



2024-2025 Texas Education for Homeless Children and Youth

Competitive Grant Application: Due 11:59 p.m. CT, April 23, 2024

NOGA ID

Application stamp-in date and time

TEA will only accept grant application documents by email, including competitive grant applications and amendments. Submit grant applications and amendments as follows:

Competitive grant applications and amendments to competitivegrants@tea.texas.gov

Authorizing legislation:

McKinney Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX, Part A of the ESSA (42 U.S.C. 11431 et seq.)

Grant period: From **09/01/2024** to **08/31/2025**

Pre-award costs: **ARE NOT** permitted for this grant

Required attachments: Refer to the program guidelines for a description of any required attachments.

Amendment Number

Amendment number (For amendments only; enter N/A when completing this form to apply for grant funds):

1. Applicant Information

Name of organization

CDN

Vendor ID

ESC

UEI

Address

City

ZIP

Phone

Primary Contact

Email

Phone

Secondary Contact

Email

Phone

2. Certification and Incorporation

I understand that this application constitutes an offer and, if accepted by TEA or renegotiated to acceptance, will form a binding agreement. I hereby certify that the information contained in this application is, to the best of my knowledge, correct and that the organization named above has authorized me as its representative to obligate this organization in a legally binding contractual agreement. I certify that any ensuing program and activity will be conducted in accordance and compliance with all applicable federal and state laws and regulations.

I further certify my acceptance of the requirements conveyed in the following portions of the grant application, as applicable, and that these documents are incorporated by reference as part of the grant application and Notice of Grant Award (NOGA):

Grant application, guidelines, and instructions

Debarment and Suspension Certification

General Provisions and Assurances

Lobbying Certification

Application-Specific Provisions and Assurances

ESSA Provisions and Assurances requirements

Authorized Official Name

Title

Email

Phone

Signature

Date

Grant Writer Name

Signature

Date

Grant writer is an employee of the applicant organization.

Grant writer is not an employee of the applicant organization.

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RFA/SAS #

Page 1 of 12

3. Shared Services Arrangements

Shared services arrangements (SSAs) are permitted for this grant.

Check the box below if applying as fiscal agent. See Program Guidelines for SSA limitations for this grant.

- The LEA or ESC submitting this application is the fiscal agent of a planned SSA. All participating agencies will enter into a written SSA agreement describing the fiscal agent and SSA member responsibilities. Complete the attached **TEHCY ESC SSA Member Chart**, see the Program Guidelines for further guidance on completing the attachment.

4. Identify/Address Needs

List up to three quantifiable needs, as identified in your needs assessment, that these program funds will address. Describe your plan for addressing each need.

Quantifiable Need	Plan for Addressing Need
Identification	The district McKinney Vento Liaison will continue to train campus registrar's and/or designee regarding recognizing and determining student eligibility for enrollment and services.
Education Stability	The district will continue to track attendance rate and academic performance of homeless students compared to their peers that have consistent housing.
Advocacy	The district McKinney Vento Liaison will serve as an advocate for homeless students, ensuring they receive support and resources within the school system and community.

5. SMART Goal

Describe the summative SMART goal you have identified for this program (a goal that is Specific, Measurable, Achievable, Relevant, and Timely), either related to student outcome or consistent with the purpose of the grant.

This grant will provide funding to cover payroll costs for the licensed social worker designated to support homeless students. By covering the payroll costs of the licensed social worker, student identification and support will grow. The social worker will work alongside campus personnel to identify, support and serve homeless students. Providing funding for a dedicated social worker who supports homeless students aligns with the districts commitment to providing support services to all students, regardless of their housing circumstances.

6. Measurable Progress

Identify the benchmarks that you will use at the end of the first three grant quarters to measure progress toward meeting the process and implementation goals defined for the grant.

First-Quarter Benchmark

Reviewing the number of homeless students identified by tracking students enrolled under McKinney Vento and receiving homeless services. Monitor the number of identified homeless students who have accessed support services such as school meals, school transportation, school district funded clothing, school supplies and access to basic needs. Evaluating the academic progress of homeless students by comparing their grades and attendance rates.

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6. Measurable Progress (Cont.)**Second-Quarter Benchmark**

Reviewing the number of homeless students identified as of current by tracking students enrolled under McKinney Vento and receiving homeless services. Monitor the number of identified homeless students who have accessed support services such as school meals, school transportation, school district funded clothing, school supplies and access to basic needs. Evaluating the academic progress of homeless students by comparing their grades and attendance rates.

Third-Quarter Benchmark

Reviewing the number of homeless students identified as of current by tracking students enrolled under McKinney Vento and receiving homeless services. Monitor the number of identified homeless students who have accessed support services such as school meals, school transportation, school district funded clothing, school supplies and access to basic needs. Evaluating the academic progress of homeless students by comparing their grades and attendance rates.

7. Project Evaluation and Modification

Describe how you will use project evaluation data to determine when and how to modify your program. If your benchmarks or summative SMART goals do not show progress, describe how you will use evaluation data to modify your program for sustainability.

The project evaluation data will be used to provide insight into the program's progression. If the benchmarks or summative SMART goals do not show progress, I would evaluate the data on student outcomes and feedback provided by administrators regarding where they feel the program is excelling and not. Measuring the academic performance, school attendance, access to support services and housing stability can help determine whether the program is meeting its objectives. We can identify areas of modification in program procedures, allocation of funding and/or resources to address unmet needs, and strengthening communication collaborations. Lastly, a use of data to guide a systematic approach to the development of action plans.

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8. Statutory/Program Assurances

The following assurances apply to this grant program. In order to meet the requirements of the grant, the grantee must comply with these assurances.

Check each of the following boxes to indicate your compliance.

1. The applicant provides assurance that program funds will supplement (increase the level of service), and not supplant (replace) state mandates, State Board of Education rules, and activities previously conducted with state or local funds. The applicant provides assurance that state or local funds may not be decreased or diverted for other purposes merely because of the availability of these funds. The applicant provides assurance that program services and activities to be funded from this grant will be supplementary to existing services and activities and will not be used for any services or activities required by state law, State Board of Education rules, or local policy.
2. The applicant provides assurance that the application does not contain any information that would be protected by the Family Educational Rights and Privacy Act (FERPA) from general release to the public.
3. The applicant provides assurance that they accept and will comply with **Every Student Succeeds Act Provisions and Assurances** requirements
4. The applicant provides assurance to adhere to all the Statutory and TEA Program requirements as noted in the 2024-2025 Texas Education for Homeless Children and Youth Program Guidelines.
5. The applicant provides assurance to adhere to all the Performance Measures, as noted in the 2024-2025 Texas Education for Homeless Children and Youth Program Guidelines, and shall provide to TEA, upon request, any performance data necessary to assess the success of the program.
6. The applicant assures that any Electronic Information Resources (EIR) produced as part of this agreement will comply with the State of Texas Accessibility requirements as specified in 1 TAC 206, 1 TAC Chapter 213, Federal Section 508 standards, and the WCAG 2.0 AA Accessibility Guidelines.
7. The applicant provides assurance that all data requests from TEA and any entity acting on the behalf of TEA are accurately and promptly reported.
8. The applicant provides assurance that performance evaluation reports are submitted for each year grant funds are received.
9. The applicant provides assurance that fiscal monitoring reports are submitted for each year grant funds are received.
10. The applicant provides assurance that the use of subgrant funds will comply with section 11432(g)(3) through (7) of the McKinney-Vento Homeless Assistance Act.
11. The applicant provides assurance that all homeless children and unaccompanied youth have equal access to the same free, appropriate public education, including public prekindergarten programs in accordance with TEC 29.153, as provided to other children and youth.
12. The applicant provides assurance that it will review and revise any policies that may act as barriers to the identification, enrollment, and retention of homeless children and unaccompanied youth; including policies related to outstanding fees, fines, absences, proof of residency, immunizations, birth certificates, guardianships, school records, transportation and other documentation.
13. The applicant provides assurance that it will provide access to educational and other services needed for homeless children and unaccompanied youth, to ensure that such children and youth have an opportunity to meet the same challenging state academic standards to which all students are held.

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8. Statutory/Program Assurances (Cont.)

