2023–2024
Student Attendance Accounting Handbook

Texas Education Agency
September 2023

State Board of Education

KEVEN ELLIS
Chair
Lufkin
District 9

MELISSA N. ORTEGA
El Paso
District 1

LJ FRANCIS
Corpus Christi
District 2

MARISA B. PEREZ-DIAZ
Converse
District 3

STACI CHILDS
Houston
District 4

REBECCA BELL-METEREAU
San Marcos
District 5

WILL HICKMAN
Houston
District 6

JULIE PICKREN
Pearland
District 7

AUDREY YOUNG
Apple Springs
District 8

TOM MAYNARD
Florence
District 10

PATRICIA HARDY
Secretary
Fort Worth
District 11

PAM LITTLE
Vice Chair
Fairview
District 12

AICHA DAVIS
Dallas
District 13

EVELYN BROOKS
Frisco
District 14

AARON KINSEY
Midland
District 15

Foreword

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

The handbook:

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

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

Mike Morath
Commissioner of Education

Acknowledgments

The following were involved in the development of this publication.

Texas Education Agency

David Marx
Director, Financial Compliance

Joe Herrera
Manager, Financial Compliance

Staff members from the following divisions:

Charter Schools
College, Career and Military Preparation
Curriculum
Financial Compliance
Early Childhood Education
Early College Education
Governance & Investigations
Informational Technology Services
Instructional Resources & State Programs
Legal Services
Research and Analysis
Special Education Programs
Special Operations
Special Populations
Standards and Support Services
State Funding

Texas Education Agency

2023–2024
Student Attendance Accounting Handbook

Table of Contents

SECTION 1 OVERVIEW 17

1.1 Student Attendance and FSP Funding 18

1.2 Taking and Recording Student Attendance 18

1.3 Reporting of Attendance Information to TEA 19

1.4 Storage of Attendance Information 19

1.5 Auditing of Attendance Information 19

1.6 How to Use This Handbook 20

1.7 Significant Changes 21

SECTION 2 AUDIT REQUIREMENTS 23

2.1 General Audit Requirements 23

2.2 Accounting System Requirements 24
2.2.1 Paper-Based Attendance Accounting Systems vs. Automated Attendance Accounting Systems 24
2.2.2 Automated Attendance Accounting Systems 24
2.2.3 Paperless Attendance Accounting Systems 25
2.2.4 Disaster Recovery 26
2.2.5 Attendance System Procedures Manual 26

2.3 Required Documentation 26
2.3.1 Student Detail Reports 27
2.3.2 Campus Summary Reports 29
2.3.3 District Summary Reports 30
2.3.4 Reconciliation of Teacher's Roster Information and Attendance Accounting Records 31
2.3.5 Additional Required Documentation 31

SECTION 3 GENERAL ATTENDANCE REQUIREMENTS 35

3.1 Responsibility 35

3.2 Membership and Eligibility for Attendance and Foundation School Program (FSP) Funding 36
3.2.1 ADA Eligibility Coding 36
3.2.2 Funding Eligibility 39

3.2.3 Age Eligibility 42
3.2.4 Dual Credit (High School and College or University) 45

3.3 Enrollment Procedures and Requirements 45
3.3.1 Residency 45
3.3.2 District Responsibility to Secure Student Records 46
3.3.3 Documentation of Identity and Age 47
3.3.4 Failure to Receive Student Records and Discrepancies in Student Names 47
3.3.5 Entry and Reentry Dates 48
3.3.6 Student Entitlement to Attend School in a Particular District 48
3.3.7 Homeless Students 50
3.3.8 Immunization 50
3.3.9 Infants and Toddlers Who Are Deaf or Hard of Hearing or Have Visual Impairments or Both 51
3.3.10 Students Who Have Earned a Texas Certificate of High School Equivalency (TxCHSE) or Have Been Court Ordered to Obtain a TxCHSE 51

3.4 Withdrawal Procedures 51
3.4.1 Students 19 Years of Age or Older 52
3.4.2 Temporary Absences and Withdrawal 52
3.4.3 Students Whose Whereabouts Are Unknown 52
3.4.4 Information and Record Transfer 52
3.4.5 Students 21 Years of Age or Older and Placement in a Disciplinary Alternative Education Program (DAEP) or JJAEP 53

3.5 Compulsory Attendance 54

3.6 General Attendance-Taking Rules 54
3.6.1 Manual Entries for or Corrections to Student Attendance Data 55
3.6.2 Time of Day for Attendance Taking 55
3.6.3 Requirements for a Student to Be Considered Present for FSP (Funding) Purposes 57
3.6.4 Excused Absences for Compulsory Attendance Purposes 63
3.6.5 Instruction Provided Outside of the Regular School Day 63
3.6.6 Attendance Accounting during Testing Days 64
3.6.7 Attendance and Students Who Are Not in Membership or Are Served outside the Home District 64
3.6.8 Tardies 64
3.6.9 Effective Dates for Program Changes 65
3.6.10 Students Attending Nonresidential Treatment Facilities 65

3.7 General Education Homebound (GEH) Program 65
3.7.1 GEH Policy Requirements 66
3.7.2 GEH Committee 66
3.7.3 GEH Funding Chart 67
3.7.4 Test Administration and GEH 68
3.7.5 Transition from GEH to the Classroom 68
3.7.6 Transitioning Students with Chronic Illness between Homebound and the Classroom 69
3.7.7 Students with a Recurring Chronic or Acute Health Condition 69

3.8 Calendar 70
3.8.1 Makeup Days and Waivers 73
3.8.2 Closures for Bad Weather or Other Issues of Health or Safety 76
3.8.3 Summer School and State Funding 80

3.9 Data Submission 81

3.10 Quality Control 82

3.11 Examples 82

SECTION 4 SPECIAL EDUCATION 93

4.1 Responsibility 93

4.2 Special Education and Eligibility 93

4.3 Enrollment Procedures 94
4.3.1 Enrollment Procedures for a Student in Your District Who Was Not Previously Receiving Special Education Services 94
4.3.2 Enrollment Procedures for a Student in Your District Whose Instructional Setting Is Changing 95
4.3.3 Enrollment Procedures for a Student Who Is New to Your District but Was Previously Receiving Special Education Services 95
4.3.4 Enrollment Procedures for a Student Who Is New to Your District and Was Not Previously Receiving Special Education Services 97

4.4 Special Education Dismissal Procedure 98

4.5 Special Education Services for Private or Home School Students Who Are Eligible for and in Need of Special Education 98
4.5.1 Private or Home School Students Aged Three or Four Years 98
4.5.2 Private or Home School Students Aged Five through 21 Years 99

4.6 Interim Alternative Educational Placements 99

4.7 Instructional Setting Codes 99
4.7.1 Code 00 - No Instructional Setting (Speech Therapy) 101
4.7.2 Code 01 - Homebound 102
4.7.3 Code 02 - Hospital Class 108
4.7.4 Code 08 - Vocational Adjustment Class (VAC) 108
4.7.5 Code 30 - State Supported Living Centers 109
4.7.6 Applicable Federal Law and Additional Guidance Regarding the Location of Services for Students Currently Residing in a Hospital, Residential Facility, or State Supported Living Center 110
4.7.7 Code 31 - Home-Based Instruction 111
4.7.8 Code 32 - Center-Based Instruction 111
4.7.9 Code 34 - Other Environment 111
4.7.10 Code 40 - Special Education Mainstream 111
4.7.11 Code 41 or 42 - Resource Room/Services 113
4.7.12 Code 43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus 113
4.7.13 Additional Guidelines for Instructional Setting Codes 41–44 114
4.7.14 Code 45 - Full-Time Early Childhood Special Education Setting 116
4.7.15 Code 50 - Residential Nonpublic School 116
4.7.16 Code 60 - Nonpublic Day School 116
4.7.17 Code 70 - Texas School for the Blind and Visually Impaired 117
4.7.18 Code 71 - Texas School for the Deaf 117
4.7.19 Code 81, 82, 83, 84, 85, 86, 87, 88, or 89 - Residential Care and Treatment Facility (Not School District Resident) 117
4.7.20 Code 91, 92, 93, 94, 95, 96, 97, or 98 - Off Home Campus 119

4.8 Speech-Language Pathology Services (Speech Therapy) and Speech Therapy Indicator Codes.....121
4.8.1 Speech Therapy Indicator Codes 121

4.9 Early Childhood Special Education (ECSE) Services.....123
4.9.1 Eligibility for ECSE Services 123
4.9.2 ADA (State Funding) Eligibility for Students Receiving ECSE Services.....123
4.9.3 ECSE Services and Pre-K Programs.....124
4.9.4 ECSE Services and Kindergarten Programs 126
4.9.5 ECSE Services and Head Start 128
4.9.6 ECSE Services and Students Served in a District-Operated Preschool or Child Care Facility 128
4.9.7 ECSE Services and Students Served in a Community-Based Preschool or Child Care Facility.....128
4.9.8 Coding Chart: ECSE Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility 130
4.9.9 ECSE Services and Private or Home School Student Aged Three or Four Years and in Need of Special Education 131
4.9.10 Some Common Instructional Setting Codes for Students Receiving ECSE Services.....132

4.10 Special Education Services for Infants and Toddlers 133
4.10.1 Infants Receiving Visual Impairment Services, Orientation and Mobility (O&M) Services, or Both.....133
4.10.2 Infants Receiving Deaf or Hard of Hearing Services.....133
4.10.3 Infants (Birth through Two Years of Age) Receiving Home-Based Instruction 134
4.10.4 Infants (Birth through Two Years of Age) Receiving Center-Based Instruction 135
4.10.5 Infants (Birth through Two Years of Age) Receiving Services in Other Environment 135

4.11 Shared Services Arrangements (SSAs), Including Regional Day School Program for the Deaf SSAs 135
4.11.1 Regional Day School Programs for the Deaf (RDSPDs) 136

4.12 Coding Chart: Services for Students with Disabilities—Exceptions to the Norm 137

4.13 Extended School Year (ESY) Services 139

4.14 Exiting an Emergent Bilingual (EB)/English Learner (EL) Student Who Is Receiving Special Education Services Within a Bilingual Education or English as a Second Language (ESL) Program 140

4.15 Eligible Days Present and Contact Hours 140
4.15.1 Contact Hours for Each Instructional Setting.....140
4.15.2 Special Education Contact Hours 141
4.15.3 Excess Contact Hours 141
4.15.4 Eligible Mainstream Days Present 141

4.16 Special Education Documentation.....142

4.17 Teacher Requirements.....142

4.18 Examples.....143
4.18.1 Code 01 - Homebound Examples.....143
4.18.2 Code 02 - Hospital Class Examples.....145
4.18.3 Code 08 - Vocational Adjustment Class (VAC) Examples 146
4.18.4 Code 40 - Mainstream Examples 146
4.18.5 Codes 41 and 42 - Resource Room/Services Examples.....148
4.18.6 Codes 43 and 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus Examples 148
4.18.7 Code 45 - Full-Time Early Childhood Special Education Setting (FT ECSE) Example 149
4.18.8 Codes 81–89 - Residential Care and Treatment Facility (Nonresident) Examples.....150

4.18.9 Codes 91–98 - Off Home Campus Examples 151
4.18.10 Speech Therapy Indicator Code 1 Examples 154
4.18.11 Speech Therapy Indicator Code 2 Examples 155
4.18.12 Calculation of Excess Contact Hours Examples 156

SECTION 5 CAREER AND TECHNICAL EDUCATION (CTE) 159

5.1 Responsibility 159

5.2 Eligibility and Eligible Days Present 159
5.2.1 Eligibility of Students for Funding 160
5.2.2 Eligibility of Courses for Funding 160
5.2.3 Earning CTE Contact Hours 161
5.2.4 Earning CTE Contact Hours in a Non-Campus-Based Setting 161

5.3 Enrollment Procedures 162
5.3.1 Determining the Number of Students to Enroll in a Course 162

5.4 Withdrawal Procedures 162

5.5 CTE (Contact Hour) Codes 163
5.5.1 Special Instructions for Districts Operating Block Schedules 163

5.6 Computing Contact Hours 164

5.7 Career Preparation and Practicum Learning Experiences 165
5.7.1 Career Preparation Eligibility Requirements 165
5.7.2 Practicum Course Eligibility Requirements 166
5.7.3 Training Plan Requirements and Date on Which Students May Earn Contact Hours 166
5.7.4 Additional Requirements for Students Participating in Paid Learning Experiences 167
5.7.5 Required Site Visits by Teachers 167

5.8 Project-Based Research 167

5.9 Contracting with Other Entities to Provide CTE Instruction 168
5.9.1 Attendance Reporting Requirements 168
5.9.2 Student Absences and Contracted CTE Courses 168
5.9.3 Dual Credit CTE Courses 168

5.10 Documentation 168

5.11 Quality Control 169

5.12 Examples 169

SECTION 6 BILINGUAL/ENGLISH AS A SECOND LANGUAGE (ESL) 174

6.1 Responsibility 174

6.2 Identification of Emergent Bilingual (EB) Students and Enrollment Procedures 174
6.2.1 Students Transferring from within Texas 176

6.3 Initial Program Placement/Eligibility **177**
6.3.1 Students Participating in the Bilingual or ESL Education Program but Do Not Generate BEA Funding 177
6.3.2 Parental Denial of Services and Eligibility of Students to Receive Bilingual/ESL Summer School Services 178
6.3.3 Requirement to Serve Eligible Students 178

6.4 Program Services: Bilingual and ESL Education Services a District Is Required to Provide **178**

6.5 Program Services: Eligibility for State Bilingual Education Allotment (BEA) Funding **178**

6.6 Program Services: Teacher Certification Requirements **179**

6.7 Program Services: Eligible Days Present **180**
6.7.1 Eligible Days Present and Students Placed in a Disciplinary Setting 181

6.8 Reclassification Criteria and Exit Procedures **181**
6.8.1 Effective Date of Campus/District Withdrawal 181
6.8.2 Reclassification Procedures and Criteria for EB Students Receiving Special Education Services 182

