Applicability of Texas Education Code
An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code relating to special education programs. (TEC §12.104(b)(2)(F)).

KIPP SAN ANTONIO PUBLIC SCHOOLS shall comply with the requirements for monitoring compliance with federal and state laws relating to special education pursuant to Texas Education Code Section 29.010.

Assurance
Open-enrollment charter schools must submit a plan to the Texas Education Agency that provide assurances that the charter school has in effect policies, procedures and programs that are consistent with the State and Federal policies and procedures governing special education. (20 USC §1413(a); 34 CFR §§300.200-.201)

Public Education Information Management System (PEIMS)
“Most of the data TEA requests from school districts and charter schools are gathered using the Public Education Information Management System (PEIMS). PEIMS data are used for the Academic Excellence Indicator System (AEIS), Foundation School Program (FSP), statistical purposes, federal reporting, legislative requests, and audit purposes. Through PEIMS, schools report data including student demographic and academic performance, student attendance, personnel information, financial data, and organizational information.” Texas Open-Enrollment Charter School Handbook (TEA, Division of Charter School Administration, September 2011).

Applicability of Title Relating to the PEIMS
An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code, or a rule adopted under Title 2 (Public Education) of the Texas Education Code, relating to the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with Subchapter D (Open-Enrollment Charter School), Chapter 12, Texas Education Code. (TEC §12.104(b)(2)(A))

The Superintendent or designee shall prepare required Public Education Information Management System (PEIMS) submissions in accordance with PEIMS Data Standards and Module 10 of the Financial Accountability System Resource Guide. The
Superintendent or designee may collaborate with the regional education service center in preparing and timely submitting PEIMS reports.

**Contracts for Services; Residential Placement**

KIPP SAN ANTONIO PUBLIC SCHOOLS may contract with a public or private facility, institution, or agency inside or outside of this State for the provision of services to students with disabilities. Each contract for residential placement must be approved by the Commissioner. The Commissioner may approve a residential placement contract only after at least a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. The Commissioner may approve either the whole or a part of a facility or program. (TEC §29.008(a))

When a student, including one for whom the State is managing conservator, is placed primarily for care or treatment reasons in a private residential facility that operates its own private education program, none of the costs may be paid from public education funds. If a residential placement primarily for care or treatment reasons involves a private residential facility in which the education program is provided by the open-enrollment charter school, the portion of the costs that includes appropriate education services, as determined by the admission, review, and dismissal (ARD) committee, shall be paid from State and Federal education funds. (TEC §29.008(c))

If KIPP SAN ANTONIO PUBLIC SCHOOLS contracts for the provision of education services rather than providing the services, KIPP SAN ANTONIO PUBLIC SCHOOLS shall oversee the implementation of the student's individualized education program (IEP) and shall annually reevaluate the appropriateness of the arrangement. An approved facility, institution, or agency with whom the open-enrollment charter school contracts shall periodically report to the open-enrollment charter school on the services the student has received or will receive in accordance with the contract as well as diagnostic or other evaluative information that the open-enrollment charter school requires in order to fulfill its obligations under Subchapter A (Special Education), Chapter 29, Texas Education Code. (TEC §29.008(d))

**Facilities**

Any construction of new facilities or alteration of existing facilities with authorized IDEA program funds must comply with the requirements of:

- Appendix A of Part 36 of Title 28, Code of Federal Regulations (commonly known as the **Americans with Disabilities Accessibility Guidelines for Buildings and**
Administration of Equipment
The ARD committee must consider whether the student needs assistive technology devices (ATDs) as a part of the student’s special education, related services, or supplementary aids and services. On a case-by-case basis, the use of school-purchased ATDs in the student’s home or in other settings is required if the student’s ARD committee determines that the student needs access to those devices in order to receive free appropriate public education (34 CFR §§300.105; 300.324(a)(2)(v); 20 USC §1414(d)(3)(B)(v)).