- 14. The applicant provides assurance that all homeless children and unaccompanied youth receive prompt and appropriate placement in programs such as: Special Education, Career and Technical Education, Gifted and Talented, and English Learner.
- 15. The applicant provides assurance that it will collaborate with district stakeholders to implement and monitor early warning academic interventions, to ensure on time promotion and graduation for homeless children and unaccompanied youth.
- 16. The applicant provides assurance that collaboration will occur with the McKinney-Vento Liaison and district stakeholders for proper identification and coding of homeless children and unaccompanied youth.
- 17. The applicant provides assurance that services provided by grant funds will not replace regular academic programs.
- 18. The applicant provides assurance that all identified and enrolled are accurately reported in Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) in a timely manner.
- 19. The applicant provides assurance of collaboration with local social service agencies to provide support services and community resources for homeless children, unaccompanied youth and their families.
- 20. The applicant provides assurance that all homeless children and unaccompanied youth receive free meals and transportation to the school of origin, when requested by the parent, guardian, or unaccompanied youth, if it is deemed in the best interest of the student.
- 21. The applicant provides assurance that it will remove barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs.
- 22. The applicant provides assurance that at least one person affiliated with the management of this grant will attend required trainings
- 23. The applicant provides assurance to submit a detailed report that includes all grant activities and usage of funds for the 2024-2025 Texas Education for Homeless Children and Youth (TEHCY) grant.
- 24. The applicant provides assurance that if services are provided on school grounds, the schools can use funds to provide the same services to other children and youth who are determined by the LEA to be at risk of failing in or dropping out of school. If programming does not occur on school grounds, the applicant cannot use McKinney Vento grant funds to pay for services to at-risk housed students [42 U.S.C. Section 11433\(a\)\(2\)\(B\)\(i\)](#).
- 25. Utilize [TEA Other Special Populations Self-Assessment](#) to review and analyze McKinney-Vento program implementation. This self-assessment activity must be completed by November 1, 2024, and used to inform program implementation and enhancements throughout the grant period.
- 26. Ensure program has a data informed plan and strategy in place to support program implementation across all campuses. Including the following data indicators: a. Review district level data to provide intensive support and targeted training and technical assistance to campuses who historically have had low or zero identification of students experiencing homelessness. b. Provide intensive support and targeted training and technical assistance to campuses who utilize the same identifier code for all students experiencing homelessness (e.g., 100% doubled-up, 100% unaccompanied homeless youth, etc.). c. Provide intensive support and targeted training and technical assistance to campuses who historically have had low or zero identification of students experiencing homelessness with a focus on campuses that have a poverty level of 30% or higher.

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9. Statutory Requirements

1. Provide a description of the proposed grant activities, programs, and services. This description should include how they address the identified needs and promote equitable access to program services needed to improve academic outcomes for homeless children and unaccompanied youth. Include the resources, strategies and/or systems that will be implemented to support target goals and outcomes, document progress and milestones, and observable results of the proposed grant activities, programs, and services. **(*Complete the attached TEHCY Grant Activity Chart, see the Program Guidelines for further guidance on completing the attachment)**

School visits by district liaison can provide personalized support and assistance to homeless students. During the visits, the needs of individual students are assessed and students will be connected to resources. Visits are also a fantastic relationship building tool that is utilized to build trust and honesty between student and school.

Training sessions for school staff regarding homelessness will increase awareness. Trainings will cover topics such as: signs of homelessness, understand rights & responsibilities and available services.

Attendance support will allow campus administrations the opportunity to understand how homelessness creates barriers to consistent school attendance. Barriers like: lack of transportation, unstable housing and access to basic needs will be brought to the forefront for discussion.

2. Provide a description of the extent to which: A) The application reflects coordination/collaboration with other local and state agencies that serve homeless children and unaccompanied youth. Include a list of agency, community, and LEA collaborators and a brief description of the proposed coactivities that will support implementation of the proposed grant activities, programs, and services; B) the proposed use of funds will facilitate the enrollment, identification, and educational outcomes of homeless children and unaccompanied youth; C) the extent to which the applicant will promote the meaningful involvements of parents or guardians of homeless children and youth in the education of their children; and D) The extent to which homeless children and unaccompanied youth will be integrated into the regular education program.

A. This project application will continuously work with agencies that collaborate to coordinate services for homeless children, families and unaccompanied youth. The collaborative work is managed by meeting frequently to discuss the needs of those served. The Home Coalition of Brazoria County and Project Help are two community agencies that work with Brazoria County HUD's department, securing funds and services for families that are homeless. Family Promise of Ft. Bend and Clear Creek provide transitional housing for families that are homeless. Star of Hope and Buckner Family Pathways are both shelters and transitional programs that support homeless families.

B. The proposed use of funds will be utilized to cover the payroll costs of a licensed master social worker, whom has provided advocacy in education for children and families since 2009. The social worker has provided direct work with homeless students and families since 2017. During that time, the social worker has trained school district staff on The McKinney Vento Law, identifying and servicing homeless student and families, the rights and responsibilities of the school district/student/families, while maintaining connections with community agencies designed to support homeless students.

C. The applicant will continually work with the parents/guardians/unaccompanied youth by providing guidance, advocacy, resources and support to create continuity of their education.

D. Homeless children and unaccompanied youth will be integrated into the regular education space by fostering supportive and inclusive environment. Working to provide homeless youth and unaccompanied minors with educational stability, expanded community collaboration and resource development as well as advocacy.

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9. Statutory Requirements (Cont.)

3. Identify the types, intensity, and coordination of services to be provided in coordination with Title I, Part A, Homeless Reservations including: A) The process to review and develop the LEA's plan for coordinating services to support eligible homeless children and unaccompanied youth using Title I, Part A Homeless Reservations. Include the actual reservation for 2022 -2023 and the planned reservation for 2023 -2024 (**Complete the attached Title I, Part A and McKinney-Vento Program Coordination Chart**), and B) How the LEA determine its reservation amount for services to support homeless children and unaccompanied youth. Include how the LEA assists staff in understanding the LEA's policy or procedure to support homeless children and unaccompanied youth on all campuses regardless of the Title I status, use of these funds, and how the LEA addresses the needs of homeless children and youth in their district or campus improvement plan.

A. The LEA will assess the current needs of homeless children and unaccompanied youth. The assessment may gather data on the number of homeless students identified, their academic performances, attendance rates and service utilization. Review the existing plan for coordination of services and dollar spent provide support is also reviewed.

Actual Title I, Part A Homeless Reservation for FY23 (2022-2023)

\$20,000 Provision of transportation services, clothing and school supplies.

Actual Title I, Part A Homeless Reservation for FY24 (2023-2024)

\$20,000 Provision of transportation services, clothing and school supplies.

B. The LEA convenes to discuss students needs and amounts utilized for support throughout the school year.

4. Provide a description of established LEA processes to develop, review and revise current LEA policies and procedures to ensure that its proposed grant activities, programs, and services will not isolate or stigmatize homeless children and unaccompanied youth. (**Complete the attached McKinney-Vento Policies and Procedures Chart**)

The LEA develop, review and revise policies and procedures to ensure that proposed grant activities, programs, and services do not isolate homeless children and unaccompanied youth. The goal is to promote equity, inclusion, and support. The LEA will utilize the direct experience of the District McKinney Vento Liaison to assist with the development, review and revision of current policies, with regard to supporting homeless children and youth. The District McKinney-Vento Liaison participates in the most current trainings, designed to address all topics associated with servicing, advocating for and supporting homeless and unaccompanied students.

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10. Program Requirements

Note to Applicants: Refer to the TEHCY Program Implementation Levels of Service and Support when addressing the four program requirements listed below.

1. Provide a description of the process and procedures that are utilized to enroll, identify, and provide all three levels of TEHCY program services and support for homeless children and unaccompanied youth who are: A) Entering and/or returning to their schools from summer or holiday break, B) Experiencing homelessness after the school year has started, C) Are not currently enrolled or attending school, and D) Are eligible for early childhood and/or prekindergarten programs.

Training on McKinney Vento is provided at each campus level by the District McKinney Vento Liaison. The campus personnel utilize the current school year's student residency questionnaire to identify student and immediately enroll the. Completion of the SRQ allows students and families to document their needs and request services such as: school meals, clothing, transportation, and school supplies. The campus counselor is notified of any student on their campus that is McKinney Vento qualified and requiring support. The student residency questionnaire is in every student's enrollment packet and must be completed by every student, every school year. Due to the campus counselors and campus administrators being trained yearly on McKinney Vento, the team is aware of the signs that may indicate student homelessness. Attendance for all students are monitored. If a student is observed to be truant, the campus truancy officer, registrar, counselor or communities in schools advocate first addresses where the student currently resides and determine qualification.

2. Provide a description of the annual McKinney-Vento professional development plan that is currently in place to increase awareness, support enrollment and identification, and increase staff capacity to respond to the unique educational needs of homeless children and unaccompanied youth. Include training dates, duration of training, who was trained/will be trained, and a summary of the training content and evaluation process. Include both external and internal professional development activities.