6.9 Monitoring of a Student Who Has Been Reclassified **182**

6.10 Documentation **182**
6.10.1 Home Language Survey (HLS) Requirements 182
6.10.2 Other Required Documentation 183
6.10.3 Quality Control 184

6.11 Resources **184**

SECTION 7 PREKINDERGARTEN (PRE-K) **185**

7.1 Responsibility **185**

7.2 Eligibility **185**
7.2.1 Pre-K Eligibility and Age 186
7.2.2 Pre-K Eligibility Based on a Student's Identification as an English Learner (EL)/Emergent Bilingual (EB) 187
7.2.3 Pre-K Eligibility Based on Being Educationally Disadvantaged (Eligible for the NSLP) 188
7.2.4 Pre-K Eligibility Based on Homelessness 189
7.2.5 Pre-K Eligibility Based on a Parent's Membership in the Armed Forces 189
7.2.6 Pre-K Eligibility Based on a Child's Having Been in Foster Care 191
7.2.7 Pre-K Eligibility Based on a Parent's Star of Texas Award 192
7.2.7.1 Documentation Required 192

7.3 Enrollment Procedures **192**

7.4 Withdrawal Procedures **193**

7.5 Eligible Days Present and ADA Eligibility **193**
7.5.1 Students Who Are Eligible for Special Education and Are Served in a Pre-K Classroom 195

7.6 Examples **195**

SECTION 8 GIFTED/TALENTED **199**

8.1 Responsibility 199

8.2 Eligibility 199

8.3 Enrollment Procedures 200

8.4 Withdrawal Procedures 200

8.5 Policies for Selection of Students to Participate in the Gifted/Talented Program 200

8.6 Coding of Gifted/Talented Students 201

8.7 Documentation 201

8.8 Quality Control 201

8.9 Examples 202

SECTION 9 PREGNANCY-RELATED SERVICES (PRS) 203

9.1 Responsibility 205

9.2 Eligibility and Eligible Days Present 205
9.2.1 Absences 205
9.2.2 PRS Eligibility and Participation in Other State-Funded Programs 205
9.2.3 PRS and the Life Skills Program for Student Parents 206
9.2.4 Eligibility Timeline 206
9.2.5 Eligible Days Present 207

9.3 Enrollment Procedures 207

9.4 Withdrawal Procedures 208

9.5 PRS and District and Campus Improvement Plans 208

9.6 Student Detail Reports 208

9.7 On-Campus PRS Support Services 209

9.8 CEHI during Prenatal Confinement 209

9.9 CEHI during Postpartum Confinement 209
9.9.1 Beginning and Ending of CEHI during Postpartum Confinement 209
9.9.2 CEHI during Extended Confinement 210
9.9.3 CEHI during Break-in-Service Confinement 210
9.9.4 Additional Information on CEHI and Confinement 211

9.10 Confinement and Earning Eligible Days Present 211

9.11 Returning to Campus for Support Services or Testing 212

9.12 PRS and Special Education Services (SPED) 212

9.12.1 ARD Committee Meetings 212
9.12.2 SPED, PRS, and Earning Eligible Days Present 213

9.13 PRS and Career and Technical Education (CTE) 216

9.14 Test Administration at Home during CEHI 216

9.15 Documentation 216

9.16 Quality Control 217

9.17 Examples 218

SECTION 10 ALTERNATIVE EDUCATION PROGRAMS (AEPS) AND DISCIPLINARY REMOVALS 223

10.1 Responsibility 224

10.2 General Eligibility Requirements 224
10.2.1 "Double-Counting" of ADA for Students in AEPs 224
10.2.2 AEPs and Special Program Eligibility 224
10.2.3 DAEP or JJAEP Placement for Students 21 Years of Age or Older 224
10.2.4 Eligibility and Teacher Certification 224

10.3 School Calendar Requirements and Waivers of These Requirements 225
10.3.1 Requirements Specific to JJAEPs 225

10.4 Attendance Accounting Documentation 225

10.5 AEPs for Students in Residential Facilities 225

10.6 Disciplinary Removals and Programs 226
10.6.1 Students Required to Attend a JJAEP 226
10.6.2 Disciplinary Removals of Students with Disabilities 227
10.6.3 Out-of-School Suspension (OSS) 227

10.7 Examples 227

SECTION 11 NONTRADITIONAL PROGRAMS 229

11.1 Responsibility 229

11.2 General Requirements 229

11.3 College Credit Programs 230
11.3.1 Dual Credit (High School and College or University) Programs 235
11.3.2 College and Career Readiness School Models: Student Eligibility Requirements 237

11.4 Gateway to College (GTC) and Similar Programs 237

11.5 Additional Days School Year (ADSY) 238
11.5.1 ADSY Program Design 238
11.5.2 ADSY Reporting and Funding 239

11.5.3 Additional ADSY Information 239

11.6 Optional Flexible School Day Program (OFSDP) 239
11.6.1 Student Eligibility 240
11.6.2 OFSDP Attendance and Funding 240
11.6.3 Participation in the OFSDP and the Regular Attendance Program 241
11.6.4 Attendance Accounting and FSP Funding for OFSDP Participation through an Online Dropout Recovery Education Program 242
11.6.5 Application Process 242
11.6.6 FSP Funding Eligibility for Students 21 through 25 Years of Age 242
11.6.7 Reporting Requirements 243
11.6.8 Estimating OFSDP Funding 243
11.6.9 OFSDP Withdrawal Policy 243
11.6.10 More Information 243

11.7 Optional Flexible Year Program (OFYP) 243
11.7.1 Applying to Participate in the OFYP 244
11.7.2 Scheduling of OFYP School Days 244
11.7.3 Reporting OFYP Attendance 244
11.7.4 Additional Information 244

11.8 High School Equivalency Program (HSEP) 244
11.8.1 HSEP Eligibility Requirements 245
11.8.2 HSEP Attendance Accounting and Funding 245

11.9 Interstate Compact on Educational Opportunity for Military Children 246
11.9.1 Some Important Compact Definitions 246
11.9.2 Notable Compact Provisions and Requirements 247

SECTION 12 VIRTUAL, REMOTE, AND ELECTRONIC INSTRUCTION 249

12.1 Responsibility 249

12.2 Texas Virtual School Network (TXVSN) 249
12.2.1 Student Eligibility for the TXVSN 250
12.2.2 TXVSN FSP Funding and Attendance Accounting 252
12.2.3 Additional TXVSN Requirements and Information 254
12.2.4 Examples 254

12.3 Remote Instruction That Is Not Delivered through the TXVSN 257
12.3.1 Remote Conferencing—Regular Education Students 258
12.3.2 Remote Conferencing—Students Receiving Special Education and Related Services 260
12.3.3 Remote Homebound Instruction—Regular Education Students 262
12.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services 262
12.3.5 Distance Learning 263

12.4 On-Campus Online Courses Not Provided through the TXVSN 264

12.5 Self-Paced Computer Courses 264

12.6 Virtual Instruction (Local Remote Learning Programs under the TEC, §29.9091, or as Modified by the TEC, §48.007(c)) 265

12.6.1 Methods of Virtual Instruction 265
12.6.2 Student Eligibility for ADA Funding 266
12.6.3 Attendance Taking and Minutes Requirements 267

SECTION 13 APPENDIX: AVERAGE DAILY ATTENDANCE (ADA) AND FUNDING 271

Definitions 271

Information on Weights 273

GLOSSARY 279

RESOURCES 291

Section 1 Overview

Under state law,[1] every Texas school district is required to adopt an attendance accounting system, whether manual or automated, that includes procedures that ensure the accurate taking, recording, and reporting of attendance accounting data. District staff members must report attendance information through TSDS PEIMS to the Texas Education Agency (TEA). TEA then uses these attendance data to determine the allocation of FSP funds (state funding) to your district.

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

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

The handbook establishes the statements of general applicability implementing the law regarding average daily attendance. Pursuant to the Texas Education Code (TEC), §48.005(n), and other relevant authority, the Commissioner may waive certain provisions in this handbook. In order to receive a waiver issued by the Commissioner, a local education agency (LEA) must meet any requirements or fulfill any conditions set by the Commissioner to receive the waiver. A waiver is not effective until it is granted by the Commissioner.

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

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

Note: Since the term highly qualified was repealed, the state must ensure that paraprofessionals who take attendance meet certain standards. Paraprofessionals that take attendance are required to meet one of the criteria for educational aide I, II, or III. These criteria can be found on the "Becoming an Educational Aide in Texas" web page located at https://tea.texas.gov/Texas_Educators/Certification/Initial_Certification/Becoming_an_Educational_Aide_in_Texas/.

[1] Texas Education Code (TEC), §48.008(b)
[2] TEC, §48.008(a)

1.1 Student Attendance and FSP Funding

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

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

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

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

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

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

1.2 Taking and Recording Student Attendance

It is your district's responsibility to ensure that the basis used to record and process attendance accounting data meets the standards in this handbook.[5]

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

[3] 19 Texas Administrative Code (TAC) §129.21(a)
[4] TEC, §48.008
[5] 19 TAC §129.1025

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

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

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

1.3 Reporting of Attendance Information to TEA

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

See Section 3 General Attendance Requirements for additional information.

1.4 Storage of Attendance Information

Your district's superintendent of schools is responsible for the safekeeping of all attendance records and reports. The superintendent may determine whether the properly certified attendance records or reports for the school year are to be filed in the central office or properly stored on the respective school campuses of your district or at a secure offsite location.

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

1.5 Auditing of Attendance Information

Regardless of where attendance records are filed or stored, they must be readily available for audit by the Financial Compliance Division of TEA. Auditors have the authority to examine attendance records for any year for which your district is required to retain records (see Section 2 Audit Requirements). **If auditors detect errors during an audit, TEA will either assess an adjustment to subsequent allocations of state funds or require your district to refund the total amount of the adjustment when the audit is finalized**.

1.6 How to Use This Handbook

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

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

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

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

Handbook Section(s)	Description
Section 1 Overview	The **Overview** section describes the importance of attendance accounting, how funding and attendance are related, the organization of this handbook, and significant changes from the prior year.
Section 2 Audit Requirements	**Audit Requirements** establishes minimum standards for all required documentation, sets the time limit for record retention, and discusses areas of attendance accounting that deserve particular attention.
Section 3 General Attendance Requirements	**General Attendance Requirements** discusses the responsibilities of district personnel, enrollment and withdrawal procedures, basic rules of attendance accounting for all attendance systems, ADA eligibility codes and general eligibility requirements, the school calendar, data submission, documentation required to prove FSP eligibility, tips for quality control of attendance data, and examples.
Sections 4–9	These sections address each special program area under the FSP. Each section discusses the responsibilities of district personnel, enrollment and withdrawal procedures, special rules, documentation to prove special program eligibility, tips for quality control of special program attendance data, and examples.
Section 10 Alternative Education Programs (AEPS) and Disciplinary Removals	**Alternative Education Programs and Disciplinary Removals** discusses various alternative education programs, in-school suspension programs, and education programs for incarcerated youth, as well as disciplinary removals.
Section 11 Nontraditional Programs	**Nontraditional Programs** discusses education programs that have alternative methods of funding or are provided in alternative settings.
Section 12 Virtual, Remote, and Electronic Instruction	**Virtual, Remote, and Electronic Instruction** discusses Texas Virtual School Network (TXVSN) programs and courses, other online courses, remote instruction, and self-paced computer courses.
Section 13 Appendix	The **Appendix** section explains how ADA is calculated and provides information on weighting of ADA.
Glossary	The **Glossary** section defines terms used in the handbook.

Note: The web addresses provided throughout the handbook are subject to change. If a particular TEA web address is no longer working, search for the topic you are interested in using the TEA website's search function or using the TEA A–Z Index at https://tea.texas.gov/about-tea/welcome-and-overview/a-z-index. You can also access this page on the TEA website by clicking on the A–Z Index link at the top of that page.

1.7 Significant Changes

The Change Document describes the significant changes from the 2021–2022 handbook. For a comprehensive list of changes, see the Change Document at http://tea.texas.gov/Finance_and_Grants/Financial_Compliance/Student__Attendance_Accounting_Handbook/.

Section 2 Audit Requirements

As stated in Section 1 Overview, the superintendent of schools is responsible for the safekeeping of all attendance records and reports. Your district may store these records or reports in a central office or at the respective school campuses. Regardless of where they are stored, the records must be readily available for audit[6] by TEA. **Incomplete or inaccurate data will result in attendance not being allowed.**

2.1 General Audit Requirements

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

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

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

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

All documentation required for audit purposes is outlined in 2.3 Required Documentation. Documentation must do the following:

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

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

[6] as authorized by the TEC, §§48.270, 44.008, and 44.010

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

2.2 Accounting System Requirements

The attendance accounting system[7] your district uses must do the following:

- use the coding structure defined in the TSDS PEIMS Data Standards as they relate to attendance.
- possess the ability to readily reproduce the student attendance data described in 2.3 Required Documentation on notification of an audit, regardless of the medium of storage the system uses.

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

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

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

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

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

2.2.2 Automated Attendance Accounting Systems

Your district must retain paper copies of all required attendance records for five years, unless an automated attendance accounting system is being used. If it chooses, a district using an automated attendance accounting system may store any attendance accounting record or report electronically provided the district also retains the hardware and software necessary to access and reproduce the attendance data in an acceptable format (see the last paragraph of this subsection). If your district is

[7] Unless a distinction is made between manual and automated systems, all standards described in the handbook apply to all attendance accounting systems.

unable to keep compatible hardware, backup copies of software, or both, or if the district does not possess the technical expertise to reproduce the unaltered data in an acceptable format when notified of an audit, paper copies are required for the entire retention period.[8]

Your district must manage automated attendance accounting systems properly to meet audit documentation standards. An effective system of internal controls must be in place to maintain data integrity (completeness and accuracy) and the ability to reproduce, for audit purposes, all required documentation that your district elected to store electronically. Note that outside technical assistance may be required to ensure your district's automated attendance accounting system can reproduce all required documentation at the time your district is notified of an audit. TEA recommends your district test the procedures for reproducing required audit documentation in an acceptable format before deciding to retain reports or records in an electronic format instead of a paper format.