Assistive technology means any device or equipment used to improve or maintain the function capabilities of a student with a disability. Assistive technology does not include a medical device that is surgically implanted. (34 CFR §§300.5-300.6)

KIPP SAN ANTONIO PUBLIC SCHOOLS may transfer an assistive technology device (ATD) in accordance to TEC, §30.0015. The transfer agreement must include the standards in TEC §30.0015, including the following:

1) The transferor and transferee must represent and agree that the terms of the transfer are based on the fair market value of the ATD, determined in accordance with generally accepted accounting principles.

2) The informed consent of the parent of the student with a disability, or the adult student, for whom the ATD is being transferred must be obtained before the transfer of an ATD pursuant to TEC, §30.0015. The procedures employed by KIPP SAN ANTONIO PUBLIC SCHOOLS in obtaining informed consent shall be consistent with the procedures employed by the school to obtain parental consent under 34 CFR §300.300. Consistent with 34 CFR, §300.505(c), informed parental or adult student consent need not be obtained if the school can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parent or the adult student has failed to respond. To meet the reasonable measures requirement, the school must use procedures consistent with those described in 34 CFR, §300.322(d).

3) If the transfer is a sale, then the sale of the ATD shall be evidenced by a "Uniform Transfer Agreement" (UTA) which includes the following:
(19 TAC 89.1056)

**Special Education Teacher Defined (20 U.S.C. §1401(10) (B) (i))**

When used with respect to any public elementary school or secondary school special education teacher teaching in a State, such term means that--the teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law.

**Compliance with Federal and State Personnel Standards for Individuals Serving Children with Disabilities**

KIPP SAN ANTONIO PUBLIC SCHOOLS shall ensure that personnel standards for all individuals serving children with disabilities are met in accordance with the Individuals with Disabilities Education Act (IDEA) and its procedures.

KIPP SAN ANTONIO PUBLIC SCHOOLS recognizes that both the No Child Left Behind Act and the IDEA provide that charter school teachers must meet the requirements set forth in the State’s public charter school law. 20 U.S.C. §7801(23) (A) (i); 20 U.S.C. §1401(10) (B) (i). In Texas, that means that the charter school special education teacher must be certified.

KIPP SAN ANTONIO PUBLIC SCHOOLS shall make an ongoing good-faith effort to recruit and hire appropriately and adequately certified and/or licensed personnel to provide a wide range of special education and related services to students with disabilities who are eligible for special education services. Special education staffing needs come from the individualized decisions made by the ARD committee.
KIPP SAN ANTONIO PUBLIC SCHOOLS shall ensure that all personnel necessary to carry out the requirements of the IDEA 2004 are appropriately and adequately certified and/or licensed, prepared and assigned.

KIPP SAN ANTONIO PUBLIC SCHOOLS adopts as policy the provisions under State and Federal law concerning personnel, including:

Charter school teachers must only meet the requirements of the State’s public charter school law, which differ from the requirements for Texas teacher certification. In Texas, State law does not require a teacher employed by an open-enrollment charter school to be certified unless the teacher is assigned to teach in special education or bilingual education programs, in which case the appropriate State certification is required. The minimum qualification under State law for a teacher at an open-enrollment charter school, other than a special education or bilingual education teacher, is a bachelor’s degree. However, the governing body of a charter holder may set the qualifications for teachers at a standard above what State law requires.

The open-enrollment charter school shall not employ a person as a teacher unless that person holds a bachelor’s degree. (TEC §12.129)

All special education and related service personnel shall be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 CFR §300.156; TEC §§21.002, 21.003, and 29.304; or appropriate state agency credentials. (19 T.A.C. §89.1131(a))

Notice to Parents – Qualifications
The Superintendent or designee shall provide to the parent or guardian of each student enrolled in KIPP SAN ANTONIO PUBLIC SCHOOLS written notice of the qualifications of each teacher employed by KIPP SAN ANTONIO PUBLIC SCHOOLS.

Additionally, the Superintendent or designee shall, at the beginning of each school year, notify the parents of each student attending KIPP SAN ANTONIO PUBLIC SCHOOLS that the parents may request, and KIPP SAN ANTONIO PUBLIC SCHOOLS shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:
1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.

3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

KIPP SAN ANTONIO PUBLIC SCHOOLS shall also provide to each individual parent timely notice that the parent’s child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.