The annual McKinney Vento training is completed during the Spring and Summer months by the district liaison. The district liaison will also notify the campus counselors, registrars and communities in school personnel of any trainings that are available throughout the school year. The trainings are held in person, in small group. The Trainings will address a detailed overview of the SRQ, how it should be completed, the flow chart of determining eligibility, who obtains what copies and role playing opportunities to discuss case studies.

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10. Program Requirements (Cont.)

3. Provide a description of how the proposed grant activities, programs, and services will address the unique academic needs and support equitable outcomes for elementary homeless children and unaccompanied youth. Include a timeline, milestones, strategies, and/or systems that will be utilized to implement academic progress monitoring, interventions, and services to support: A) Attendance and engagement, B) On-time promotion, C) Coordination of targeted services for homeless children and unaccompanied youth who have been identified and are receiving other special program services (e.g. Special Education, English Learners, and Gifted and Talented), D) Bridging program support services, E) Assessment interventions and scores, F) Discipline interventions, G) Tutoring services, H) Supplemental academic programs, and I) Other programs or services.

Attendance and Engagement: Regular monitoring of attendance data, implement interventions, providing transportation, conducting in person visits to address barriers to attendance. **On Time Promotion:** End each academic year with review of student progress and promotion criteria. Provide academic support throughout the school year. **Coordination of Targeted Services:** An ongoing process of identifying homeless students receiving other special program services. Provide regular communication and collaboration between district liaison and stakeholders. **Bridging program support services:** Establishing transition support teams to assist student and families during enrollment, and school changes as well as connecting families with community resources. **Assessment and Intervention Scores:** Offering accommodations and modifications for assessment, and conducting progress monitoring to track student growth. **Discipline Interventions:** Providing social emotional learning support services and establishing a positive school climate.

4. A description of how the proposed grant activities, programs, and services will address the unique academic needs and support equitable outcomes for secondary homeless children and unaccompanied youth. Include a timeline, milestones, strategies, and/or systems that will be utilized to implement academic progress monitoring, interventions, and services to support: A) Attendance, engagement, and truancy interventions, B) On-time promotion, C) Coordination of targeted services for homeless children and unaccompanied youth who have been identified and are receiving other special program services (e.g., Special Education, English Learners, and Gifted and Talented), D) Advanced placement and dual credit course work, E) Transcript review for appropriate full or partial credit, F) Credit recovery or credit repairs services, G) Assessment interventions and scores, H) Discipline interventions, I) Four-year cohort graduation, J) Graduation of all homeless students (e.g., current cohort, continuers and early graduates), K) College and career readiness programs and support services, L) Post-secondary transition plan, and M) Other programs or services.

Attendance and Engagement and Truancy Interventions: Implementing systems to support attendance, and counseling services. Conducting home visits and family meetings to address underlying issues contributing to truancy. **On Time Promotion:** End each academic year with review of student progress and promotion criteria. Provide academic support throughout the school year. **Coordination of Targeted Services:** Collaboratively work between homeless liaisons, sped coordinators and esl to ensure service rendering. **Advanced Placement and Dual Credit Coursework:** Providing counseling and support services. Collaboratively working with post-secondary institutions while advocating for fee waivers and transportation assistance. **Transcript review:** Conducting transcript audits, advocating for credit recovery. **College Readiness:** Providing career exploration, facilitating college visits and job shadowing experiences. **Post-Secondary Transition Plan:** Providing transition counseling, support services, assisting with college applications and financial aid and connecting with community resources.

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11. Equitable Access and Participation

Check the appropriate box below to indicate whether any barriers exist to equitable access and participation for any groups that receive services funded by this grant.

- The applicant assures that no barriers exist to equitable access and participation for any groups receiving services funded by this grant.
- Barriers exist to equitable access and participation for the following groups receiving services funded by this grant, as described below.

Group		Barrier	
Group		Barrier	
Group		Barrier	
Group		Barrier	

12. Request for Grant Funds

List all of the allowable grant-related activities for which you are requesting grant funds. Include the amounts budgeted for each activity. Group similar activities and costs together under the appropriate heading. During negotiation, you will be required to budget your planned expenditures on a separate attachment provided by TEA.

Payroll Costs

1.	Social Worker	35,066
2.		
3.		
4.		
5.		

Professional and Contracted Services

6.		
7.		
8.		
9.		
10.		

Supplies and Materials

11.		
12.		
13.		
14.		

Other Operating Costs

15.		
16.		
17.		

Capital Outlay

18.		
19.		
20.		

Direct and indirect administrative costs:

TOTAL GRANT AWARD REQUESTED:

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Appendix I: Negotiation and Amendments

Leave this section blank when completing the initial application for funding.

An amendment must be submitted when the program plan or budget is altered for the reasons described in the "When to Amend the Application" document posted on the [Administering a Grant](#) page of the TEA website and may be emailed to competitivegrants@tea.texas.gov Include all sections pertinent to the amendment (including budget attachments), along with a completed and signed copy of page 1 of the application. More detailed amendment instructions can be found on the last page of the budget template.

You may duplicate this page.

For amendments, choose the section you wish to amend from the drop down menu on the left. In the text box on the right, describe the changes you are making and the reason for them.

Always work with the most recent negotiated or amended application. If you are requesting a revised budget, please include the budget attachments with your amendment.

Section Being Negotiated or Amended	Negotiated Change or Amendment
<input type="text"/>	
<input type="text"/>	
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Statutory Requirement #1 - TEHCY Grant Activity Chart

Describe the grant activities, programs, and services that will be provided to address the unique identified needs of students experiencing homelessness. Indicate which quantifiable identified needs these grant funds will address. The information in this chart should align with your SMART Goal you have identified for this application and related to student outcomes consistent with the grant's purpose. Limit to 10 Activities.

Activity Description and Targeted Student Outcomes	Estimated # of Participants	Position Responsible for Completing Activity	Related Identified Need	Budget Allocation
Completion of campus visits to foster a liaison-to-student & campus relationship	253	District McKinney Vento Liaison	Provision of student support and identification of qualified students	30%
Provision of training to campus personnel (registrar & communities in schools) that are designated to support students that are McKinney Vento qualified.	100	District McKinney Vento Liaison	Training personnel on the McKinney Vento Law, with the goal of rendering fair and consistent services.	30%
Support students with attendance issues that are in jeopardy of not graduating or dropping out	90	District McKinney Vento Liaison, Campus Counselors, and Campus Truancy Interventionist	Providing resource services and advocacy for students that are truant	30%
Participating in meetings with community agencies designed to understand and address homelessness in the area.	25	District McKinney Vento Liaison & Various Community Organizations	Community Collaboration that will link students/families in need with available resources.	30%

Commented [V01]: The table is consisting of 5 columns and 10 rows in total.

Statutory Requirement 3a - Title I, Part A and McKinney-Vento Program Coordination:

Complete the following table regarding the use of Title I, Part A Homeless Reservation funds. For applicants applying as a SSA, complete a separate table and set of questions for each LEA.

	Homeless Reservation Amount	Use/Activities/Staffing
Actual Title I, Part A Homeless Reservation for FY23 (2022-2023)	\$20,000	Provision of transportation services, clothing and school supplies.
Actual Title I, Part A Homeless Reservation for FY24 (2023-2024)	\$20,000	Provision of transportation services, clothing and school supplies.