If your district uses an automated attendance accounting system, it must recognize how changes to the system's hardware and software from year to year affect your district's ability to reproduce attendance accounting records from prior years. Therefore, when changes occur to the system software (for example, yearly updates to the attendance accounting program), your district must be certain that the new program will access the prior years' attendance data and produce an acceptable report format. It is also important, when changes occur to your district's hardware (for example, your district purchases new hardware), to investigate whether the new hardware is compatible, so that it will access the prior years' attendance data and produce an acceptable report format. **In some cases, it is advisable to print and retain paper copies for audit purposes instead of storing the data electronically.**

2.2.3 Paperless Attendance Accounting Systems

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

If attendance data cannot be reproduced in an acceptable format at the time of an audit, a school district may be held financially responsible for its inability to reproduce the required documentation listed in 2.3.5 Additional Required Documentation.

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

- requirement that teachers log on to the system using distinct secret passwords
- timing out (automatic shutoff) if the program has not had any activity in an appropriately short period of time (for example, 10 minutes)
- ability to report the date, time, and identity of the teacher entering the attendance data (present and absent), upon request
- ability to report the date, time, and identity of the individual making changes to the attendance data (present and absent) report, upon request

[8] Local Schedule SD - Retention Schedule for Records of Public School Districts, Texas State Library and Archive Commission

- provision of a positive confirmation for 100 percent of attendance (teacher submits “all present” rather than showing no one absent)

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

2.2.4 Disaster Recovery

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

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

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

2.2.5 Attendance System Procedures Manual

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

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

2.3 Required Documentation

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

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

For schools offering multiple tracks, student detail must be summarized by individual tracks. Data totals for all track level **Student Detail Reports** must add up to respective totals on the **Campus Summary**

Report. Likewise, data totals for all **Campus Summary Reports** must add up to respective totals on the **District Summary Report**.

2.3.1 Student Detail Reports

Student Detail Reports must contain the following data:

1. name of the district and the campus
2. county-district-campus number
3. reporting period code (This is generally described as six weeks, but does not necessarily consist of six weeks; for reporting purposes, the school year must be divided into six, approximately equal reporting periods.)
4. beginning and ending dates of reporting period, including the year
5. total number of days of instruction in the reporting period
6. instructional track (INSTRUCTIONAL-TRACK-INDICATOR-CODE) attended by the student (Please note that campuses that offer multiple instructional tracks will have multiple Student Detail Reports.)
7. all identification data elements for the student:
    - legal first, middle, and last name
    - generation code, where applicable
    - gender
    - date of birth
    - age as of September 1
    - Texas Unique ID
    - Social Security number or state-assigned alternative ID number
    - ethnic group
    - first and last name of parent or guardian with whom the student resides
    - address of parent or guardian with whom the student resides, including the street number, route number, or PO box number; city; zip code; and campus ID of residence for nonresident students
8. the student's original entry date and all subsequent withdrawal and reentry dates, where applicable (regular classroom and all special programs)
9. the student's grade level code
10. the student's economically disadvantaged code
11. the student's:
    - ADA eligibility code (Section 3 General Attendance Requirements)
    - special education instructional setting code (Section 4 Special Education)
    - speech therapy indicator code (Section 4 Special Education)
    - bilingual program type code and English as a Second Language (ESL) program type code (Section 6 Bilingual/English as a Second Language (ESL))
    - gifted/talented indicator code (Section 8 Gifted/Talented)
    - PRS code (Section 9 Pregnancy-Related Services (PRS)), where applicable
12. the student's absences (from the official attendance snapshot) by date for each six-week reporting period
13. the following, by six-week reporting period:
    - the student's total days membership
    - total days absent
    - total days present (in-person, remote synchronous, and remote asynchronous)

- total eligible days present and total eligible minutes present for Optional Flexible School Day Program (OFSDP) or High School Equivalency Program (HSEP) students
- total ineligible days present and total ineligible minutes present for OFSDP or HSEP students

14. the student's total eligible days present by six-week reporting period
15. the student's total eligible days present and total eligible minutes present for OFSDP or HSEP students in career and technology by six-week reporting period, where applicable
16. the student's number of excess contact hours earned in one day, where applicable
17. the student's total excess contact hours by instructional setting code by six-week period, where applicable
18. attendance data totals for all students, **summarized by grade** and including:
    - days membership (both eligible and ineligible students)
    - days absent (both eligible and ineligible students)
    - total days present (both eligible and ineligible students) (in-person, remote synchronous, and remote asynchronous)
    - ineligible days present and total ineligible minutes present for OFSDP or HSEP students
    - eligible days present and total eligible minutes present for OFSDP or HSEP students
    - eligible days present for bilingual/ESL students (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL dual language one-way program (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL dual language two-way program (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL dual language two-way program (Non EL-EB/English Proficient) (in-person, remote synchronous, and remote asynchronous)
    - eligible days present for PRS students (in-person, remote synchronous, and remote asynchronous)
    - eligible days present for special education mainstream students (in-person, remote synchronous, and remote asynchronous)
    - eligible days early education allotment educationally disadvantaged (grades kindergarten through three), if applicable
    - eligible days early education allotment bilingual/ESL (grades kindergarten through three), if applicable
    - eligible days early education allotment educationally disadvantaged and bilingual/ESL (grades kindergarten through three), if applicable
    - eligible days residential facility (in-person, remote synchronous, and remote asynchronous)
19. track total for all grades for all data required in 18 above
20. track ADA (regular classroom eligible participation, bilingual/ESL, PRS, mainstream, early education allotment, and residential)
21. total eligible days present, total eligible minutes present for OFSDP or HSEP students
22. total contact hours for all career and technical education codes (V1–V3) by grade and a campus total for all grades, where applicable
23. total eligible days present, total contact hours, and total excess contact hours for all special education instructional settings, including speech therapy, by grade and a campus total for all grades, where applicable
24. signature page, signed by persons recording data and persons approving data (This page may be signed each six-week reporting period or each semester at local discretion. If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page [for example,

a feature that allows approvers to indicate their approval of data electronically] is acceptable in lieu of a paper signature page.)

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

2.3.2 Campus Summary Reports

Campus Summary Reports summarize all tracks on a campus and must include the following data:

1. name of the district and the campus
2. county-district-campus number
3. six-week reporting period
4. beginning and ending dates of the reporting period, including the year (If the campus has multiple tracks, the earliest track beginning date and latest track ending date should be indicated.)
5. attendance data totals for all students, **summarized by grade** and including:
    - days membership (both eligible and ineligible students)
    - days absent (both eligible and ineligible students)
    - total days present (both eligible and ineligible students)
    - ineligible days present
    - eligible days present (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL dual language one-way program (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL dual language two-way program (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL dual language two-way program (Non EL-EB/English Proficient) (in-person, remote synchronous, and remote asynchronous)
    - eligible days PRS (in-person, remote synchronous, and remote asynchronous)
    - eligible days special education mainstream (in-person, remote synchronous, and remote asynchronous)
    - eligible days early education allotment educationally disadvantaged (grades kindergarten through three), if applicable
    - eligible days early education allotment bilingual/ESL (grades kindergarten through three), if applicable
    - eligible days early education allotment educationally disadvantaged and bilingual/ESL (grades kindergarten through three), if applicable
    - eligible days residential facility (in-person, remote synchronous, and remote asynchronous)
6. campus total for all grades for all data required in item 5 above
7. total days absent reported by date for entire calendar
8. campus ADA (regular classroom eligible participation, bilingual/ESL, PRS, mainstream, early education allotment, and residential)
9. total eligible days present and total contact hours for all CTE codes (V1–V3), if applicable
10. total eligible days present, total contact hours, and total excess contact hours for all special education instructional settings, including speech therapy, if applicable
11. full-time equivalent (FTE) calculations for all special programs reported for data required in items 9 and 10

12. total number of students, by grade, who were served in a state-approved gifted/talented program, if applicable
13. signature page, signed by persons recording data and persons approving data (This page may be signed each six-week reporting period or each semester at local discretion. If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page [for example, a feature that allows approvers to indicate their approval of data electronically] is acceptable in lieu of a paper signature page.)

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

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

2.3.3 District Summary Reports

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

1. name of the district
2. county-district number
3. six-week reporting period
4. beginning and ending dates of the reporting period, including the year (If the district has multiple campuses or tracks, the earliest track beginning date and latest track ending date should be indicated.)
5. totals of all campus data, **summarized by grade** and including:
    - days membership (includes eligible and ineligible students)
    - days absent (includes eligible and ineligible students)
    - total days present (includes eligible and ineligible students)
    - ineligible days present
    - eligible days present (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL dual language one-way program (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL dual language two-way program (in-person, remote synchronous, and remote asynchronous)
    - eligible days bilingual/ESL dual language two-way program (Non EL-EB/English Proficient) (in-person, remote synchronous, and remote asynchronous)
    - eligible days PRS (in-person, remote synchronous, and remote asynchronous)
    - eligible days special education mainstream (in-person, remote synchronous, and remote asynchronous)
    - eligible days early education allotment educationally disadvantaged (grades kindergarten through three)
    - eligible days early education allotment bilingual/ESL (grades kindergarten through three)
    - eligible days early education allotment educationally disadvantaged and bilingual/ESL (grades kindergarten through three)
    - eligible days residential facility (in-person, remote synchronous, and remote asynchronous)
6. district total for all grades for all data required in item 5 above

7. district ADA (regular classroom eligible participation, bilingual/ESL, PRS, mainstream, early education allotment, and residential)
8. total eligible days present and total contact hours for all CTE codes (V1–V3), if applicable
9. total eligible days present, total contact hours, and total excess contact hours for all special education instructional settings, including speech therapy, if applicable
10. FTE calculations for all special programs reported for data required in items 8 and 9
11. total number of students, by grade, who were served in a state-approved gifted/talented program, if applicable
12. signature page, signed by persons recording data and persons approving data (This page may be signed each six-week reporting period or each semester at local discretion. If your district uses a paperless attendance accounting system, the electronic equivalent of a signature page [for example, a feature that allows approvers to indicate their approval of data electronically] is acceptable in lieu of a paper signature page.)

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

- Scrutinize regular attendance totals and special program attendance totals based on approximate membership.
- Investigate all data totals that have an exceptionally high value or a value of zero.
- Compare current year totals to prior year totals to detect unreasonable differences.
- Charter schools are required to submit six-week District Summary Report data via the FSP payment system.

2.3.4 Reconciliation of Teacher's Roster Information and Attendance Accounting Records

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

The reconciliation does not need to be conducted on the last day of the six-week reporting period. However, it should be conducted no later than the final week of the six-week period and should take place on the same day for all campuses within an LEA. The reconciliation should be for the official attendance period (usually second period).

2.3.5 Additional Required Documentation

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

1. documentation of a student's age and identity (to be retained as long as administratively valuable to the district) (see 3.3 Enrollment Procedures and Requirements)
2. documentation of a student's residency or other eligibility for enrollment (see 3.3 Enrollment Procedures and Requirements)
3. grade books (They are retained for one year after entering grades into the student's Academic Achievement Record [AAR]. Grade books are especially important in proving a student's special program service when end-of-semester grades are not received.[9])
4. period absence reports (for example, slips, six-week attendance cards, etc.), if used, from the official attendance hour, signed and dated within one calendar week of the attendance by the teacher
5. for paperless accounting systems in which absences are posted directly to the automated system, sufficient paper documentation to support any changes to posted absences (see 2.2.3 Paperless Attendance Accounting Systems)
6. Campus Daily Absence Summary Reports, if used
7. class admittance slips or other documentation to support the claim that a student was with a nurse, counselor, assistant principal, or other school official at the time attendance was taken (see 3.6.3 Requirements for a Student to Be Considered Present for FSP (Funding) Purposes)
8. documentation supporting the claim that a student was attending a board-approved activity, accompanied by a professional staff member, adjunct staff, or a paraprofessional staff member of the district, signed by the staff member who supervised the student (see 3.6.3 Requirements for a Student to Be Considered Present for FSP (Funding) Purposes)
9. documentation supporting the claim that a student was at a documented appointment with a health care professional (see 3.6.3 Requirements for a Student to Be Considered Present for FSP (Funding) Purposes)
10. documentation supporting the claim that a student was participating in a district-approved mentorship through the Distinguished Achievement Program (see 3.6.3 Requirements for a Student to Be Considered Present for FSP (Funding) Purposes)
11. if any data changes are made to reports after they have been submitted to TEA, updated or corrected copies of all reports (see 3.10 Quality Control)
12. copies of a student's schedule showing the date of change if a student experienced a program change, including dates of withdrawal (for example, documentation showing a student changed from a one-hour to a three-hour CTE course or documentation showing a student withdrew from the program)
13. copies of any approved waivers your district may have received that affect funding
14. a copy of the official school calendar reflecting all days of instruction and holidays (including bad weather days) for each instructional track offered in your district, with each six-week reporting period clearly identified
15. special program documentation as described in each special program section in this handbook, including proof of service (see item 3 above)
16. documentation to support a student's economically disadvantaged status
17. documentation that indicates the meaning of all locally designed codes in the attendance system
18. a copy of the community-based dropout recovery education program[10] contract, if applicable
19. written, local board or board-approved designee adopted policies that provide specific detailed information on the district's or charter school's attendance accounting system (These written, local board or board-approved designee adopted policies must include the district's or charter's written policy for documentation for establishing a student's residency [see 3.3.1 Residency].

[9] Local Schedule SD – Retention Schedule for Records of Public School Districts, Texas State Library and Archive Commission
[10] See the definition provided in the Glossary.

20. board-approved local policy that defines the instruction methods (i.e., synchronous, asynchronous, or a combination of both) (This local policy should include the official attendance times for synchronous instruction. Additionally, if the board policy indicates approval for asynchronous method, the LEA must create an asynchronous instructional plan.)
21. documentation of a student's instructional schedule, whether synchronous or asynchronous, that includes the minimum amount of instructional time to meet the two-through-four rule

Section 3 General Attendance Requirements

This section provides information on general attendance reporting requirements.

3.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel responsible for answering general attendance questions.

