from his or her regular education setting to an alternative setting (not DAEP).<sup>273</sup> As long as the student continues to come to school, the attendance in the program may be counted in computing your district’s ADA.

**instructional day** – That portion of the school day in which instruction takes place. The instructional day includes lunch, recess, intermissions, etc.

**instructional track** – The number of days taught for a group of students in a particular reporting period at a campus when the reporting periods are the same. It is recommended that a campus report different tracks if the number of days taught for a group of students is different in a reporting period. A separate track applies when different sessions are only offered to a group of students who have a different start time and/or different end time.

**juvenile justice alternative education program (JJAEP)** – The alternative education program that the juvenile board of a county with a population greater than 125,000<sup>274</sup> must develop subject to the approval of the Texas Juvenile Justice Department (TJJD); or that counties with a population of at least 72,000 but less than 125,001 may develop subject to the approval of the TJJD; or that counties with a population of less than 125,000 may choose to develop without the approval of the TJJD.<sup>275</sup>

**membership** – The total number of public school students who were reported in membership as of the October snapshot date (the last Friday in October) at any grade, from early childhood education through

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<sup>272</sup> Because of amendments to 42 United States Code (USC), §11302, the current citation for the cross-referenced provision is 42 USC, §11302(a)(2). Pursuant to the federal Every Student Succeeds Act of 2015 (ESSA), amendments to this definition take effect on December 10, 2016, which include removal of the phrase “or are awaiting foster care placement.” The ESSA also adds provisions specific to students in foster care.

<sup>273</sup> TEC, [§37.005](#)

<sup>274</sup> Under the TEC, [§37.011](#), certain counties with populations greater than 125,000 are considered to be counties with populations of 125,000 or less for purposes of JJAEP requirements.

<sup>275</sup> See the TEC, [§37.011](#) and [§37.012](#), for additional information.

grade 12. Membership is a slightly different number from enrollment, because it does not include those students who are served in the district for fewer than 2 hours per day. For example, the count of total students excludes students who attend a nonpublic school but receive some services, such as speech therapy—for fewer than 2 hours per day—from their local public school district.

**military (member of armed forces) (definition applicable for prekindergarten eligibility requirements)** – Active duty uniformed member (parent or guardian) of the US Army, Navy, Marine Corps, Air Force, or Coast Guard who is assigned to duty stations in Texas or who is a Texan who has an eligible child residing in Texas; activated or mobilized uniformed member of the Texas National Guard (Army or Air Guard); activated or mobilized member of the Reserve components of the US Army, Navy, Marine Corps, Air Force, or Coast Guard who is a Texas resident regardless of location of the reserve unit; uniformed service member who is missing in action (MIA); or member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is injured or killed while serving on active duty.

**military (member of uniformed services) (definition applicable for Interstate Compact on Educational Opportunity for Military Children)** – Active duty uniformed member of the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders<sup>276</sup>. “Uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), and Public Health Services.

**multitracks** – Multiple tracks (groups of students and teachers on the same calendar) with staggered instructional blocks and vacation periods.

**noncategorical early childhood** – Term used to describe a student aged 3 through 5 years who meets the eligibility criteria for intellectual disability<sup>277</sup>, emotional disturbance, learning disability, or autism.

**nonpublic school** – A private day or residential school approved by the TEA to provide special education instruction to students with disabilities whose ARD committees have determined cannot receive an appropriate educational program in a public school setting. The nonpublic day school and residential nonpublic school instructional settings do **not** generate ADA or contact hours. For funding purposes, a student receiving instruction in a nonpublic school is reported on the SPE-106, Nonpublic Day School Report, or the SAS-111, Application for Approval of Funding for Residential Placement.

**nonresident** – A person who does not live within your district’s boundaries.

**original entry date** – The initial date that a student is physically present during the school year. Original entry dates apply to both regular school and special programs.

**operational time** – The time of when the first school bell to the last school bell (bell to bell).

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<sup>276</sup> pursuant to 10 USC, §1209 and §1211

<sup>277</sup> The term “mental retardation” has been replaced with “intellectual disability” in this handbook per the TEC, [§7.063](#), related to use of person first respectful language in reference to individuals with disabilities. Note that this revised terminology has not been incorporated in 19 Texas Administrative Code Chapter 89, [Subchapter AA](#), Commissioner’s Rules Concerning Special Education Services, as of the publication date of this handbook.