Statutory Requirement #4: Indicate if current LEA McKinney-Vento policies and procedures are current and their applicable revision date. If you indicated yes for “ Dispute Resolution ” “ Transition Assistance ” “ Truancy and Discipline ”: provide the additional information requested below.	
McKinney-Vento Policies and Procedures	Current Policy/Procedure (Indicate Yes or No)
McKinney-Vento Liaison Designation and Duties: The LEA, in collaboration with the McKinney-Vento Liaison, has established policies and procedures to inform LEA and campus staff annually LEA McKinney-Vento Liaison duties and contact information 42 US Code §11432(g)(6)(A) .	Yes
Public Notice of Educational Rights: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to ensure the public notice of the educational rights of homeless children and unaccompanied youth 42 US Code §11432(g)(6)(A)(vi) .	Yes
Immediate Enrollment: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to review and revise any LEA or campus enrollment policies or practices that may act as a barrier to the enrollment of homeless children and unaccompanied youth. 42 US Code §11432(g)(3)(C) .	Yes
Identification: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to ensure that homeless children and unaccompanied youth are identified by LEA and campus personnel. 42 US Code §11432(g)(7)(A) .	Yes
School Selection: The LEA, with the McKinney-Vento Liaison, has established policies and procedures to ensure homeless children and unaccompanied can attend their zoned school in their attendance area or remain in their school. State law also permits homeless children and unaccompanied youth to attend any LEA in Texas TEC § 25.001(b)(5) .	Yes
Dispute Resolution Process: The LEA in collaboration with the McKinney-Vento Liaison has developed and implemented local policies and procedures to address McKinney-Vento disputes over eligibility, school selection, or enrollment in school and ensures that they are mediated and resolved in a timely manner. 42 US Code §11432(g)(3)(E) .	Yes
Do you have a local Dispute Resolution Policy? If you indicated yes, provide an attachment of the local board policy and any attachments that support this process.	
School of Origin Transportation: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to ensure School of Origin transportation services are provided in a timely manner when requested by the parent, guardian, or unaccompanied youth 42 US Code §11432(g)(6)(A)(viii) .	Yes
Free meals: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to implement enrollment in school nutrition programs for homeless children and unaccompanied youth 42 US Code §11432(3)(C)(cc) .	Yes
Comparable Services: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to support equitable access and continuity of comparable services to: Head Start and LEA preschool programs, Special Education, English Learners, Career and Technical Education, and Gifted and Talented programs for homeless children and unaccompanied youth 42 US Code §11432(g)(4) .	Yes

<p>Statutory Requirement #4: Indicate if current LEA McKinney-Vento policies and procedures are current and their applicable revision date. If you indicated yes for “Dispute Resolution” “Transition Assistance” “Truancy and Discipline”: provide the additional information requested below.</p>	
<p>Pre-School: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to support equitable access for homeless children and unaccompanied youth to enroll in LEA-based prekindergarten programs in accordance with TEC §29.153.</p>	Yes
<p>Coordination of Resources: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to provide community resources to homeless students and families for health care, dental services, mental health, substance abuse, housing services, and other appropriate services 42 US Code §11432(g)(6)(A)(iv).</p>	Yes
<p>Postsecondary Transition: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to assist homeless children and unaccompanied youth with post-secondary planning. Including but not limited to, development of a four-year plan that includes post-secondary college and career options, information on dual credit courses, assistance with career interest inventories, verification of independent status for homeless unaccompanied youth, etc., 42 US Code §11432(g)(6)(A)(x)(3).</p>	Yes
<p>Training: The LEA in collaboration with the McKinney-Vento Liaison has established policies and procedures to provide McKinney-Vento professional development to increase awareness, support enrollment and identification, and increase staff capacity to respond to the unique educational needs of homeless children and unaccompanied youth 42 US Code §11432(d)(5).</p>	Yes
<p>Transition Assistance: The LEA has policies and practices in place to align with requirements of Texas Administrative Code 89 Subchapter FF. Commissioner's Rules Concerning Transition Assistance for Highly Mobile Students Who Are Homeless or Substitute Care, specifically relating to students experiencing homelessness.</p> <p>Do you have a local Transition Assistance Policy? If you indicated yes, provide an attachment of the local board policy and any attachments that support this process.</p>	Yes
<p>Truancy and Discipline: The LEA has policies and practices in place in alignment with TEC § 37.001(4)(F); 37.005(d) to consult with the McKinney-Vento Liaison in regard to attendance/truancy matters and for disciplinary measures for students experiencing homelessness.</p> <p>The LEA has policies in place to support implementation of Commissioner Rules Concerning Truancy §129.1045. Best Practices for addressing the needs of students experiencing homelessness.</p> <p>Do you have a local Truancy and Discipline Policy? If you indicated yes, provide an attachment of the local board policy and any attachments that support this process.</p>	Yes



ALVIN INDEPENDENT SCHOOL DISTRICT

Student and Administrative Services

Dispute Resolution Request

To file a formal dispute under the McKinney-Vento Homeless Assistance Act ("Act"), please fill out this form completely and submit it by hand-delivery, e-mail, or U.S. Mail to the principal or the District's liaison for homeless students. District policy typically requires dispute forms to be filed within 15 District business days of receiving the written explanation of the District's decision. However, because the Act's dispute process should be expedited whenever possible, TEA recommends that you submit the form as soon as possible, preferably within ten District business days of receiving the written explanation of the District's decision. If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The student will remain attending the school where enrollment is sought during the entire dispute resolution process.

If you need assistance filling out this form or if you have other questions, please contact the liaison for homeless students.

Principal	Liaison for Homeless Students
Name:	Name:
Address/Location:	Address/Location:
Phone Number:	Phone Number:
E-mail:	E-mail:

The principal or liaison will forward this form to the administrator, typically the Superintendent or designee, who will conduct the dispute resolution conference in accordance with FNG(LOCAL), which can be found in the District's policy manual located in the Superintendent's office or [https://pol.tasb.org/Policy/Download/216?filename=FNG\(LOCAL\).html](https://pol.tasb.org/Policy/Download/216?filename=FNG(LOCAL).html).

Name: _____
 Address: _____
 Phone number: _____
 E-mail address: _____
 Campus: _____

If you will be represented in presenting your dispute by someone other than the liaison for homeless students, please identify the person representing you.

Name: _____
 Address: _____
 Phone number: _____
 E-mail address: _____

Please describe the McKinney-Vento eligibility, school selection, or enrollment decision that has prompted this dispute resolution process. Attach any documentation you have received from the school regarding this dispute.

Liaison for Court-Related Students

A district shall appoint at least one educator, as defined by Education Code 5.001(5), to act as a liaison officer for court-related students. The liaison officer shall provide counseling and other services for court-related students and their parents to establish or reestablish normal attendance and progress in school. *Education Code 37.014*

Liaison for Students Who Are Homeless

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district will adopt policies and practices to ensure participation by the liaison in professional development and other technical assistance activities provided and approved by the statewide coordinator for education of homeless children and youths. *42 U.S.C. 11432(g)(1)(J)* [See FDC for more information regarding McKinney-Vento Act requirements.]

Notice

A district shall inform school personnel, service providers, and advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FD for definition of "homeless children."]

Duties

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through outreach and coordination activities with other entities and agencies;
2. Homeless children are enrolled in, and have a full and equal opportunity to succeed in, district schools;
3. Homeless families and homeless children have access to and receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under Part C of the Individuals with Disabilities Education Act, and other district preschool programs;
4. Homeless families and homeless children receive referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services;
5. The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided meaningful opportunities to participate in the education of their children;
6. Public notice of the educational rights of homeless children is disseminated in locations frequented by parents or guardians

of such children; and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children, and unaccompanied youths;

7. Enrollment disputes are mediated;
8. The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of enrollment;
9. School personnel providing services under the McKinney-Vento Act receive professional development and other support; and
10. Unaccompanied youths:
 - a. Are enrolled in school;
 - b. Have opportunities to meet the same challenging state academic standards as the state establishes for other children; and
 - c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

42 U.S.C. 11432(g)(6)(A), (B)

**Determination of
Homeless Status**

A liaison who receives training under 42 U.S.C. 11432(f)(6) may affirm, without further action by the Department of Housing and Urban Development, that a child who is eligible for and participating in a district program, or the immediate family of such a child, who meets the eligibility requirements of the McKinney-Vento Act for an authorized program or service under Title IV of the Act, is eligible for such program or service. *42 U.S.C. 11432(g)(6)(D)*

**Liaison for Children
in State
Conservatorship**

Each district shall appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district who is in the conservatorship of the state and submit the liaison's name and contact information to the Texas Education Agency (TEA) in a format and under the schedule determined by the commissioner of education.

TEA shall provide information to the liaisons on practices for facilitating the enrollment in or transfer to a public school of children who are in the conservatorship of the state.

Education Code 33.904

Transition to Higher Education

A district, in coordination with the Department of Family and Protective Services (DFPS), shall facilitate the transition of each child enrolled in the district who is eligible for a tuition and fee waiver under Education Code 54.366, and who is likely to be in the conservatorship of DFPS on the day preceding the child's 18th birthday to an institution of higher education by:

1. Assisting the child with the completion of any applications for admission or financial aid;
2. Arranging and accompanying the child on campus visits;
3. Assisting the child in researching and applying for private or institution-sponsored scholarships;
4. Identifying whether the child is a candidate for appointment to a military academy;
5. Assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by DFPS; and
6. Coordinating contact between the child and a liaison designated by the Higher Education Coordinating Board for students who were formerly in the conservatorship of DFPS.