Name: _____

Phone Number: _____

As stated in previous sections, the district **superintendent** is ultimately responsible for the accuracy and safekeeping of all attendance records and reports. These records must be available for audit by the TEA Financial Compliance Division or for review by the State Funding Division. By signing the District Summary Report—or, in the case of a paperless attendance accounting system, by indicating his or her approval of data electronically—the superintendent affirms that he or she has taken measures to verify the accuracy and authenticity of the attendance data.[11] **Important: If TEA detects errors during an audit, the agency either will assess an adjustment to subsequent allocations of state funds or will require your district to refund the total amount of the adjustment when the audit is finalized.**

The **principal** of each campus is responsible for reviewing his or her respective Campus Summary Reports for completeness and accuracy. A principal should compare reports from TEA, which reflect TSDS PEIMS data, to locally produced reports for reasonableness and accuracy. By signing the Campus Summary Report—or, in the case of a paperless attendance accounting system, by indicating his or her approval of data electronically—a principal affirms that he or she has checked, or caused to be checked, the accuracy and authenticity of the attendance data.

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

The **teacher** who initially records an absence is responsible for the accuracy of the report and attests to the validity of the data with his or her signature—or, in the case of a paperless attendance accounting system, with his or her entry of those data using the teacher's logon with a distinct secret password.

The **attendance personnel** generating absence summaries and transcribing the absences or coding information into the accounting system are responsible for adhering to all laws and regulations pertaining to student attendance accounting. Each person entering data into the attendance accounting system must sign an affidavit attesting that the data he or she has entered are true and correct to the

[11] TEC, §48.270

best of his or her knowledge—or, in the case of a paperless attendance accounting system, indicate electronically that the person attests that the data he or she has entered are true and correct to the best of his or her knowledge.

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

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

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

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

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

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

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

3.2.1 ADA Eligibility Coding

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

Note: The two-through four-hour rule includes recess and in-class breakfast.

Note: For prekindergarten (pre-K) ONLY, the two-through four-hour rule includes recess, breakfast, and lunch.

3.2.1.1 Code 0 Enrolled, Not in Membership

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

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

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

3.2.1.2 Code 1 Eligible for Full-Day Attendance

Code 1 indicates that a student is eligible to generate full-day attendance. Code 1 applies to all students entitled to enroll under the TEC, §25.001, who are scheduled and provided instruction at least four hours each school day.

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

3.2.1.3 Code 2 Eligible for Half-Day Attendance

Code 2 indicates that a student is eligible to generate half-day attendance. Code 2 applies to all students entitled to enroll under the TEC, §25.001, who are scheduled for and provided instruction at least two hours but fewer than four hours each school day for the purposes of ADA. These students include pre-K students who meet the eligibility requirements in Section 7 Prekindergarten (Pre-K) (see 7.5 Eligible Days Present and ADA Eligibility). Additionally, districts providing a full-day pre-K program to eligible four year olds would need to provide 75,600 operational minutes unless they have received a waiver from the agency.

3.2.1.4 Code 3 Eligible Transfer Student Full Day

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

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

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

3.2.1.5 Code 4 Ineligible Full Day

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

3.2.1.5.1 Underage:

- children provided instruction in an early childhood special education (ECSE) services program who are under the age of three, except for children with serious visual or hearing impairments or both
- children provided instruction in pre-K who are under the age of three on September 1 of the current school year
- children provided instruction in any grade (K–12) who are under age five on September 1 of the current school year are ineligible for full-day funding (see the notes under the table in 3.2.3 Age Eligibility for exceptions). However, a four-year-old who is eligible for pre-K is eligible for half-day funding even if the student is provided instruction in a kindergarten classroom. The student must be coded with a grade level of pre-K.

3.2.1.5.2 Overage:

- students who are 26 years old on September 1 of the current school year and not enrolled in an adult high school diploma and industry certification charter school pilot program

3.2.1.5.3 Other:

- nonresident students who have not been transferred into your district
- students who reside outside the boundaries of the state of Texas
- students served by a juvenile justice alternative education program (JJAEP) on the basis of an expulsion under the TEC, §37.007(a), (d), or (e), unless specifically authorized in writing by TEA[12]
- students placed in residential facilities within your district whose maintenance expenses are paid in whole or in part by another state or the United States[13]
- students who are required, as a condition of obtaining or holding the appropriate US student visa, to pay tuition to your district to cover the cost of their education[14]

3.2.1.6 Code 5 Ineligible Half Day

Code 5 indicates that a student is scheduled for and provided instruction for at least two hours but fewer than four hours each school day but is ineligible to generate ADA (for any of the reasons listed in the preceding subsection on code 4). Code 5 applies to any student who is provided half-day instruction

[12] TEC, §37.011(h)
[13] TEC, §25.003 (Adopted tuition charges under this section must be submitted to the commissioner of education for approval.)
[14] TEC, §25.0031(c)

but does not meet the eligibility criteria for the service he or she receives. Examples include the following:

- students enrolled only in pre-K who do not meet the pre-K eligibility requirements in Section 7 Prekindergarten (Pre-K)
- students enrolled in locally funded pre-K programs offered by your district
- students provided instruction by a JJAEP on the basis of an expulsion under the TEC, §37.007(a), (d), or (e), unless specifically authorized in writing by TEA
- students who are required, as a condition of obtaining or holding the appropriate US student visa, to pay tuition to your district to cover the cost of their education[15]

3.2.1.7 Code 6 Eligible Transfer Student Half Day

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

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

3.2.1.8 Code 7 Eligible—Flexible Attendance Program Participation

Code 7 applies to a student who is eligible to participate in and is enrolled and provided instruction in an alternative attendance program, such as the OFSDP or the HSEP.

3.2.1.9 Code 8 Ineligible—Flexible Attendance Program Participation

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

3.2.1.10 Code 9 Enrolled, Not In Membership Due to Virtual Learning

Code 9 applies to a student who is enrolled in a virtual learning program but not in membership. This code applies to students who are attending a virtual program under SB15 and are not eligible to participate in the program.

3.2.2 Funding Eligibility

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

1) be scheduled and provided instruction at least two hours (half-day attendance) or at least four hours (full-day attendance) each day (referred to as the two-through-four-hour rule) or
2) be eligible for, enrolled in, and scheduled and provided instruction in an alternative attendance accounting program (such as the OFSDP).
3) participate in work-based learning opportunities for at least two hours (half-day attendance) or at least four hours (full-day attendance). Work-based learning opportunities include internships, externships, apprenticeships, and mentorships. (This is not an exhaustive list of work-based learning opportunities). See 3.6.3 Requirements for a Student to Be Considered Present for FSP (Funding) Purposes.

[15] TEC, §25.0031(c)

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

Note: The two-through-four hour rule includes recess and in-class breakfast.

Note: For pre-K ONLY, the two-through four-hour rule includes recess, breakfast, and lunch.

If the student is scheduled for and provided instruction	**the student**	**and should be reported with**
fewer than two hours (120 minutes) per day,	is **not** eligible to generate ADA	ADA eligibility code 0.
at least four hours (240 minutes) per day,	is eligible for full-day attendance (is eligible to generate ADA)	ADA eligibility code 1.
at least two hours (120 minutes) but fewer than four hours (240 minutes) per day,	is eligible for half-day attendance (is eligible to generate ADA)	ADA eligibility code 2.
at least four hours (240 minutes) per day and meets the requirements for an eligible student other than residency or an alternative basis for eligibility under the TEC, §25.001,	is eligible for full-day attendance (is eligible to generate ADA). This status applies to a student who legally transfers from one Texas district to another Texas district and meets all eligibility criteria other than residency	ADA eligibility code 3.
at least four hours (240 minutes) per day but does not meet the eligibility requirements,	is **not** eligible to generate ADA (see 3.2.1.5 Code 4 Ineligible Full Day for more information)	ADA eligibility code 4.
at least two hours (120 minutes) per day but does not meet the eligibility requirements,	is **not** eligible to generate ADA (see 3.2.1.6 Code 5 Ineligible Half Day for more information)	ADA eligibility code 5.
at least two hours (120 minutes) per day and meets the requirements for an eligible student other than residency or an alternative basis for eligibility under the TEC, §25.001,	is eligible for half-day attendance (is eligible to generate ADA). This status applies to a student who transfers from one Texas district to another Texas district and meets all eligibility criteria other than residency	ADA eligibility code 6.
through a flexible program, such as OFSDP, according to the requirements of that program,	is eligible for flexible attendance program participation (is eligible to generate ADA)	ADA eligibility code 7.
through a flexible program, but not according to the requirements of that program,	is ineligible for flexible attendance program participation (is **not** eligible to generate ADA)	ADA eligibility code 8.
through a remote program, but does not meet the eligibility requirements for the program,	is not eligible to generate ADA but would be eligible for certain FSP allotment funding	ADA eligibility code 9.

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

Two-through-four-hour rule eligibility chart

Included	Not Included
• instruction • in-class breakfast • breakfast and lunch (pre-K only) • recess • work-based learner • study program for state assessments (if the student has met all graduation requirements)	• study hall • sign ins • repeated courses (if a student has already received credit for that course)

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

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

Instructional hours must not be averaged to determine attendance eligibility.

3.2.2.1 Study Halls Not Eligible as Instructional Hours

To be eligible for attendance for FSP purposes, students must either be provided instruction at least two hours (half-day attendance) or at least four hours (full-day attendance) each school day or be eligible for, enrolled in, and provided instruction in an alternative attendance accounting program. **Study halls are not considered instruction** and do not count toward the accumulation of attendance hours for FSP funding purposes.

3.2.2.2 Time Spent in Course for Which Student Has Already Received Credit

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

3.2.2.3 Funding Eligibility of Students Who Have Met All Graduation Requirements

If a student has completed all the requirements for a high school diploma, the student is not eligible to continue to generate ADA for funding purposes. Exceptions are students who are eligible to graduate but who continue their education to meet the requirements of a higher high school diploma standard;

students enrolled in a TEA-designated Pathways in Technology Early College High School (P-TECH) and coded in TSDS PEIMS (E1612); or students who have not met the assessment requirements for graduation. (See 3.2.2.4 Funding Eligibility of Students Who Have Met All Graduation Requirements Except Passing Required State Assessments.)

3.2.2.4 Funding Eligibility of Students Who Have Met All Graduation Requirements Except Passing Required State Assessments

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

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

3.2.2.5 Funding Eligibility for Students Awarded a Diploma Outside of the United States

If a student has been awarded a high school diploma, the student is not eligible to continue to generate ADA for funding purposes. However, a student who holds a diploma from a country outside of the United States may be eligible to enroll and generate ADA for funding purposes in a Texas public school if the district has determined that the diploma does not meet the minimum requirements for a Texas high school diploma. Districts must evaluate out of country transcripts carefully. These students must still meet eligibility requirements for funding.

3.2.2.6 Funding Eligibility of Students Eligible for ECSE Services and Served in a Pre-K Classroom

See 4.9.3 ECSE Services and Pre-K Programs and 7.5.1 Students Who Are Eligible for Special Education and Are Served in a Pre-K Classroom for detailed information about students who are eligible for ECSE services and served in a pre-K classroom.

3.2.3 Age Eligibility

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

Eligible	Ineligible
a student who is at least five years old on September 1 of the current school year but is less than 21 years old by the same date[16] (See 3.2.3.1 Additional Information about Minimum Eligible Age.)	a student who is not at least five years old on September 1 of the current school year or is not less than 21 years old by the same date, unless the student meets some other eligibility requirement listed in the "Eligible" column
a student who is at least 21 years of age but less than 26 years of age on September 1 of the current school year and has been admitted by your school district to complete the requirements of a high school diploma[17] (See 3.2.3.2 Additional Information about Maximum Eligible Age.)	a student who has previously graduated from high school
a student who is at least 19 years of age but less than 51 years of age on September 1 of the current school year and enrolled in an adult high school diploma and industry certification charter school pilot program[18]	a student who does not reside in Texas (even if the student's parent or grandparent does)
a student who has a disability and who has reached his or her third birthday and meets other special education eligibility requirements described in Section 4 Special Education	a student with disabilities who has graduated with a high school diploma under 19 TAC §89.1070(b)(1) or (f)(1) or no longer meets age eligibility under 19 TAC §89.1070(b)(3)(D) or (f)(4)(D) (This student is no longer eligible to receive services or generate ADA.)
from date of birth through age two, a child who has serious visual impairments, hearing impairments, or both and who meets other special education eligibility requirements described in Section 4 Special Education	
a student receiving special education services who is 21 years of age on September 1 of a school year (This student is eligible for services through the end of that school year or until graduation, whichever comes first.)	
a student with a disability who graduated by meeting the requirements of 19 TAC §89.1070(b)(2), (3)(A), (B), or (C) or (4)(A), (B), or (C) as determined by an admission, review, and dismissal (ARD) committee and who is still in need of special education services[19] (This student may be served through age 21 inclusive.[20])	
a student who is eligible for state-funded pre-K classes and meets the age requirement by September 1 of the current school year (eligible only for half-day attendance)	

3.2.3.1 Additional Information about Minimum Eligible Age

If the school year starts before a student's birthday, the student is eligible to attend school for the entire year as long as he or she will be the required age on or before September 1.[21]

A student who is five years of age on or before September 1 of the current school year is automatically eligible for the first grade for the full school term (ADA eligibility code 1) if the student has completed public school kindergarten or has been enrolled in the first grade in a public school in another state before transferring to a Texas public school.[22] Enrolled means actually receiving instruction by attendance in a public school rather than being registered before receiving instruction.

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

A student younger than five years of age is entitled to the benefits of the FSP if the student performs satisfactorily on the required state assessments administered to students in the third grade and your district has adopted a policy for admitting students younger than five years of age.[23]

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

3.2.3.2 Additional Information about Maximum Eligible Age

Students who are at least 21 years of age and under 26 years of age, have been admitted for the purpose of completing the requirements for a high school diploma, and have not attended school in the three preceding school years must not be placed with a student who is 18 years of age or younger in a classroom setting, cafeteria, or other district-sanctioned school activity. However, these students may attend a school-sponsored event that is open to the public as a member of the public.[24]

Also, students receiving special education services who are at least 22 years of age and under 26 years of age on September 1 admitted for the purpose of completing the requirements for a high school diploma are **not** eligible for special education weighted state funding, but are eligible for other weighted state funding.