**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 for approval from the commissioner of education to participate in the program.

**out-of-school suspension** – A student is removed from school according to the TEC, [§37.005](#), Suspension. If the suspension causes the student to be absent at the official attendance time, the student is counted absent for attendance accounting purposes. The use of out-of-school suspension is limited, without exception, to 3 school days per offense event. A partial day of suspension counts as one of the three allowed<sup>278</sup>. (See also **expulsion**, earlier in this section.)

**pregnancy-related services (PRS)** – Support services provided to a pregnant student during the pregnancy and postpartum periods that qualify the student for the special weight assigned to pregnancy in the formula used to calculate your district’s compensatory education allotment. These services are provided to assist a female student in adjusting to her pregnancy, thereby increasing her chances of staying in school. (See Section 9.)

**prekindergarten (PK)** – A grade level for children aged 3 and 4 years. These children include students in a state-funded PK program or a locally funded PK program.

The state-funded PK is operated for a half day. Attendance in PK is eligible for half-day (ADA eligibility code 2). A PK student with disabilities may be eligible for full-day (ADA eligibility code 1) if the student is served through a combination of PK and special education and all eligibility requirements are met (see Sections 4 and 7).

Students in a state-funded PK program that is coordinated with a Head Start program to provide a full-day program are only counted as half-day (ADA eligibility code 2) for attendance accounting purposes.

**preschool program for children with disabilities (PPCD)** – A program that provides special education services to children with disabilities aged 3 through 5 years. These students may have any disability recognized in Texas under IDEA-B including noncategorical early childhood (see definition). Developmental delay is not a recognized disability for children over age 3 in Texas. A student over age 3 with a developmental delay is subject to the 2 hours of instruction per day rule for membership (Sections 3 and 4).

**reentry date** – The initial date a student physically returns during the school year after a prior withdrawal. The reentry date applies to both regular school and special programs.

**refined average daily attendance (RADA)** – The aggregate eligible days attendance divided by the number of days of instruction. RADA is based on the number of days of instruction in the school year.

**reporting period** – A period generally described as being 6 weeks, although it does not necessarily consist of 6 weeks. For reporting purposes, the full school year must be divided into six approximately equal reporting periods.

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<sup>278</sup> under the TEC, [§37.005](#)

**school-community guidance center** – A guidance center established by school districts or a cooperative of school districts to locate and assist children with problems that interfere with education, including juvenile offenders and children with severe behavioral problems or character disorders.<sup>279</sup> The attendance of a student placed in a school-community guidance center is eligible in the district in which the student resides or is otherwise entitled to attend for FSP benefits.

**school day** – A school day must be at least 7 hours (420 minutes) each day, including intermissions and recesses.<sup>280</sup> Open-enrollment charter schools are not subject to this requirement and may have a shorter school day if their charter so provides.

**school year** – A period of at least 75,600 (including intermissions and recesses) minutes of instruction. Each school district must operate so that the district provides for at least 75,600 (including intermissions and recesses) minutes of instruction for students.<sup>281</sup>

**semester system** – A system in which a school district operates for either two or three semesters during the school year. Each school district must operate using the semester system except as provided under the TEC, [§25.084](#), Year-Round System.

**state-assigned alternative ID number** – All students attending public school in Texas who do not submit Social Security numbers are assigned alternative numbers from a range of numbers assigned to each district by the state.

When a student withdraws, either this number or the SSN must be sent to the receiving school. Any student entering a Texas public school must bring an SSN or the alternative ID number.

Districts must not assign the student a new number. It is important that the student carry the same number as long as he or she is in a Texas public school.

**Student Detail Report** – A district-generated report that reflects the codification of each individual student for the entire school year. This report also summarizes, by 6-week reporting period, the attendance data of each student (Section 2).

**substitute care** – The placement of a child who is in the conservatorship of the Texas DFPS or an authorized agency in care outside the child’s home. The term includes foster care, institutional care, adoption, placement with a relative of the child, or commitment to the TJJD.<sup>282</sup>

**suspension** – See **in-school suspension** and **out-of-school suspension**.

**Texas Administrative Code (TAC)** – Rules adopted by the State Board of Education or the commissioner of education under authority granted by state law.