Family Code 264.1212 [See FFEA]

Transition Assistance for Highly Mobile Students

Definitions

Educational and Course Programs

"Educational and course programs" means programs intended to provide instruction to students in conjunction with or outside of the required curriculum, which may include, but are not limited to, gifted and talented services, bilingual or special language services for emergent bilingual students, career and technical education, and early college high school.

Enrollment Conference

"Enrollment conference" means a student-centered meeting between key district staff and the newly enrolled student and/or the student's parent or guardian that occurs within the first two weeks of enrollment, as soon as feasible, at a new school to collaboratively ease transitions; identify the student's academic strengths and extracurricular interests; introduce school processes and opportunities for engagement; and identify any interventions and additional support services (e.g., special education or Section 504

services, academic and/or behavioral interventions, social and emotional needs, college and career readiness). The student's attendance in the conference should be addressed on a case-by-case basis.

Records

"Records" means documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.

Welcome Packet

"Welcome packet" means a compilation of district and community resources provided to new students within the first two weeks of enrollment at a new school that helps to familiarize the student with the school.

19 TAC 89.1601(2), (4), (9), (11)

Transfer of Student
Records

Each district shall ensure that school records for students who are identified as homeless or in substitute care are transferred to the student's new school after receiving a request for records. Student records must be requested, sent, and received using the Texas Records Exchange (TREx) system.

Each district is required to transfer student records within ten working days of receipt of a request from a district to which a student who is homeless or in substitute care enrolls, as required by Education Code 25.002(a-1) [see FD(LEGAL)]. The discretionary authority under Education Code 31.104(d) [see CMD(LEGAL)] to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt a district from the mandatory provision to send records to another public school in which the student enrolls.

If a district fails to receive the required information within ten working days, the requesting district may report the noncompliant district to the division responsible for TREx Support at TEA.

Proof of enrollment in a different district permits retroactive withdrawal to the date a student enrolled in the new school. The date of enrollment in the new district is considered the date of withdrawal from the previous district.

19 TAC 89.1603

Systems and
Procedures

A district shall develop systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school. These systems shall include the following:

1. Welcome packets containing applicable information regarding enrollment in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, available student supports, and contact information for key school staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists;
2. Introductions for new students that maintain student privacy and confidentiality to the school environment and school processes by district faculty, campus-based student leaders, or ambassadors; and
3. Mechanisms to ensure that a process is in place for all students who qualify to receive nutrition benefits upon enrollment, as all students who are homeless or in substitute care are eligible for United States Department of Agriculture Child Nutrition Programs. The process must expedite communication with the district nutrition coordinator to ensure that eligible students are not charged in error or experience delays in receiving these benefits.

19 TAC 89.1605(a)

A district must provide professional development opportunities and resources to support key staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists on local processes and procedures for facilitating successful school transitions for students who are homeless or in substitute care.

A district must use the TReX, the Personal Identification Database (PID), or the Person Enrollment Tracking (PET) application to facilitate records transfer and expedite coordination and communication between the sending and receiving schools. In cases where records from the student's previous school are missing or cannot be located, a district should use the Texas Student Data System (TSDS) Unique ID application to identify where the student was previously enrolled.

19 TAC 89.1605(c)-(d)

Enrollment
Conference

A district shall convene an enrollment conference within the first two weeks or as soon as feasible, after a student who is homeless or in substitute care enrolls at a new school. The convening of the

enrollment conference shall not delay or impede the enrollment of the student.

The student's attendance in the conference should be addressed on a case-by-case basis. The enrollment conference may be used in conjunction with an existing meeting that is designed for similar purposes for newly enrolled students.

The enrollment conference shall address the student's credit recovery, credit completion, attendance plans and trauma-informed interventions, interests and strengths, discipline or behavior concerns, previous successes, college readiness, and social and emotional supports as well as district policies relating to transfers and withdrawals and communication preferences with parents or guardians.

The enrollment conference may be comprised of:

1. School administrators;
2. McKinney-Vento or foster care liaisons;
3. Social workers;
4. Teachers;
5. School counselors;
6. Dropout prevention specialists;
7. Attendance/truancy officers;
8. The relative caregiver, foster placement caregiver, or DFPS caseworker;
9. The DFPS designated educational decision-maker;
10. The DFPS caseworker, Court Appointed Special Advocates (CASA) volunteer, or other volunteers, as applicable; and
11. A parent or guardian, unless the caseworker indicates the parent's or guardian's rights to participate have been restricted by the court.

19 TAC 89.1605(b)

Educational
Placement

A district must establish procedures to receive, review, and assess student records for the initial course and educational program placement for a student who is homeless or in substitute care upon enrollment at a new school.

A district must ensure that a student who is homeless or in substitute care has the opportunity to pursue the same endorsement cat-

egories, to the extent possible. If only one endorsement is offered, it must be multidisciplinary studies.

To the extent possible, a district shall ensure the continuation of a student's course and educational programs, if appropriate, from the previous district by placing the student in comparable courses and programs for which they are eligible.

A district shall promote placement in academically challenging and career preparation courses.

19 TAC 89.1609

[For award of credit for students who are homeless or in substitute care, see EI. For special education services for students who are homeless or in substitute care, see EHBAA.]

Access to
Educational and
Extracurricular
Programs and
Courses

A district must develop processes to increase awareness of opportunities available to students who are homeless or in substitute care to participate in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

A district must identify and remove barriers, whenever possible, to participation by students who are homeless or in substitute care in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

Appropriate district staff must facilitate the process to complete and submit a University Interscholastic League (UIL) waiver of residence application form for a student who is homeless and plans to participate in varsity athletics.

In compliance with Education Code 25.001(f) [see FD], a durational residence requirement may not be used to prohibit a student in substitute care from fully participating in any activity sponsored by the district.

19 TAC 89.1611

Postsecondary
Information for
Students who are
Homeless or in
Substitute Care

District counselors or other designated staff shall work with district McKinney-Vento and foster care liaisons to ensure that all students who are identified as homeless or in substitute care graduate with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans, to the extent required by Education Code 28.02121 [see EIF].

Districts must provide postsecondary counseling in alignment with Education Code 33.007 [see FFEA], for all students, including students who are homeless or in substitute care.

Districts must connect students to college readiness initiatives, campus visits, and other postsecondary preparation opportunities provided by the district.

School counselors must provide information about postsecondary education to the student and the student's parent or guardian during the first school year a student is enrolled in high school and each subsequent year throughout high school. [See FFEA]

*Provisions for
Students
Experiencing
Homelessness*

McKinney-Vento liaisons must inform unaccompanied homeless youths of their status as independent students for the purpose of applying for financial aid for higher education and provide verification of such status for the Free Application for Federal Student Aid (FASFA), pursuant to 42 United States Code 11432(g)(6)(A)(x)(III).

School counselors must assist and advise students experiencing homelessness with college preparation and readiness, pursuant to 42 United States Code 11432(g)(1)(K).

19 TAC 89.1613(a)-(b)

*Provisions for
Students in
Substitute Care*

A district shall ensure that a student in substitute care who is enrolled in grade 11 or 12 is provided information regarding tuition and fee exemptions under Education Code 54.366, for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.

A district shall inform students in substitute care of tuition and fee exemptions under Education Code 54.367, regarding monthly payments, medical assistance benefits, and reimbursement of fees.

A district shall ensure students in substitute care are informed that every higher education institution in Texas has a designated foster care liaison to assist students.

Foster care liaisons are encouraged to support students in substitute care with linking to colleges to develop connections and facilitate effective transitions into postsecondary education.

Foster care liaisons, school counselors, and others must assist students with seeking and applying for all types of scholarships for which the student may qualify.

19 TAC 89.1613(c)

*Notice of Events for
Students in
Substitute Care*

A district must provide notice in writing to the educational decision-maker and caseworker of a student who is in substitute care regarding events that may significantly impact the education of the student. *19 TAC 89.1617*

Events that may significantly impact the education of a child include:

1. Requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Education Code 29.003 [see EHBAA];
2. Admission, review, and dismissal committee meetings [see EHBAB];
3. Manifestation determination reviews required by Education Code 37.004(b) [see FOF];
4. Any disciplinary actions under Education Code Chapter 37 for which parental notice is required [see FO series];
5. Citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6. Reports of restraint and seclusion required by Education Code 37.0021 [see FO and FOF];
7. Use of corporal punishment as provided by Section 37.0011 [see FO]; and
8. Appointment of a surrogate parent for the child under Education Code 29.0151 [see EHBAE];

Education Code 25.007(b)(10)

**Child Welfare
Contact**

A district receiving Title 1, Part A funds must collaborate with the state or local child welfare agency to designate a point of contact if the child welfare agency notifies the district, in writing, that the agency has designated an employee to serve as a point of contact for the district. *20 U.S.C. 6312(c)(5)(A)*

**School-Community
Guidance Center**

A district may establish a school-community guidance center designed to locate and assist children with problems that interfere with their education, including juvenile offenders and children with severe behavioral problems or character disorders.