---

[16] TEC, §48.003
[17] TEC, §48.003
[18] under the TEC, §29.259, §48.003
[19] as determined by the ARD committee per 19 TAC §89.1070(j)
[20] 34 Code of Federal Regulations (CFR), §300.102(a)(3)
[21] TEC, §25.001(a)
[22] TEC, §48.003(c)
[23] TEC, §48.003(d)
[24] TEC, §25.001(b)(2), §12.137

Students with a disability who graduated by meeting the requirements of 19 TAC §89.1070(b)(2), (3)(A), (B), or (C) or (4)(A), (B), or (C) as determined by an ARD committee and who are still in need of special education services[25] may be served through age 21 inclusive.[26]

Your school district may provide instruction to a student who has already graduated with a regular high school diploma. However, unless the student is returning to school[27] after graduating under 19 TAC §89.1070(b)(2), (3)(A), (B), or (C) or (4)(A), (B), or (C) as determined by an ARD committee, the student is **not** eligible for funding and must be recorded with an ADA eligibility code of 0, 4, or 5, as applicable. Exceptions are students who are eligible to graduate but who continue their education to meet the requirements of a higher high school diploma standard. These students must still meet eligibility requirements for funding. (See 3.6.3.1 Attendance Taken Before the End of the Academic Year.) Districts may allow a student to remain enrolled in order to graduate with their class if graduation will occur by the end of the school year in which the student completes graduation requirements. However, the student is **not** eligible for funding and must be recorded with an ADA eligibility code of 0, 4, or 5, as applicable.

3.2.4 Dual Credit (High School and College or University)

See 11.3.1 Dual Credit (High School and College or University) Programs for information on dual credit courses.

3.3 Enrollment Procedures and Requirements

This subsection discusses enrollment procedures and requirements.

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

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

Note: All documentation requirements for audit purposes and the required retention period for such records are outlined in Section 2 Audit Requirements. The required retention period for all school district records is outlined in Texas State Library and Archives Commission's Local Schedule SD – Retention Schedule for Records of Public School Districts.

3.3.1 Residency

Your local district policy should include measures to verify, on enrollment, that a student is entitled to enroll in the district under the TEC, §25.001. If the student's entitlement is contingent on the residency of a person, examples of methods of verifying residency include requesting utility bill receipts or lease information or verifying with designated district personnel that the applicable residence is within the

[25] as determined by the ARD committee per 19 TAC §89.1070(f)
[26] 34 CFR, §300.102(a)(3)
[27] under 19 TAC §89.1070(f)

boundaries of your district. Residency is not defined by an address on a driver's license, a signature on a lease, or the address on a utility bill. These are indicators that may expedite verifying residency, but the absence of such indicators is not conclusive that the applicable person is not a resident.

A student whose parent or guardian is an active duty member of the armed forces of the United States may establish residency for the purposes of being enrolled in a school district by providing a copy of a military order that requires the parent or guardian to transfer to a military installation in or adjacent to the district's attendance zone. Proof of residency must be provided within 10 days of the arrival date specified in the order. See the TEC, §25.001(c-1).

In establishing whether a student meets residency requirements for enrollment in your district, your district **must not** ask about the citizenship or immigration status of the student, his or her parent, or other person with legal control of the student under a court order.[28] To determine whether a student should have an immigrant indicator code of 1 for TSDS PEIMS reporting purposes, your district may ask the following questions:[29]

1) Is the student three to 21 years of age?
2) Was the student born outside of the United States?
3) Has the student attended a US school for three full academic years?
   Note: Some states define an academic year as nine months, while other states count an academic year as 10 months. If a student has been in different schools in different school districts and even in different states, the number of months that the student has been in school in any one or more state(s) must not add up to a total of more than three full academic years.[30] The three years do not have to be consecutive.
   Note: A US Department of Defense (DoD) school that is not located within the 50 states or the District of Columbia is not considered a US school.

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

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

3.3.2 District Responsibility to Secure Student Records

Upon a student's enrollment in your district, your district must request the required student information listed in 3.4 Withdrawal Procedures. Note that student records **must** be requested, sent, and received using the Texas Records Exchange (TREx) system. If your district requests this information from the district where a student was previously enrolled and that district fails to provide the required information within 10 working days, your district should report the noncompliant district to the Division of Compliance and Inquiry of TEA at (512) 463-3544.[31]

---

[28] See the US Department of Education/US Department of Justice letter and other guidance documents available at http://www.ed.gov/news/press-releases/secretary-duncan-and-attorney-general-holder-issue-guidance-school-districts-ens.
[29] These questions are based on the criteria defining "immigrant children and youth" in Title III of the Every Student Succeeds Act (ESSA), 20 United States Code (USC), §7011(6). Texas is required to report the number of immigrant children and youth to receive certain federal funds.
[30] See the US Department of Education, "Section J: Immigrant Children and Youth," Part I: Non-Regulatory Guidance on Implementation of Title III State Formula Grant Program, at https://www2.ed.gov/programs/sfgp/nrgcomp.html#immg.
[31] TEC, §25.002(a)(1)

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

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

3.3.3 Documentation of Identity and Age

A parent or other person with legal control of a student under a court order who is enrolling the student has up to 30 days from the date of enrollment to provide proof of the student's identity.[32]

Any of the documents in the following list is acceptable for proof of identity and age:

- birth certificate
- statement of the child's date of birth issued for school admission purposes by Texas Vital Statistics, a division of the Texas Department of State Health Services[33]
- driver's license
- passport
- school ID card, records, or report card
- military ID
- hospital birth record
- adoption record
- church baptismal record
- any other legal document that establishes identity

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

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

3.3.4 Failure to Receive Student Records and Discrepancies in Student Names

Failure to receive the information required for student enrollment must not preclude your district from enrolling and serving a student.[34] However, only students who meet the age and admission requirements may be reported as eligible for FSP purposes (ADA eligibility codes 1, 2, 3, 6, or 7) (see also

[32] TEC, §25.002(a)(1)

[33] As provided for by the Texas Health and Safety Code, §191.0046. A child's parent or guardian may request this statement free of charge from Texas Vital Statistics, a division of the Texas Department of State Health Services. To request this statement, the parent or guardian should contact Registrar@dshs.texas.gov and request an application for School Certificate (VS 140-3). Please note, this statement of birth is not considered a legal substitute for a certified copy of a birth certificate and may only be used for school purposes.

[34] TEC, §48.004

3.3.8 Immunization). Your district may report an enrolled student it believes to be eligible for FSP purposes as eligible while awaiting documentation of eligibility from the student's previous school district or from the person enrolling the student.

If a child is enrolled under a name other than the name that appears in the identifying documents, your district must notify the Texas Department of Public Safety's Missing Persons Hotline at (800) 346-3243. If the student's records have not been received within 30 days of a request, making this comparison impossible, your district must notify the municipal police department or sheriff's department of the county to determine if the child has been reported as missing.[35]

3.3.5 Entry and Reentry Dates

The student's entry date is the first day the student is physically or virtually present during the official attendance accounting period on a particular campus at the attendance taking time (see 3.6.2 Time of Day for Attendance Taking). A student's reentry date is the first day the student is physically present during the official attendance accounting period at the attendance taking time after having been withdrawn from the same campus. **A student cannot be absent on either the entry or the reentry date. Also, a student cannot be absent on the first day of school.**

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

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

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

3.3.6 Student Entitlement to Attend School in a Particular District

A student's entitlement to attend a school district is determined under the TEC, §25.001. Your district must serve any students who are entitled to enrollment under the TEC, §25.001, even if they are expected to reside in your district for a short time. Your district must serve students in regular education in addition to in other programs, such as special education, if the students are eligible and all documentation is on file. **Your district cannot refuse to serve a student who is entitled to enroll.** For example, say a student enters a hospital for treatment. If the hospital is located within your school district, your district must immediately serve this student in regular education and also in special education if the student is determined to be eligible. This requirement applies not only to students in hospitals but also to students in juvenile detention centers, jails, and other such facilities. (See 3.3.6.2 Students from Outside Your District Who Will Be in Your District for 10 Days or Fewer for a limited exception to this requirement.) Additional eligibility provisions apply to students who are not entitled to enroll under the TEC, §25.001, other than a residence separate and apart from a parent or legal guardian under the TEC, §25.001(b)(4) and (d).

Under the TEC, §25.001(b), your school district must admit a student who meets age eligibility requirements if the student:

- and either parent resides in your school district;

[35] TEC, §25.002(b) and (c)

- does not reside in your school district but has a parent who does and that parent is a joint or the sole managing conservator or possessory conservator of the student;
- and the student's guardian or other person having lawful control of the person under a court order resides within your school district;
- has established a separate residence under the TEC, §25.001(d);
- is homeless, regardless of the residence of the student, either parent, or the person's guardian or other person having lawful control of the person;
- is a foreign exchange student placed with a family that resides in your district by a nationally recognized foreign exchange program[36];
- resides at a residential facility that is in your district;
- resides in your district and either is 18 years old or older or has had the disabilities of minority removed; or
- does not reside in your school district but has a grandparent who does and who provides a substantial amount of after-school care for the student[37]; or
- resides or a parent of the student resides in a residence that is located on a parcel of property located on any part of two or more districts.

Also, your school district must admit, tuition free, a student who meets age eligibility requirements if the student has been placed in foster care and the foster parents reside in your district.[38] A student in the conservatorship of the Texas Department of Family and Protective Services (DFPS) who has been placed by the department at a residence outside your district but who was enrolled at a school in your district at the time of placement is entitled to continue to attend that school until he or she successfully completes the highest grade offered by the school without payment of tuition regardless of whether the student remains in DFPS conservatorship.[39] Also, if a student who is in the conservatorship of the DFPS enrolls in a primary or secondary public school other than the school in which the student was enrolled at the time of placement into conservatorship, the student is entitled to continue to attend that school without the payment of tuition until the student successfully completes the highest grade level offered by that school at the time of enrollment even if the child's placement is changed to a residence outside the attendance area for that school or the school district. The student is also entitled to continue to attend the school regardless of whether the student remains in the conservatorship of the DFPS for the duration of the student's enrollment.[40]

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

3.3.6.1 Entitlement of Certain Students to Transfer to a District of a Bordering State

A student who is entitled to attend a public school of a school district that is on the border of Louisiana, Arkansas, Oklahoma, or New Mexico, and finds it more convenient to attend public school in a district in the contiguous state may do so. In this case, the state and county available school funds for the student would be paid to the school district of the contiguous state, and any additional tuition, if necessary,

[36] unless the school district has applied for and been granted a waiver by the commissioner under the TEC, §25.001(e)
[37] as determined by the school board
[38] TEC, §25.001(f)
[39] TEC, §25.001(g)
[40] TEC, §25.001(g-1)

would be paid by the district of the student's residence on terms agreed on by the trustees of the receiving district and of the residence district.[41]

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

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

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

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

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

3.3.7 Homeless Students

A student who is homeless, as defined by the McKinney-Vento Homeless Assistance Act,[42] is entitled to enroll in any school district or open-enrollment charter school in the state without regard to the student's residence.[43] The student must be allowed to attend either the student's "school of origin"[44] ("the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled") or any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.[45] Eligibility to enroll in any other school in any school district or open enrollment charter school is determined by local policy.[46] A student is entitled to attend the school of origin if the student becomes homeless during a school year or between school years. Also, if the student becomes permanently housed during a school year, the student is entitled to attend the school of origin for the remainder of that school year.

You can learn more about school district responsibilities associated with homeless students on the Texas Education for Homeless Children and Youth (TEHCY) Program web page and by contacting your Regional McKinney-Vento Liaison.

3.3.8 Immunization

Except as provided by the TEC, §38.001(c), a student is required to be fully immunized against certain diseases.[47] However, your district may admit a student provisionally if the student has begun the required immunizations and continues to receive the necessary immunizations as rapidly as medically

[41] See the TEC, §25.040.
[42] 42 USC, §11434a
[43] TEC, §25.001(b)(5)
[44] as defined in 42 USC, §11432(g)(3)(I)
[45] 42 USC, §11432(g)(3)(A)(ii)
[46] State law determines eligibility to enroll in a Texas Virtual School Network course or Online School. See 12.2 Texas Virtual School Network (TXVSN).
[47] TEC, §38.001(a)

feasible.[48] Except as provided by the TEC, §38.001(c), a student who is not fully immunized and has not begun the required immunization must not attend school. However, a student should be provisionally enrolled if they have begun the required immunization series. A homeless student or a student who is in foster care should be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school should promptly refer the student to the appropriate health provider to obtain the required vaccines.[49] A student who is a military dependent or any student coming from another Texas school may be enrolled for 30 days pending transfer of immunization records.[50]

For further information regarding immunization requirements, immunization exemptions, and immunization documentation, contact the Texas Department of State Health Services (DSHS) or see the following DSHS web page: https://www.dshs.texas.gov/immunize/docs/school/E11-13255.doc.

3.3.9 Infants and Toddlers Who Are Deaf or Hard of Hearing or Have Visual Impairments or Both

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

3.3.10 Students Who Have Earned a Texas Certificate of High School Equivalency (TxCHSE) or Have Been Court Ordered to Obtain a TxCHSE

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

3.4 Withdrawal Procedures

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

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

[48] TEC, §38.001(e)
[49] 25 TAC §97.66(b)
[50] 25 TAC §97.69

3.4.1 Students 19 Years of Age or Older

Your district **may** withdraw a student who is at least 19 years old and voluntarily enrolled in school when he or she accumulates more than five unexcused absences in a semester. Your district may revoke the enrollment of such a student for the remainder of the school year, except that a district may not revoke enrollment on a day on which the student is physically present at school.[51] **A student who is removed from school under this provision will be considered a dropout for accountability purposes unless the student returns to school during the school start window the following fall. See *Secondary School Completion and Dropouts in Texas Public Schools,* available on the TEA Completion, Graduation, and Dropout webpage, for the current definition of "dropout." (See also 3.5 Compulsory Attendance.)**

This authority to revoke enrollment does not override your district's responsibility to provide a free, appropriate public education to a student who is eligible for special education services.