**Texas Education Code (TEC)** – Statutes governing public education in Texas.

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<sup>279</sup> TEC, §§[37.051–37.056](#), School-Community Guidance Centers

<sup>280</sup> TEC, [§25.082](#)

<sup>281</sup> TEC, [§25.081](#)

<sup>282</sup> Texas Family Code, [§263.001](#)(a)(4)

**track** – A group of students and teachers scheduled to attend school and take vacations on the same schedule.

**withdrawal date** – The initial date that a student no longer participates. Guidelines for determining a student's withdrawal date appear in Section 3.

**work-based learner** – a student who works in an organization, paid or un-paid, to gain work experience and satisfy requirements towards high school graduation. This is interchangeable with internship, externship, apprenticeship, and mentorship for FSP funding purposes.

**year-round education (YRE) program** – A program that operates school during a portion of, at a minimum, 11 calendar months to 12 calendar months. The YRE calendar will have intercessions scheduled throughout the year that may be used for additional educational activities, such as remediation or enrichment. The YRE calendar may be a single-track arrangement in which all students on the YRE calendar are attending school or are on intercession at the same time, or the calendar may be a multitrack arrangement in which students attend school or are on intercessions at staggered times.

**zero-filled record** – Any record that contains zeros for all fields in the record when the fields require quantitative numerical values.

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## Resources

No Child Left Behind (NCLB) Act website: <http://www.ed.gov/nclb/landing.jhtml>

*TSDS PEIMS Data Standards*: <http://www.tea.state.tx.us/index4.aspx?id=3014>

19 Texas Administrative Code: <http://ritter.tea.state.tx.us/rules/tac/index.html> or

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=2&ti=19](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=2&ti=19)

Texas Education Agency: <http://tea.texas.gov/>

TEA Highly Qualified Teachers web page:

[http://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/NCLB\\_and\\_ESEA/Highly\\_Qualified\\_Teachers/Highly\\_Qualified\\_Teachers/](http://tea.texas.gov/About_TEA/Laws_and_Rules/NCLB_and_ESEA/Highly_Qualified_Teachers/Highly_Qualified_Teachers/)

TEA No Child Left Behind/Elementary and Secondary Education Act web page:

<http://tea.texas.gov/nclb/>

TEA Requirements for Highly Qualified Paraprofessionals web page:

[http://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/NCLB\\_and\\_ESEA/Highly\\_Qualified\\_Teachers/Requirements\\_for\\_Highly\\_Qualified\\_Paraprofessionals/](http://tea.texas.gov/About_TEA/Laws_and_Rules/NCLB_and_ESEA/Highly_Qualified_Teachers/Requirements_for_Highly_Qualified_Paraprofessionals/)

Texas Education Code: <http://www.statutes.legis.state.tx.us/>

Texas Health and Human Services Commission: <http://www.hhsc.state.tx.us/index.shtml>

Texas Legislature Online: <http://www.capitol.state.tx.us/>

Texas State Library and Archives Commission: <http://www.tsl.texas.gov/>

**Note:** Web addresses are subject to change. If a particular TEA web address is no longer working, please search for the topic you are interested in using the TEA website's Google **Search** function or using the TEA **A–Z Index** page at <http://tea.texas.gov/interiorpage.aspx?id=25769815059>. You can also access this page from the TEA website's home page by clicking on the **A–Z Index** link at the top of that page.

### Texas Education Agency Telephone Numbers

Bilingual/ESL Education (Special Populations Division) .....	(512) 463-9581
Career and Technical Education (Department of College, Career, and Military Prep) ..	(512) 936-6060
Financial Compliance Division (Audit Requirements) .....	(512) 463-9095
Gifted/Talented Education (Curriculum Division) .....	(512) 463-9581
PEIMS (Data Collection) .....	(512) 463-9229
Performance Reporting Division .....	(512) 463-9704
Pregnancy-Related Services .....	(512) 936-6403
Prekindergarten .....	(512) 463-9581
Safety and Chapter 37 .....	(512) 463-2395
Special Education (Federal and State Education Policy Division) .....	(512) 463-9414

Student Attendance Accounting Handbook (Financial Compliance Division) .....(512) 463-9095

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## COMPLIANCE STATEMENT

**TITLE VI, CIVIL RIGHTS ACT OF 1964; TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1991; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.**

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**Texas Education Agency**  
**Austin, Texas**  
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