Each center shall coordinate efforts of district personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

Education Code 37.051

Upon request from a superintendent, a governmental agency concerned with children that has jurisdiction in a district shall cooperate with the school-community guidance center and shall designate

a liaison to work with the center in identifying and correcting problems affecting school-age children in the district. The governmental agency may establish or finance a school-community guidance center jointly with a district according to terms approved by the governing body of each participating entity. *Education Code 37.053*

Cooperative
Programs

A board may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct. *Education Code 37.052*

Parental Notice and
Access to
Information

Before a student is admitted to a school-community guidance center, the administrator of the center shall notify the student's parent or guardian that the student has been assigned to attend the center.

The notice must include:

1. The reason the student has been assigned to the center;
2. A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and
3. A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

If after notification, the parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

A parent or guardian of a student attending a center is entitled to inspect:

1. Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and
2. The results of any treatment, testing, or guidance method involving the student.

The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

Education Code 37.054

Parental
Involvement

On admitting a student to a school-community guidance center, a representative of a district, the student, and the student's parent or legal guardian shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

1. A statement of the student's behavioral and learning objectives;
2. A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and
3. The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting objectives, defined by the district, to aid student remediation.

A superintendent may obtain a court order from a district court in the district requiring a parent to comply with such an agreement. A parent who violates such a court order may be punished for contempt of court.

*Court
Supervision*

If a district, the student, and the parent or guardian for any reason fail to reach an agreement, any party may request the juvenile court or its designee to conduct a hearing and enter an order establishing the responsibilities and duties of each of the parties as the court deems appropriate.

Education Code 37.055-.056

District Complaint or Referral

Against Student

If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a district shall within 10 school days of the student's 10th absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FEA]

Against Parent

The district may file a complaint against the student's parent in a county, justice, or municipal court for an offense of parent contributing to nonattendance under Education Code 25.093 if the district provides evidence of the parent's criminal negligence.

A court shall dismiss a complaint made by a district against a parent that does not comply with Education Code 25.0951; does not allege the elements required for the offense; is not timely filed, unless the district delayed the referral as provided below; or is otherwise substantively defective.

Delaying a Referral

A district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the district:

1. Is applying truancy prevention measures to the student under Education Code 25.0915; and
2. Determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

Education Code 25.0951

Referral Prohibited

A district may not refer a student to truancy court if the school determines that the student's truancy is the result of pregnancy, being in the state foster program, homelessness, severe or life-threatening illness or related treatment, or being the principal income earner for the student's family. [See Truancy Prevention Measures, below] *Education Code 25.0915(a-3)*

Filing Requirements

Each referral to truancy court for conduct described by Family Code 65.003(a) must:

1. Be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures to the student, and the measures failed to meaningfully address the student's school attendance; and
2. Specify whether the student is eligible for or receives special education services under Education Code Chapter 29, Subchapter A.

A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Family Code 65.054, if the court determines that the district's referral:

1. Does not comply with the requirement above;
2. Does not satisfy the elements required for truant conduct;
3. Is not timely filed, unless the school district delayed the referral as provided above [see Delaying a Referral, above]; or
4. Is otherwise substantively defective.

Education Code 25.0915(b), (c)

**Expunction of
Records**

An individual who was convicted of a truancy offense under former Education Code 25.094 or has had a complaint for a truancy offense dismissed is entitled to have the conviction or complaint and records relating to the conviction or complaint expunged.

Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a district or law enforcement agency, to be expunged from the individual's record. After entry of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose.

Code of Crim. Proc. 45.0541

Attendance Officer

A board may select a school attendance officer. A school attendance officer also may be selected by two or more boards to serve their districts jointly. *Education Code 25.088*

In districts where no attendance officer has been selected, the superintendent and the peace officers in a district shall perform the duties of attendance officer, but no additional compensation shall be paid for the services. *Education Code 25.090* [See Peace Officers, below]

Powers and Duties

An attendance officer employed by a district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;
2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Educa-

- tion Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:
- a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); and
 - b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;
3. To monitor school attendance compliance by each student investigated by the officer;
 4. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the commissioner, to provide a record to the individual or entity requesting the record;
 5. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence; and
 6. At the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements.

Education Code 25.091(b)

Peace Officers

A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;
2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Education Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:
 - a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); or
 - b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;
3. To serve court-ordered legal process;

4. To review school attendance records for compliance by each student investigated by the officer;
5. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the Commissioner, to provide a record to the individual or entity requesting the record; and
6. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent.

A peace officer who has probable cause to believe that a child is in violation of the compulsory attendance law may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory attendance requirements.

Education Code 25.091(a), (b-1)

**Truancy Prevention
Measures**

A district shall adopt truancy prevention measures designed to address student conduct related to truancy in the school setting before the student engages in conduct described by Family Code 65.003 and minimize the need for referrals to truancy court for conduct described by Family Code 65.003(a). *Education Code 25.0915(a)*

A district shall take one or more of the following actions as a truancy prevention measure:

1. Impose:
 - a. A behavior improvement plan on the student that must be signed by an employee of the school, that the district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:
 - (1) A specific description of the behavior that is required or prohibited for the student;
 - (2) The period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or

- (3) The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or
 - b. School-based community service; or
2. Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy. A referral may include participation by the child's parent or guardian if necessary.

A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

1. Pregnancy;
2. Being in the state foster program;
3. Homelessness;
4. Severe or life-threatening illness or related treatment; or
5. Being the principal income earner for the student's family.

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Education Code 25.0951(a), the district shall initiate truancy prevention measures on the student.

Education Code 25.0915

Minimum Standards

The minimum standards for the truancy prevention measures implemented by a district under Education Code 25.0915 include:

1. Identifying the root cause of the student's unexcused absences and actions to address each cause;
2. Maintaining ongoing communication with students and parents on the actions to be taken to improve attendance;
3. Establishing reasonable timelines for completion of the truancy prevention measure; and
4. Establishing procedures to notify the admission, review, and dismissal committee or the Section 504 committee of attendance issues relating to a student with a disability and ensure that the committee considers whether the student's attendance issues warrant an evaluation, a reevaluation, and/or

modifications to the student's individualized education program or Section 504 plan, as appropriate.

19 TAC 129.1043

Best Practices

A district shall consider the following best practices for truancy prevention measures:

1. Develop an attendance policy that clearly outlines requirements related to truancy in accordance with Education Code, Chapter 25, Subchapter C, and communicate this information to parents at the beginning of the year.
2. Create a culture of attendance that includes training staff to talk with students and parents about the attendance policy and the root causes of unexcused absences.
3. Create incentives for perfect attendance and improved attendance.
4. Educate students and their families on the positive impact of school attendance on performance.
5. Provide opportunities for students and parents to address causes of absence and/or truancy with district staff and link families to relevant community programs and support.
6. Develop collaborative partnerships, including planning, referral, and cross-training opportunities, between appropriate school staff, attendance officers, program-related liaisons, and external partners, such as court representatives, community and faith-based organizations, state or locally funded community programs for truancy intervention or prevention, and law enforcement to assist students.
7. Determine root causes of unexcused absences and review campus- and district-level data on unexcused absences to identify systemic issues that affect attendance.
8. Use existing school programs such as Communities in Schools, 21st Century Community Learning Centers, restorative discipline, and positive behavior interventions and supports (PBIS) to provide students and their parents with services.
9. At the beginning of each school year, conduct a needs assessment and identify and list, or map, services and programs available within the district and the community that a school, a student, or a student's parent or guardian may access to address the student's barriers to attendance and make the infor-

mation available to staff, students, and parents. The information must include, but is not limited to:

- a. Services for pregnant and parenting students;
 - b. Services for students experiencing homelessness;
 - c. Services for students in foster care;
 - d. Federal programs including, but not limited to, Title 1, Part A, of the Elementary and Secondary Education Act;
 - e. State programs including, but not limited to, state compensatory education programs;
 - f. Dropout prevention programs and programs for "at risk" youth;
 - g. Programs that occur outside of school time;
 - h. Counseling services;
 - i. Tutoring programs and services available at no or low cost;
 - j. Mental health services;
 - k. Alcohol and substance abuse prevention and treatment programs;
 - l. Mentoring programs and services;
 - m. Juvenile justice services and programs;
 - n. Child welfare services and programs;
 - o. Other state or locally funded programs for truancy prevention and intervention; and
 - p. Other supportive services that are locally available for students and families through faith-based organizations, local governments, and community-based organizations.
10. After identifying and listing, or mapping, services available in the district and community, school districts should target any new resources, programs, or services to gaps in services identified during the needs assessment.
11. School districts should ensure that personnel, including truancy prevention facilitators or juvenile case managers, attendance officers, McKinney-Vento (homeless) liaisons, foster care liaisons, Title IX coordinators, 504 coordinators, pregnancy and parenting coordinators, dropout prevention coordinators, special education staff, and other appropriate student

services personnel, meet to contribute to the needs assessment, discuss opportunities to work together, and identify strategies to coordinate both internally and externally to address students' attendance barriers.