3.4.2 Temporary Absences and Withdrawal

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

3.4.3 Students Whose Whereabouts Are Unknown

Your district should decide the withdrawal date for a student who never officially withdrew from school, but whose whereabouts can no longer be determined, according to applicable local policies. For example, local policy may state that a student is withdrawn 10 days after he or she last attended if his or her whereabouts are unknown. Once withdrawn, a student in grades seven through 12 must be reported as a school leaver on the 40203 School Leaver Extension and could be considered a dropout according to the C162 Leaver Reason Code table in TEDS.

3.4.4 Information and Record Transfer

When a student moves from one Texas public school district or charter school to another, the student record must be transferred via TREx within 10 working days of receiving a request. The student record must include the following information at a minimum:[52]

- Texas Unique ID
- Social Security number or state-approved alternative ID last reported through TSDS PEIMS
- first, middle, and last name and generation code, if applicable
- date of birth
- gender
- ethnicity and race
- current grade level
- immunization information[53]
- receipt of special education services and individual education plan, if applicable
- academic year
- course completion

[51] TEC, §25.085(e)
[52] For a complete list of data elements that are able to be sent through TREx, see Appendix A of the current year TREx Data Standards, available at http://tea.texas.gov/index4.aspx?id=3412.
[53] TEC, §25.002(a)(3)

- final grade average
- teachers of record
- assessment instrument results
- district ID
- campus ID
- campus name
- campus phone number

For a high school student transferring from one Texas public school district or charter school to another, the following additional information is required to be sent via TREx for the student's high school transcript:

- student's address, including city, state, and zip code
- district name
- either the date the exit level requirement for Texas Assessment of Knowledge and Skills (TAKS) was met or the performance level on each end-of-course assessment and the date the performance was met for State of Texas Assessments of Academic Readiness (STAAR)
- College Board College Entrance Examination Board (CEEB) campus code and ACT high school code (optional)
- certification of coursework completion date, if applicable
- current and previous coursework, including the following:
    - academic year
    - session type
    - campus awarding credit
    - course category, name, number, abbreviation, semester, grades, and credit
    - course grade average, final grade average, or both
    - special explanation codes, if applicable
    - pass/fail credit indicator codes, if applicable

By law, each district is required to transfer student records within 10 working days of receipt of a request by the receiving district.[54] Enrollment by a student in another school district constitutes authority for your district to release the education records of that student, regardless of whether parental authority has been received.[55] Also, the requirement to transfer records within 10 working days of a request applies regardless of whether a student or student's parent has failed to pay for a lost textbook, including an electronic textbook.

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

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

A student who is 21 years of age or older and admitted for the purpose of completing the requirements of a high school diploma is not eligible for placement in a DAEP or JJAEP if he or she engages in conduct that would require or authorize such placement for a student under the age of 21. If a student engages

[54] TEC, §25.002(a-1)
[55] Family Education Rights and Privacy Act (FERPA), 34 CFR, §99.31(a)(2) and §99.34

in conduct that would otherwise require such placement, your district must revoke admission of the student into the public schools of the district.[56]

3.5 Compulsory Attendance

Pre-K and kindergarten students are subject to compulsory school attendance while they are enrolled in school. On enrollment in pre-K or kindergarten, a child must attend school.[57] However, if a child has not reached mandatory compulsory attendance age (six years old as of September 1 of the current school year), the child's parent or guardian may withdraw the student from school, and the child will not be in violation of compulsory attendance.

Unless specifically exempted by the TEC, §25.086, a child who is at least six years of age or younger than six years of age and has previously been enrolled in first grade, and who has not yet reached his or her 19th birthday, must attend school.[58]

A person who voluntarily enrolls in or attends school after turning 19 years of age is also required to attend school each day.[59]

Note that an allegation of truant conduct applies only to an individual who is 12 years of age or older and younger than 19 years of age.[60] The offense of parent contributing to nonattendance, however, applies to parents of students who are subject to compulsory attendance, regardless of the student's age.[61]

Note: A child engages in truant conduct if the child is required to attend school under the TEC, §25.085, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year.[62] School districts must adopt truancy prevention measures designed to address student conduct related to truancy before the student engages in truant conduct, and the district must minimize the need for referrals to truancy court for absences in accordance with the TEC, §25.0915.[63] The district also must consider the best practices for truancy prevention measures found in 19 TAC §129.1045. In addition, tardies generally are not considered absences for purposes of compulsory attendance enforcement.[64]

3.6 General Attendance-Taking Rules

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

---

[56] TEC, §25.001(b-1)
[57] TEC, §25.085(c)
[58] TEC, §25.085(b)
[59] TEC, §25.001(e)
[60] Texas Family Code, §65.002
[61] TEC, §25.093
[62] Texas Family Code, §65.003(a)
[63] TEC, §25.0915; 19 TAC §129.1043
[64] Tardiness as it relates to compulsory attendance is addressed in this November 13, 2001, To the Administrator Addressed letter and in the Opinion of the Texas Attorney General No. DM-0200, p. 1062 (1993).

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

Students who are on campus and in their classrooms at the time attendance is taken must have their official attendance taken and completed by the classroom teacher or paraprofessional that meet the educational aide requirements. Attendance must not be taken by students or classroom aides and clerks that do not meet the requirements for paraprofessionals. (For the requirements for paraprofessionals, see the TEA "Becoming an Educational Aide in Texas" web page located at https://tea.texas.gov/Texas_Educators/Certification/Initial_Certification/Becoming_an_Educational_Aide_in_Texas/.) Using a student sign-in sheet to record attendance is not an acceptable method of taking roll and will result in the attendance being disallowed.

Note: The only exception to a classroom teacher taking official attendance and the only method by which a student can take his or her own attendance is by using biometric technology. Examples of biometric technology include but are not limited to, fingerprint recognition, facial recognition, retina recognition, and iris recognition. All other methods by which a student takes his or her own attendance, such as sign-in sheets, are not allowed under any circumstance. Use of biometric technology does not require a waiver. The school must be able to produce printable documentation of attendance information that must provide detailed information about the date and time that the student logged in and out of the system.

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

3.6.1 Manual Entries for or Corrections to Student Attendance Data

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

3.6.2 Time of Day for Attendance Taking

Each campus must determine attendance for all grades by the absences recorded at the one particular point in time the campus has chosen for roll to be taken (a snapshot, for example, 9:45 a.m.). The selected time may vary from campus to campus within your district. Once a time has been selected, a campus must not change it during the school year.

However, your campus may select an alternate official attendance-taking time that is not during the official attendance-taking time selected for the school year if your local school board has adopted a district policy allowing for recording absences in an alternative hour, or if the superintendent has established documented procedures allowing for recording absences in an alternative hour after having been delegated authority to do so by the board. The policy or procedures may:

- allow for each campus to choose an alternative attendance-taking time for the campus as a whole. If the policy or documented procedures allow for a campus to choose an alternative attendance-taking time for the whole campus and the policy is adopted or procedures established after the start of the school year, a campus that wishes to change the attendance-taking time for the whole campus must wait until the next school year to do so.

  OR

- allow for each campus to choose an alternative attendance-taking time for certain groups of students as described in 3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations. The policy may be adopted or the procedures established at any time during a school year. If the policy or documented procedures allow for a campus to choose an alternative attendance-taking time for certain groups of students as described in 3.6.2.2, a campus is free to choose an alternative attendance-taking time for a group of students as soon as the policy is adopted or the procedures are established.

  OR

- allow for both circumstances.

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

3.6.2.1 Attendance Taking and Delayed Start of School Day

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

3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations

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

- dual credit students who are attending classes at an institution of higher education,
- CTE students who are scheduled to be at a worksite, or

- pre-K or ECSE students who are reported by a particular campus but served at an off-campus location.

To implement the alternative attendance-taking time, your local school board must have first adopted a district policy allowing for an alternative attendance-taking time, or the superintendent must have established documented procedures allowing for an alternative attendance-taking time after having been delegated authority to do so by the board, as described in 3.6.2 Time of Day for Attendance Taking. (The policy may be adopted or procedures established at any time during the school year.) The alternative attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off campus during the regular attendance-taking time (for example, for the semester or the duration of employment). Once selected, the alternative attendance-taking time for a particular group for a particular period (for example, for the semester or the duration of employment) must not be changed.

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

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

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

For official attendance accounting purposes, excused and unexcused absences do not exist. Students present at the official attendance-taking time are counted present for funding purposes. Note that having students sign in is not an acceptable method of taking attendance. Except for the reasons listed in the following bulleted paragraphs, students who are absent at the official attendance-taking time are counted absent for funding purposes.

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

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

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

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

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

- is participating in an off-campus work-based learning opportunity and is not scheduled to be on campus during any part of the school day. Students who are participating in an off-campus work-based learning opportunity and are scheduled to be on campus during any part of the school day should have their attendance recorded while they are on campus. See 3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations for instructions on how to record attendance for students not scheduled to be on campus during the official attendance-taking time.

- is enrolled **full-time** in Texas Virtual School Network (TXVSN) courses. See 12.2 Texas Virtual School Network (TXVSN) for information on recording daily attendance.

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

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

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

  Paraprofessionals must meet the requirements of an educational aide I, II, or III. (These requirements are explained on the TEA "Becoming an Educational Aide in Texas" web page located at https://tea.texas.gov/Texas_Educators/Certification/Initial_Certification/Becoming_an_Educational_Aide_in_Texas/.)

- is participating, with local school board approval, in a short-term (for example, five-day) class that is provided by the Texas School for the Blind and Visually Impaired (TSBVI) or the Texas School for the Deaf (TSD) at a location other than the student's campus. The student must not be considered in attendance for FSP purposes on any day the student is traveling between the

student's district and the location of the class but is not attending class. (However, travel days may be excused for compulsory attendance purposes. See 3.6.4 Excused Absences for Compulsory Attendance Purposes.) Your school district is responsible for obtaining documentation of the student's class attendance from the TSBVI or TSD.

- misses school for the purpose of observing religious holy days, including traveling for that purpose.[65] Travel days for which the student is considered in attendance are limited to not more than one day for travel to and one day for travel from the site where the student will observe the holy days. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.

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

- is in grades six through 12 and misses school for the purpose of playing "Taps" at a military honors funeral held in Texas for a deceased veteran.[66]

- misses school for the purpose of attending a required court appearance, including traveling for that purpose.[67] Travel days for which the student is considered in attendance are limited to not more than one day for travel to and one day for travel from the site where the student is required to appear in court. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.

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

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

[65] TEC, §25.087(b)(1)(A)
[66] TEC, §25.087(c)
[67] TEC, §25.087(b)(1)(B)

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

- is in the conservatorship of the DFPS and misses school:
  - to participate in an activity ordered by a court under the Texas Family Code, Chapter 262 or Chapter 263, provided that scheduling the participation outside of school hours is not practicable[68] or
  - to attend an activity under a service plan under the Texas Family Code, Chapter 263, Subchapter B.[69]

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

- misses school for the purpose of serving as a student early voting clerk, if your school district has a policy allowing for this type of excused absence, [70] or an election clerk or student election clerk.[71] Your school district may excuse a student's absence for this purpose for a maximum of two days in a school year.[72]

  A student may be considered in attendance for travel days related to an absence to serve as an election clerk or student election clerk but not for travel days to serve as a student early voting clerk. Travel days for which the student is considered in attendance are limited to not more than one day for travel to and one day for travel from the site where the student is serving as an election clerk. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes. Travel days do not count toward the two days per school year maximum.

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

  - be eligible to serve as an election clerk under the Texas Election Code, §32.051(c);
  - be at least 16 years of age;
  - have the consent of the principal of the school the student attends;
  - be a US citizen; **and**
  - have completed any training course required by the entity holding the election. [73]

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

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

[68] TEC, §25.087(b)(1)(F)
[69] TEC, §25.087(b)(1)(F)
[70] TEC, §25.087(b-1)
[71] TEC, §25.087(b)(1)(E)
[72] TEC, §25.087(e)
[73] Texas Election Code, §32.0511, §83.012

that purpose.[74] Travel days for which the student is considered in attendance are limited to not more than one day for travel to and one day for travel from the site of the governmental office. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.

- misses school for the purpose of taking part in the student's own US naturalization oath ceremony, including traveling for that purpose.[75] Travel days for which the student is considered in attendance are limited to not more than one day for travel to and one day for travel from the site of the ceremony. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.

- is temporarily absent because of a documented appointment for the student or the student's child that is with a health care professional licensed, certified, or registered to practice in the United States.[76] A documented appointment with a health care professional includes an appointment of a student diagnosed with autism spectrum disorder with a health care practitioner[77] to receive a generally recognized service[78] for persons with that disorder.[79] To be considered temporarily absent, the student must begin classes or return to class on the same day of the appointment. The appointment must be supported by a document, such as a note, from the health care professional.

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

- is absent as the result of a serious or life-threatening illness or related treatment that makes the student's attendance infeasible. Documentation from a health care professional licensed, certified, or registered to practice in Texas must be provided that specifies the student's illness and the anticipated period of the student's absence relating to the illness or related treatment.

  A student with a mental health or substance abuse condition who is being treated for a serious illness (TEC, §25.087(b)(3)) in an outpatient day treatment program or partial hospitalization program, under the care of a health care professional licensed, certified, or registered to practice in Texas, shall be excused for the authorized treatment period, and shall not be withdrawn from school. The discharge summary from the outpatient day treatment or partial hospitalization program must include treatment admission and discharge dates to be provided to the school by the family or medical facility upon return to school as documentation to excuse absences for the duration of the authorized outpatient treatment plan or partial hospitalization.

- is in his or her junior or senior year of high school and misses school for the purpose of visiting an institution of higher education accredited by a generally recognized accrediting organization

[74] TEC, §25.087(b)(1)(C)
[75] TEC, §25.087(b)(1)(D)
[76] TEC, §25.087(b)(2)
[77] See the Texas Insurance Code, §1355.015(b), for a description of the term "health care practitioner."
[78] Generally recognized services include, but are not limited to, applied behavioral analysis, speech therapy, and occupational therapy.
[79] TEC, §25.087(b-3)

to determine the student's interest in attending the institution.[80] Your district must not excuse for this purpose more than two days during a student's junior year and two days during a student's senior year and must adopt a policy stating when an absence will be excused for this purpose and a procedure for verifying students' visits to institutions of higher education.

- is 17 years of age or older and pursuing enlistment in a branch of the US uniformed services or the Texas Army National Guard. Your district must not excuse the student for this purpose for more than four days of school during the period the student is enrolled in high school and must adopt a policy stating when an absence will be excused for this purpose and a procedure for verifying the student's activities related to pursuing enlistment in a branch of the US uniformed services or the Texas Army National Guard.

- is absent to visit with a parent, stepparent, or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides. Your district is required to excuse up to five days for this purpose in a school year. An excused absence for this purpose must be taken no earlier than 60 days before the date of deployment or no later than 30 days after the date of return from deployment.[81]

- misses school for the purpose of visiting a driver's license office to obtain a driver's license or learner permit. The student must be enrolled in high school and 15 years of age or older. Your district may not excuse the student for more than one day of school during the period the student is enrolled in high school for each purpose (obtaining a driver's license and obtaining a learner license). Your district must verify the student's visit to the driver's license office in accordance with the procedures adopted by your district.

Your school district must allow a student whose absence is excused for any of the previously listed reasons—with the exception of the first five reasons, for which this paragraph does not apply—a reasonable amount of time to make up school work missed on these days. If the student satisfactorily completes the school work, the day of absence is counted as a day of compulsory attendance.[82]

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

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

3.6.3.1 Attendance Taken Before the End of the Academic Year

Students Who Graduate Early: If a student graduates from high school before the last school day of the school year, the student is not eligible to continue to generate ADA for funding purposes for the

[80] TEC, §25.087(b-2)
[81] TEC, §25.087(b-4)
[82] TEC, §25.087(d)

remaining days of the school year. For example, if a high school's seniors graduate and receive their diplomas two days before the official end of the school year but return to school to sign in for those last two days, the students would not generate ADA for funding purposes for those days.

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

3.6.4 Excused Absences for Compulsory Attendance Purposes

A teacher, principal, or superintendent of the school in which a student is enrolled may excuse the temporary absence of the student for any reason acceptable to the teacher, principal, or superintendent. However, the student will not be counted as present for FSP (funding) purposes for the day(s) of the absence unless the absence is for one of the reasons specified in 3.6.3 Requirements for a Student to Be Considered Present for FSP (Funding) Purposes and meets applicable requirements.[83]

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

Note: When a student with a disability has a significant number of absences and is not otherwise eligible and served through homebound services, both Section 504 regulations and Individuals with Disabilities Education Act (IDEA) regulations protect the rights of students to have access to the general or special education environment through a free appropriate public education in the least restrictive environment. Absences for a student who receives services under a Section 504 accommodation plan or an Individualized Education Program (IEP) should be monitored and Section 504 committee meetings and ARD committee meetings convened, as appropriate, to proactively prevent truancy.[84] This may include a determination that an evaluation or reevaluation is needed or that revisions to a student's Section 504 plan or IEP are needed to document the needs and situations where the student may be absent from school or any modifications from the overall district attendance policy.

3.6.5 Instruction Provided Outside of the Regular School Day

If selected students are required to attend school on Saturday to make up for absences, their attendance must **not** be counted for funding purposes. (See 3.8.1 Makeup Days and Waivers for information on makeup days when all students are required to attend. See also 3.6.4 Excused Absences for Compulsory Attendance Purposes.) Also, for funding purposes, a student attending school on a Saturday does not nullify any previously recorded absence.

If your school district provides instructional services for special education after school or on Saturday, the contact hours may be counted only if the services cannot be provided or are unavailable at any

[83] TEC, §25.087
[84] 19 TAC §129.1043

other time (for example, speech therapy provided on Saturday as a result of the unavailability of speech therapists during the regular school week, orientation and mobility services or vision instruction provided outside the regular school day because they must be provided at night or in periods of darkness).

3.6.6 Attendance Accounting during Testing Days

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

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

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

Your district is not required to take attendance for students who are not in membership (not receiving the minimum two hours of instruction per day). Also, for students who are participating in an approved program with alternative attendance accounting (see Section 11 Nontraditional Programs), your district is not required to take attendance during the standard specified periods. However, your district **must** maintain the demographic and special program information for these students in the attendance accounting system in accordance with the applicable coding instructions in Sections 3 through 11 of this handbook.

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

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

3.6.8 Tardies

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

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

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

3.6.9 Effective Dates for Program Changes

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

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

3.6.10 Students Attending Nonresidential Treatment Facilities

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

If the facility is located in your district, your district may enter into a written agreement with the facility that provides for your district sending a certified teacher to the facility to instruct the student. The student may be considered present for FSP purposes if the student is scheduled for and provided at least two hours of instruction (half-day eligibility) or at least four hours of instruction (full-day eligibility) each school day. Note that the student is **not** eligible for the GEH program because the student is not confined to home or hospital bedside.

If the facility is located outside your district, your district may follow the procedure described in the preceding paragraph. Or, your district may enter into a written agreement with the district in which the facility is located for that district[85] to provide instruction to any student who is enrolled in your district and attending the facility. (It would be the responsibility of the district providing instruction to enter into a written agreement with the facility.)

3.7 General Education Homebound (GEH) Program

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

- The student is expected to be confined at home or hospital bedside for a minimum of four weeks. The weeks **need not** be consecutive.
- The student is confined at home or hospital bedside for medical or psychological reasons only.

[85] If the district that plans to provide instruction to students at the facility is an open-enrollment charter school, the school's charter must explicitly allow for the school to provide this type of instruction at the facility.

- The student must have a current medical or psychological condition that is documented by a physician licensed[86] to practice in the United States. Except in cases of medically fragile students, potential medical conditions or concerns that students may develop medical conditions do not constitute grounds for GEH program eligibility.

A student served through the GEH program at home or hospital bedside must be served by a certified general education teacher. Over the period of his or her confinement, the student must be provided instruction in all core academic subject area courses in which the student is enrolled. In addition, over the period of confinement, the student should be provided instruction in all other courses the student is enrolled in, if possible. In cases where students are medically able to receive more than the required minimum four hours of face to face instruction, LEAs may provide **additional remote instruction.** Please note that concurrent instruction is not allowed.

A referral under Section 504 should be considered to determine eligibility for homebound students with a suspected disability. If the student is already eligible under Section 504, a Section 504 meeting must be held to discuss potential homebound eligibility.

Note: For guidance in determining GEH instruction for pregnant students who are receiving PRS, see Section 9 Pregnancy-Related Services (PRS).

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

For information on remote homebound instruction, see 12.3.3 Remote Homebound Instruction—Regular Education Students.

3.7.1 GEH Policy Requirements

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

3.7.2 GEH Committee

A designated campus committee must make decisions regarding GEH placement. For Section 504 eligible students, follow Section 504 policies and procedures for committee membership. Members of the committee should include, but are not limited to:

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

The role of the GEH/Section 504 committee is to review and consider the necessity of providing instruction to a general education student at home or hospital bedside. If instruction is to be provided at home or hospital bedside, the GEH/Section 504 committee determines the type(s) and amount of

[86] Access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp. Throughout Section 3.7, "licensed" means licensed to practice in the United States.

instruction to be provided. Over the period of his or her confinement, however, the student must be provided instruction in all core academic subject area courses in which the student is enrolled and, if possible, should be provided instruction in all other courses in which the student is enrolled.

In making these decisions, the GEH/Section 504 committee must consider information from the student's licensed physician. However, documentation from the licensed physician **is not** the sole determining factor in the committee's decision-making process. Supplementing in-person homebound instruction with virtual instruction is encouraged for students in GEH programs where medically appropriate. Virtual instruction provided to students in GEH programs cannot be provided by a teacher concurrently instructing students in person.

3.7.2.1 GEH/Section 504 Committee Documentation Responsibilities

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

- a district-developed form that documents the GEH/Section 504 committee decision about serving a student through GEH;
- documentation on the form of the GEH/Section 504 committee's decision about the type(s) and amount of instruction to be provided to the student, including the designated amount of time per week that instruction will be provided;
- a note from a licensed physician stating that the student has a medical or psychological condition that requires the student to be confined at home or hospital bedside for a minimum of four weeks;
- documentation of the day(s) homebound instruction started and stopped; and
- the teacher's homebound instruction log.

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

  - the name of the homebound teacher,
  - the student's name and Texas Unique ID,
  - the date that the homebound teacher visited the homebound student, and
  - the specific time period that the student was served (for example, 10:00 a.m. until 1:00 p.m.).

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

3.7.3 GEH Funding Chart

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

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

GEH Funding Chart

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

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

3.7.4 Test Administration and GEH

A student receiving GEH services may earn eligible days present as stated in the GEH funding chart when a homebound instructor administers routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.

A student being administered standardized, six-weeks, semester, and final exams and required state assessments is limited to earning one day present for a minimum of one hour or more of testing in one calendar day. When it takes the student more than one hour to complete the exam, the additional contact hours must not be credited as attendance.

If the routine, standardized, six-weeks, semester, or final exam administration or required state assessment testing requires less than one hour, then the homebound instructor must complete the hour with homebound instruction for the student to earn the one day present. For example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive an additional 30 minutes of homebound instruction to earn one day present.

A student receiving GEH services **who returns to his or her campus to take required state assessments must have a medical release** from a licensed physician[87] to do so. The time spent on campus taking required state assessments must not count as any part of the number of hours of GEH service for eligible days present.

3.7.5 Transition from GEH to the Classroom

A student transitioning back to a school-based setting may continue to generate eligible days present based on the GEH funding chart during the transition period. The GEH/Section 504 committee must determine the length of the transition period based on current medical information. Once the student has completed the transition period determined by the GEH/Section 504 committee, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

[87] Access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp.

3.7.6 Transitioning Students with Chronic Illness between Homebound and the Classroom

A student with a chronic illness or acute health problem that is a long-term condition and requires the student to be in the GEH program for at least four weeks will generate contact hours based on the following:

- Students transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the GEH funding chart.
- The length of the transition period must be determined by the GEH/Section 504 committee based on current medical information.

During the transition period, students are to be served through the GEH program for the period of time each week specified by the GEH/Section 504 committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on the GEH funding chart.

Once the student has completed the transition period determined by the GEH/Section 504 committee, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

3.7.7 Students with a Recurring Chronic or Acute Health Condition

A student with a chronic illness or acute health problem **that is a recurring condition** and requires the student to be in the GEH program for a period of time (in daily or weekly increments) totaling at least four weeks throughout the school year will generate contact hours based on the following:

- Students moving back and forth between the GEH program and a school-based placement generate eligible days present for those days they are served through the GEH program subject to the GEH funding chart.
- Students with a recurring condition generally do not require a transition period.

Use the following chart to determine how to record attendance information for students with a recurring condition.

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

For any week in which the student with the recurring condition	**the student earns contact hours or attendance**
is served solely at home or hospital bedside through the GEH program,	according to the requirements of the GEH funding chart.

For any week in which the student with the recurring condition	the student earns contact hours or attendance
is served for at least 240 minutes (four hours) at home or hospital bedside through the GEH program **and** attends school at his or her campus,	according to the requirements of the GEH funding chart.
is served from 60 to 180 minutes (one to three hours) at home or hospital bedside through the GEH program **and** attends school at his or her campus,	• according to the requirements of the GEH funding chart for those days the student is provided instruction at home or hospital bedside through the GEH program and • according to whether the student is present at the official attendance-taking time for those days the student attends school at his or her campus.

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

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

Attendance Accounting and Documentation: To document the changing instructional settings for students with a recurring condition for attendance reporting and auditing purposes, district personnel must keep a log of the student's attendance information (see 3.7.2.1 GEH Committee Documentation Responsibilities).

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

3.8 Calendar

The following table provides the required number of operational and/or instructional minutes for districts and charter schools to receive full funding.

Calendar Requirements for Funding

Program Type	Operational Minutes	Instructional Minutes	Days of Instruction	Full Funding
School Districts	75,600			Provide 75,600 minutes of operation along with any applicable waivers.
Charter Schools Operating Before January 1, 2015	75,600		180	Provide 180 days of attendance with a minimum of four hours of daily instruction with any applicable waivers and comply with charter

				contract terms regarding student instruction time **OR** provide 75,600 minutes of operation along with any applicable waivers.
Charter Schools Operating After January 1, 2015	75,600			Provide 75,600 minutes of operation along with any applicable waivers.
Full-day Pre-K for Eligible Four Year Olds	75,600			Provide 75,600 minutes of operation along with any applicable waivers.
Full-day Virtual Campus with Its Own CDCN	75,600			Provide 75,600 minutes of operation along with any applicable waivers.
Half-day Pre-K for Eligible Three Year Olds and Ineligible Students		32,400		Provide 32,400 minutes of instruction along with any applicable waivers.
• Dropout Recovery Campus(es) or Program(s)[88] • Day Treatment Facility • Residential Treatment Facility • Psychiatric Hospital • Medical Hospital • Correctional Facility • DAEP • Adult High School and Industry Certification charter school[89]		43,200		Provide 43,200 minutes of instruction along with any applicable waivers.
JJAEP			180	Provide seven hours (420 minutes) of operation per day. Refer to 10.3.1 Requirements for JJAEP.

Note: To include tutorial time that occurs before or after school in your operational minute calculation, the campus would need to remain open and available to all students who wish to receive the additional instruction and instruction must be provided to all students who remain on campus. If you provide transportation, you must ensure that before- and/or after-school transportation options are available to students who wish to participate in the tutorial instruction. Planning extracurriculars, including athletics, during this time is prohibited because it would restrict access to the tutorial time for those participants.

[88] TEC, §12.1141(c) or §39.0548; school program(s) and campus(es)
[89] TEC, §29.259

Note: If your district has been approved to provide fewer school minutes to certain students through a program such as the Optional Flexible Year Program (OFYP),[90] under no circumstances may it offer fewer than 71,400 school minutes.