In determining services offered to students identified in Education Code 25.091(a-3), a district shall consider:

1. Offering an optional flexible school day program and evening and online alternatives;
2. Working with businesses that employ students to help students coordinate job and school responsibilities; and
3. Offering before school, after school, and/or Saturday prevention or intervention programs or services that implement best and promising practices.

19 TAC 129.1045

Sanctions

An aggrieved party may file a written complaint with the Texas Education Agency (TEA) regarding an allegation that a district has failed to comply with Education Code 25.0915 or 19 Administrative Code Chapter 129, Subchapter BB related to truancy prevention measures. TEA may request that a district provide documentation regarding its compliance in response to a complaint. If, after a review of this documentation or a district's failure to provide this documentation, TEA determines that the district is not in compliance with required truancy prevention measure provisions, TEA may issue a preliminary report of its findings to the district in accordance with 19 Administrative Code 157.1122 (Notice). A district may request in writing an informal review of TEA's preliminary report in accordance with 19 Administrative Code 157.1123 (Informal Review). Following the informal review, or if no informal review is requested by the deadline, a final report will be issued. The commissioner of education may implement any sanction listed in Education Code 39.102(a) against a district found to be out of compliance with Education Code 25.0915 or 19 Administrative Code Chapter 129, Subchapter BB. *19 TAC 129.1047*

**Truancy Prevention
Facilitator or
Juvenile Case
Manager**

A district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by Education Code 25.0915 and any other effective truancy prevention measures as determined by the district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the district in truancy cases.

Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures and any other effective truancy prevention measures as determined by the district or campus.

Education Code 25.0915(d), (e)

On approval of the board, a district may employ or agree in accordance with Government Code Chapter 791, with any appropriate governmental entity to jointly employ or to jointly contribute to the costs of another entity employing:

1. A case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians; or
2. One or more juvenile case managers who shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases, and may provide prevention services to a child considered at risk of entering the juvenile justice system, and intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses.

A district that jointly employs a case manager in accordance with Government Code Chapter 791 employs a juvenile case manager for purposes of Code of Criminal Procedure Chapter 102 and Government Code Chapter 102.

Code of Criminal Procedure 45.056(a), (c)

Funding

A district may apply to the criminal justice division of the governor's office for reimbursements of the costs of employing a juvenile case manager. The district may pay the salary and benefits of a juvenile case manager and the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager from the local truancy prevention and diversion fund established under Local Government Code 134.156. *Code of Criminal Procedure 45.056(b)*

Priority

A juvenile case manager employed jointly under Government Code Chapter 791 shall give priority to cases brought under Education Codes 25.093 (parent contributing to nonattendance). *Code of Criminal Procedure 45.056(e)*

Rules

The board of a district that employs a juvenile case manager shall adopt and implement reasonable rules for juvenile case managers that provide a code of ethics, and for the enforcement of the code of ethics; appropriate educational preservice and in-service training standards for juvenile case managers; and training in:

1. The role of the juvenile case manager;
2. Case planning and management;
3. Applicable procedural and substantive law;
4. Courtroom proceedings and presentation;
5. Services to at-risk youth under Family Code Chapter 264, Subchapter D;
6. Local programs and services for juveniles and methods by which juveniles may access those programs and services; and
7. Detecting and preventing abuse, exploitation, and neglect of juveniles.
8. The juvenile case manager shall timely report to the judge who signed the order or judgment and, on request, to the judge assigned to the case or the presiding judge any information or recommendations relevant to assisting the judge in making decisions that are in the best interest of the child.

Code of Criminal Procedure 45.056(f)-(i)

Parent Contributing Agreement

A parent against whom a complaint for parent contributing to nonattendance under Education Code 25.093 has been filed and the district at which the parent's child is enrolled may enter into a written agreement requiring the parent to complete counseling, training, or another program as designated by the district.

A parent who fulfills the terms of an agreement not later than the 30th day after the date on which the complaint was filed or within the period provided by the agreement is entitled to dismissal of the complaint in accordance with Code of Criminal Procedure article 45.0531(b). *Education Code 25.094*

STUDENT DISCIPLINE

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**Student Code of
Conduct**

The board shall adopt a Student Code of Conduct for a district, with the advice of its district-level committee. The Student Code of Conduct must:

1. Specify the circumstances, in accordance with Education Code Chapter 37, Subchapter A, under which a student may be removed from a classroom, campus, disciplinary alternative education program (DAEP), or vehicle owned or operated by the district.
2. Specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a DAEP.
3. Outline conditions under which a student may be suspended, as provided by Education Code 37.005 [see FOB], or expelled, as provided by Education Code 37.007 [see FOD].
4. Specify that consideration will be given, as a factor in each decision concerning suspension, removal to a DAEP, expulsion, or placement in a juvenile justice alternative education program (JJAEP), regardless of whether the decision concerns a mandatory or discretionary action, to:
 - a. Self-defense;
 - b. Intent or lack of intent at the time the student engaged in the conduct;
 - c. A student's disciplinary history;
 - d. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
 - e. A student's status in the conservatorship of the Department of Family and Protective Services; or
 - f. A student's status as a student who is homeless.
5. Provide guidelines for setting the length of removal to a DAEP or of expulsion. Except as provided by Education Code 37.007(e) (Gun-Free Schools Act [see FOD]), a district is not required to specify a minimum term of removal or expulsion.
6. Address the notification of the parent or guardian of a student's violation of the Student Code of Conduct that results in suspension, removal to a DAEP, or expulsion.
7. Prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions. "Bullying" has the meaning provided by Education Code 37.0832. [See

STUDENT DISCIPLINE

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FFI] "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety. "Hit list" means a list of people targeted to be harmed using a firearm, as defined by Penal Code 46.01(3) [see FNCG]; a knife, as defined by Penal Code 46.01(7) (any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument); or any other object to be used with intent to cause bodily harm.

8. Provide, as appropriate for students at each grade level, methods, including options, for:
 - a. Managing students in the classroom, on school grounds, and on a vehicle owned or operated by the district;
 - b. Disciplining students; and
 - c. Preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.
9. Include an explanation of the provisions regarding refusal of entry to or ejection from district property under Education Code 37.105 [see GKA], including the appeal process established under 37.105(h).

The methods adopted must provide that a student who is enrolled in a special education program under Education Code Chapter 29, Subchapter A, may not be disciplined for bullying, harassment, or making hit lists until an admission, review, and dismissal (ARD) committee meeting has been held to review the conduct. [See FOF]

Education Code 37.001(a)-(b-1), (e)

Law Enforcement
Duties

The law enforcement duties of peace officers, school resource officers, and security personnel [see CKE] must be included in the Student Code of Conduct. *Education Code 37.081(d)(2)*

Changes in SCOC

Once a Student Code of Conduct is promulgated, any change or amendment shall be approved by a board.

STUDENT DISCIPLINE

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Posting	<p>The Student Code of Conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal.</p> <p><i>Education Code 37.001(b-1)-(c)</i></p>
Notice to Parents	<p>Each school year, a district shall provide parents with notice of and information regarding the Student Code of Conduct. <i>Education Code 37.001(d)</i></p>
<i>Noncustodial Parent</i>	<p>A noncustodial parent may request in writing that, for the remainder of the school year in which the request is received, a district provide that parent with a copy of any written notification that is generally provided to a student's parent or guardian, relating to student misconduct under Education Code 37.006 or 37.007. A district may not unreasonably deny the request. Notwithstanding this requirement, a district shall comply with any applicable court order of which the district has knowledge. <i>Education Code 37.0091</i></p>
Copies to Staff	<p>The district shall provide each teacher and administrator with a copy of Education Code Chapter 37, Subchapter A regarding student discipline and with a copy of the related local policy. <i>Education Code 37.018</i></p>
Campus Behavior Coordinator	<p>A person at each campus must be designated to serve as the campus behavior coordinator (CBC). The person may be the campus principal or any other campus administrator selected by the principal.</p> <p>The CBC is primarily responsible for maintaining student discipline and the implementation of Education Code Chapter 37, Subchapter A.</p>
Duties	<p>The specific duties of the CBC may be established by campus or district policy. Unless the policy provides otherwise, duties imposed on a campus principal or other campus administrator by Education Code Chapter 37, Subchapter A must be performed by the CBC and a power granted to a campus principal may be exercised by the CBC.</p>
Notice to Parents	<p>The CBC shall promptly notify a student's parent or guardian if the student is placed into in-school or out-of-school suspension, placed in a DAEP, expelled, or placed in a JJAEP or is taken into custody by a law enforcement officer.</p> <p>A CBC must provide notice by promptly contacting the parent or guardian by telephone or in person; and making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.</p>

STUDENT DISCIPLINE

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(LEGAL)

If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a CBC shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

If a CBC is unable or not available to promptly provide notice, the principal or other designee shall provide the notice.

Education Code 37.0012

**Website
Requirement**

A district shall post on the district's website, for each campus, the email address and dedicated telephone number of a person clearly identified as:

1. The campus behavior coordinator; or
2. If the district has been designated as a district of innovation under Education Code Chapter 12A [see AF] and is exempt from the requirement to designate a campus behavior coordinator under the district's local innovation plan, a campus administrator designated as being responsible for student discipline.

Education Code 26.015

**No Unsupervised
Setting**

Except for students who are suspended or expelled, no student may be placed in an unsupervised setting as a result of conduct for which a student may be placed in a DAEP. *Education Code 37.008(h)*

**Continuation of
Disciplinary Action**

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

"Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student.

"District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

Education Code 37.022

**Opportunity to
Complete Courses**

If a student is placed in in-school suspension or other alternative setting other than a DAEP, a district shall offer the student the opportunity to complete, before the beginning of the next school year,

each course in which the student was enrolled at the time of removal. A district may provide the opportunity by any method available, including a correspondence course, distance learning, or summer school. *Education Code 37.021* [For DAEP notice requirements, see FOCA.]

Alternative Means to Receive Coursework

A district shall provide to a student during the period of the student's suspension under Education Code 37.005, regardless of whether the student is placed in in-school or out-of-school suspension, an alternative means of receiving all coursework provided in the classes in the foundation curriculum under Education Code 28.002(a)(1) that the student misses as a result of the suspension. A district must provide at least one option for receiving the coursework that does not require the use of the internet. *Education Code 37.005(e)*

Seclusion

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

"Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a school district; or
2. Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h)

Exceptions

This prohibition on seclusion does not apply to:

1. A peace officer performing law enforcement duties; or
2. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

STUDENT DISCIPLINE

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*Law Enforcement
Duties*

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g)

[For information on seclusion involving students in special education, see FOF.]

**Officer or Security
Personnel Use of
Restraint or Taser**

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

Definitions

"Taser" means a device manufactured, sold, or distributed by Taser International, Incorporated, that is intended, designed, made, or adapted to incapacitate a person by inflicting an electrical charge through the emission of a projectile or conductive stream. The term, for purposes of this provision, includes a similar device manufactured, sold, or distributed by another person.

Prohibition

A peace officer performing law enforcement duties or school security personnel performing security-related duties on school property or at a school-sponsored or school-related activity may not restrain or use a chemical irritant spray or Taser on a student enrolled in fifth grade or below unless the student poses a serious risk of harm to the student or another person.

Education Code 37.0021(b)(1), (b)(5), (j)

[For information on restraint involving students in special education, see FOF.]

Restraint Reports

A district shall report electronically to the Texas Education Agency (TEA), in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities [see FOF]. *Education Code 37.0021(i)*

**Corporal
Punishment**

If the board adopts a policy under Education Code 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline, a district educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline. *Education Code 37.0011(b)*

STUDENT DISCIPLINE

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(LEGAL)

Parent Statement

To prohibit the use of corporal punishment as a method of student discipline, each school year a student's parent or guardian or other person having lawful control over the student must provide a separate written, signed statement to the board in the manner established by the board. The student's parent or guardian or other person having lawful control over the student may revoke the statement provided to the board at any time during the school year by submitting a written, signed revocation to the board in the manner established by the board. *Education Code 37.0011(c)-(d)*

Definition

"Corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include physical pain caused by reasonable physical activities associated with athletic training, competition, or physical education or the use of restraint as authorized under Education Code 37.0021 [see FOF]. *Education Code 37.0011(a)*

Use of Force to Maintain Discipline

The use of force, but not deadly force, against a student is justified if the teacher or administrator is entrusted with the care, supervision, or administration of the student when, and to the degree the teacher or administrator reasonably believes the force is necessary, to further the purpose of education or to maintain discipline in a group. *Penal Code 9.62*

Aversive Techniques

A district or district employee or volunteer or an independent contractor of a district may not apply an aversive technique, or by authorization, order, or consent, cause an aversive technique to be applied, to a student.

"Aversive technique" means a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. The term includes a technique or intervention that:

1. Is designed to or likely to cause physical pain, other than an intervention or technique permitted under Education Code 37.0011 [see Corporal Punishment, above];
2. Notwithstanding the above corporal punishment provisions, is designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks;
3. Involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face;
4. Denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility;

STUDENT DISCIPLINE

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(LEGAL)

5. Ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse;
6. Employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint;
7. Impairs the student's breathing, including any procedure that involves:
 - a. Applying pressure to the student's torso or neck; or
 - b. Obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face;
8. Restricts the student's circulation;
9. Secures the student to a stationary object while the student is in a sitting or standing position;
10. Inhibits, reduces, or hinders the student's ability to communicate;
11. Involves the use of a chemical restraint;
12. Constitutes a use of timeout that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers; or
13. Except as provided below, deprives the student of the use of one or more of the student's senses.

Education Code 37.0023(a)-(b)

An aversive technique that deprives the student of the use of one or more of the student's senses may be used if the technique is executed in a manner that:

1. Does not cause the student discomfort or pain; or
2. Complies with the student's individualized education program or behavior intervention plan.

STUDENT DISCIPLINE

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Nothing in this section may be construed to prohibit a teacher from removing a student from class under Education Code 37.002. [See FOA]

Education Code 37.0023(c)-(d)

Videotapes and Recordings

A district employee is not required to obtain the consent of a child's parent before the employee may make a videotape of the child or authorize the recording of the child's voice if the videotape or recording is to be used only for purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses. *Education Code 26.009(b)(1)*

Teacher Documentation

A teacher may document any conduct by a student that does not conform to the Student Code of Conduct and may submit that documentation to the principal. A district may not discipline a teacher on the basis of the submitted documentation. *Education Code 37.002(b-1)*

Reports

Disciplinary
Alternative
Education
Programs

For each placement in a disciplinary alternative education program (DAEP), a district shall annually report to the commissioner:

1. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;
2. Information indicating whether the placement was based on:
 - a. Conduct violating the Student Code of Conduct;
 - b. Conduct for which a student may be removed from class by a teacher [see FOA and the Student Code of Conduct];
 - c. Conduct for which placement in a DAEP is required [see FOC and the Student Code of Conduct]; or
 - d. Conduct occurring while a student was enrolled in another district and for which placement in a DAEP is permitted by Education Code 37.008(j);
3. The number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and
4. The number of placements that were inconsistent with the guidelines on length of placement in the Student Code of Conduct.

Expulsions

For each expulsion, a district shall annually report to the commissioner:

STUDENT DISCIPLINE

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(LEGAL)

1. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;
2. Information indicating whether the expulsion was based on:
 - a. Conduct for which expulsion is required, including information specifically indicating whether a student was expelled for bringing a firearm to school; or
 - b. Conduct for which expulsion is permitted;
3. The number of full or partial days the student was expelled;
4. Information indicating whether:
 - a. The student was placed in a JJAEP;
 - b. The student was placed in a DAEP; or
 - c. The student was not placed in a JJAEP or other alternative education program; and
5. The number of expulsions that were inconsistent with the guidelines on length of expulsion in the Student Code of Conduct.

Out-of-School
Suspensions

For each out-of-school suspension under Education Code 37.005, a district shall report:

1. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;
2. Information indicating the basis for the suspension;
3. The number of full or partial days the student was suspended; and
4. The number of out-of-school suspensions that were inconsistent with the guidelines included in the Student Code of Conduct under Education Code 37.001(a)(3) [see Student Code of Conduct, item 3, above].

Education Code 37.020