Note: Since school districts and charter schools—as part of the TSDS PEIMS Summer submission—do not report their calendars to TEA until after the school year is complete, districts may not realize they are subject to a funding reduction until time has expired to correct their calendars. Therefore, ensure that you have the required number of minutes/days built into your school board-approved calendar.

Charter schools operating before January 1, 2015, are not subject to the 75,600-minute requirement. However, charter schools operating before January 1, 2015, must provide 180 days of attendance with a minimum of four hours of daily instruction with any applicable waivers and complying with their charter contract terms regarding student instruction time. Also, districts or charter schools operating under the provisions in the TEC, §48.005(i-l),[91] are eligible to receive full ADA funding in accordance with the operational and/or instructional minutes listed.

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

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

The first school day must be scheduled no earlier than the fourth Monday in August.[92] The final school day must not be scheduled earlier than May 15.[93]

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

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

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

---

[90] TEC, §25.081
[91] TEC, §48.005(i-l)
[92] TEC, §25.0811. A school district with a student enrollment of more than 190,000 (currently only Houston Independent School District) may schedule school days earlier than the fourth Monday in August for up to 20 percent of district campuses if those days are financed with local funds and are in addition to the minimum number of days of instruction under the TEC, §25.081. Each district campus at which instruction begins earlier than the fourth Monday in August must be undergoing comprehensive reform, as determined by the board of trustees, and have the majority of its student population made up of educationally disadvantaged students.
[93] TEC, §25.0812.

Note: All the students in a particular school or track will have the same number of school days (NUMBER-DAYS-TAUGHT). Please refer to TEDS for more information.
Regardless of the structure of the actual instructional calendar, the full school year for each instructional track offered by your district must be reported in **six, approximately equal reporting periods**.

3.8.1 Makeup Days and Waivers

This section discusses makeup days and waivers.

3.8.1.2 Makeup Days

Your district must adopt a school calendar that is in accordance with the program type listed on the chart in 3.8 Calendar. Your district is encouraged to make sure that the adopted calendar includes additional minutes to account for at least two bad weather or other missed school days related to health and safety concerns.

If your district or charter school closes school on a scheduled school day, your district or charter school should have enough minutes built into its adopted calendar to make up for any missed minutes or your district's or charter school's FSP funding may be reduced proportionately.

A school district or charter school may add additional minutes to its school calendar to reach the required number of minutes/days in accordance with the program type that is listed on the chart in 3.8 Calendar. While TEA does not prohibit a district or charter school from scheduling additional minutes on a weekend day or a national holiday, TEA strongly discourages scheduling any additional minutes on this type of day because attendance is likely to be low. TEA encourages districts and charter schools to **select practical days** that do not fall on the weekend or on national holidays because **the agency does not grant waivers for low attendance on a makeup day**. TEA also encourages school districts and charter schools to carefully consider local circumstances when adopting their calendars and selecting days to add additional minutes to. For instance, if your school district or charter school has been affected by ice storms in January or February for the last several school years, your district may wish to consider adopting a calendar that includes additional minutes to account for these types of issues.

See 3.8.2 Closures for Bad Weather or Other Issues of Health or Safety for more information.

3.8.1.3 Missed School Day Waivers

If weather, safety, or health issues cause you to fall short of the required number of minutes/days in accordance with the program type listed on the chart in 3.8 Calendar beyond the additional minutes/days already built into the adopted school calendar for makeup minutes/days, a missed school day waiver application must be submitted using TEA's automated waiver application system. This system is available in TEAL.

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

See 3.8.2 Closures for Bad Weather or Other Issues of Health or Safety for more information.

3.8.1.4 Low-Attendance Day Waivers

For a day when school was held but attendance was at least 10 percentage points below the overall **average** attendance rate for your district or the applicable campus for the prior year because of issues

related to inclement weather, health, or safety, your district may apply for a waiver to have the day excluded from ADA and FSP funding calculations.

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

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

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

3.8.1.5 Low-Attendance Waiver—Remote Conferencing

The guidance in this subsection applies to remote conferencing only. This guidance does **not** apply to remote learning.

For a day when school was held and the district had at least one student present in remote conferencing (as defined in 12.3.1 Remote Conferencing—Regular Education Students and 12.3.2 Remote Conferencing—Students Receiving Special Education and Related Services) but attendance was at least five percentage points below the overall **average** attendance rate for your district or the applicable campus for the prior year because of issues related to inclement weather, health, or safety, your district may apply for a waiver to have the day excluded from ADA and FSP funding calculations.

An application for a low-attendance day waiver for districts with students present in remote conferencing on the applicable date must be submitted using TEA's automated waiver application system, which is available in TEAL.

Your district must include the following three items in its application:

- documentation of low attendance for the day, including the reason for the low attendance rate
- an attendance summary report for the date(s) requested in the waiver, including the number of students present in remote conferencing
- the prior year's attendance report, showing the overall **average** attendance rate for the year for the district or applicable campus. For a district or campus with multiple tracks, the overall average attendance rate for all tracks must be used. For a campus that existed as two separate campuses the prior year, the overall average attendance rate for the district as a whole must be used.

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

3.8.1.6 Staff Development Waivers

Staff development waiver minutes are for staff development in place of student instruction. Therefore, the waiver minutes are only applicable to staff development provided instead of student instruction during the school year. The total waiver minutes for staff development may not exceed 2,100 minutes per school year. For charter schools operating before January 1, 2015, staff development waivers may not exceed five days per school year.

Staff development waiver minutes/days may not be used prior to the first day of student instruction or after the last day of student instruction. On staff development days when students are in attendance part of the day, the district or open-enrollment charter school must provide at least 120 minutes of student instruction to receive full ADA funding. In addition to the 120 minutes of student instruction, any staff development waiver minutes reported must reflect actual staff development minutes provided.

Note: Districts or charter schools must demonstrate that they are providing high quality staff development that will impact student outcomes.

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

To determine if a requested missed school day or low-attendance day waiver has been granted and to create a record that a request was approved, district staff members must visit the TEA Waivers Online Report page at https://tealprod.tea.state.tx.us/WaiversReports/Tea.WaiversReports.Web/ and generate and print a report of the waiver request's status. (TEA will not send a letter notifying your district of approval for these waivers.) Your district must retain documentation of waiver approval for five years for audit purposes.

If TEA grants your school district a waiver for a missed school day or a low-attendance day (a waiver approving a shortened calendar), your district should not include the day exempted as a day of membership or instruction. Treat the day as a nonschool day in your district's student attendance accounting system, and report the day with a CALENDAR-WAIVER-EVENT-TYPE-CODE (E1570) in your district's TSDS PEIMS reporting.

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

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

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

If early college high school (ECHS), P-TECH, Industry Cluster Innovative Academy (ICIA), or Texas Science, Technology, Engineering, and Math (T-STEM) students and students take dual credit courses at an IHE with a calendar that begins before the fourth Monday in August, your district may apply for a waiver of

the start date requirement. Submit requests for a waiver using TEA's automated waiver application system, which is available in TEAL.

3.8.2 Closures for Bad Weather or Other Issues of Health or Safety

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

Situation	Agency Policy
Our school district or charter school closed some or all campuses for one day for a health or safety reason (for example, an ice storm made roads dangerous).	Determine if your district, charter school, or affected campuses will have enough minutes built into the board-approved calendar to make up for the missed day. If not, use one of your district's or charter school's scheduled makeup days to make up the missed day or add minutes to your instructional days to make up the minutes. Show the day that schools were closed as a holiday or other nonschool day in your district's or charter school's student attendance accounting software calendar so that the day is not reported to TSDS PEIMS. **Additionally, for charter schools:** Ensure that a charter school's student attendance accounting software calendar is adjusted, per the above policy, prior to generating and submitting the Six-Week District Summary Attendance report in the FSP System.
Our school district or charter school closed all campuses for two days for a health or safety reason (for example, an ice storm made roads dangerous).	Determine if your district or charter school will have enough minutes built into the board-approved calendar to make up for the missed days. If not, use your district's or charter school's two scheduled makeup days to make up the missed days or add minutes to your instructional days to make up the minutes. Show the days that schools were closed as holidays or other nonschool days in your district's or charter school's student attendance accounting software calendar so that the days are not reported to TSDS PEIMS. **Additionally, for charter schools:** Ensure that a charter school's student attendance accounting software calendar is adjusted, per the above policy, prior to generating and submitting the Six-Week District Summary Attendance report in the FSP System.

Situation	Agency Policy
Our school district or charter school closed all campuses for two days for a health or safety reason. One of the scheduled makeup day dates has passed.	Determine if your district or charter school will have enough minutes built into the board-approved calendar to make up for the missed days. If not, use the scheduled makeup day that has not already passed to make up one of the missed days or add additional minutes to the instructional day to make up the minutes. Choose a new second makeup day to make up the other missed day. Show the days that schools were closed as holidays or other nonschool days in your district's or charter school's student attendance accounting software calendar so that the days are not reported to TSDS PEIMS. **Additionally, for charter schools:** Ensure that a charter school's student attendance accounting software calendar is adjusted, per the above policy, prior to generating and submitting the Six-Week District Summary Attendance report in the FSP System.
Our school district or charter school closed all campuses for two days for a health or safety reason. Both scheduled makeup day dates have passed.	Determine if your district or charter school will have enough minutes built into the board-approved calendar to make up for the missed days. If not, choose two new makeup days to make up the missed days. Show the days that schools were closed as holidays or other nonschool days in your district's or charter school's student attendance accounting software calendar so that the days are not reported to TSDS PEIMS. **Additionally, for charter schools:** Ensure that a charter school's student attendance accounting software calendar is adjusted, per the above policy, prior to generating and submitting the Six-Week District Summary Attendance report in the FSP System.

Situation	Agency Policy
Our school district or charter school closed all campuses for one day for a health or safety reason. We have a scheduled makeup day left in our calendar; however, we would like to use a different day to make up the missed day.	Determine if your district or charter school will have enough minutes built into the board-approved calendar to make up for the missed day. If not, TEA advises using the already scheduled makeup day. However, if your school district or charter school chooses to select a different makeup day, be aware that your district or charter school must not request a low-attendance day waiver for that makeup day. (TEA will not grant a low-attendance day waiver for any makeup day.)
Our school district or charter school closed all campuses for more than two days for a health or safety reason.	Determine if your district or charter school will have enough minutes built into the board-approved calendar to make up for the missed days. If not, use your district's or charter school's two scheduled makeup days to make up the first two missed days. (See preceding rows for how to report days in the student attendance accounting system and for information on what to do if one or both makeup days have already passed.) Your district or charter school may apply for a waiver for the missed school days beyond the first two missed days. See 3.8.1.2 Makeup Days for more information.
Our school district or charter school closed some, but not all, campuses for one day or more for a health or safety reason (for example, flooding that affected only part of the district or charter school area).	Determine if your district or charter school will have enough minutes built into the board-approved calendar to make up for the missed day. If not, the school district or charter school must request missed school day waivers for those campuses. **Exception for certain charter schools:** If the charter school is one with campuses that are in different regions of the state, each campus that closed must make up the missed day or days following the procedures described in the preceding rows, as if all campuses were closed. For a charter school with campuses in different regions of the state, TEA evaluates each campus separately for purposes of determining whether missed days must be made up and whether waivers will be granted.

Situation	Agency Policy
Our school district or charter school delayed the start of the school day for two hours (120 minutes) for a health or safety reason.	District or charter school campuses may use an alternative attendance-taking time for the day. See 3.6.2.1 Attendance Taking and Delayed Start of School Day for instructions and requirements. The Student Information System (SIS) calendar must be updated to reflect the actual length of the shortened school day.
Our school district or charter school has decided to close all campuses early because of an imminent health or safety issue (for example, an ice storm is coming). Campuses have been open for at least four instructional hours (240 minutes).	If campuses will close before the official attendance-taking time, record attendance before the closure. This day will remain as an instructional day, and the SIS calendar must be updated to reflect the actual length of the shortened school day.
Our school district or charter school has decided to close all campuses early because of an imminent health or safety issue (for example, an ice storm is coming). Campuses have been open for fewer than four instructional hours (240 minutes), and the official attendance-taking time has passed.	This day will remain as an instructional day, and the SIS calendar must be updated to reflect the actual length of the shortened school day.
Our school district or charter school has decided to close all campuses early because of an imminent health or safety issue (for example, an ice storm is coming). Campuses have been open for fewer than four instructional hours (240 minutes) and will be closed before the official attendance-taking time.	This day will become a non-instructional day, and the SIS calendar must be updated to reflect the day as non-instructional. The LEA should **locally** track the minutes that they actually served on this day for auditing purposes. Each district or charter school is encouraged to adopt a calendar that includes additional minutes to account for bad weather or other missed school days related to health and safety concerns.

Situation	Agency Policy
Our school district or charter school operates an OFYP. Our district or charter school closed all campuses for more than two days for a health or safety reason. Must we make up all the days that campuses were closed?	**For school districts:** Your district, like any district, is required to make up missed minutes. Additionally, if not making up the additional minutes missed would cause the school calendar to drop below 170 days (71,400 minutes) for students not participating in the OFYP, then your district must make up those days/minutes. **For charter schools:** Your charter school is required to make up missed minutes. Additionally, if not making up the additional minutes missed would cause the school calendar to drop below 170 days (71,400 minutes) for students not participating in the OFYP, then your charter school's FSP funding will be reduced. (FSP funding will not be reduced if the additional minutes missed are made up.)
May our school district or charter school apply for and receive waivers (of any kind, including staff development) such that the district or charter school has more than 10 school days (4,200 minutes) waived?	No. Your district or charter school must not have more than 10 school days (4,200 minutes) waived, unless otherwise authorized by the commissioner.

3.8.3 Summer School and State Funding

Summer school programs (programs that provide for school days beyond the 75,600 minutes that make up the state funding year) are not eligible for state funding except for specific programs authorized by statute. One program that allows for state funding of school days beyond the 75,600 minutes that make up the state funding year provides extended school year (ESY) services for certain students receiving special education services. See 4.13 Extended School Year (ESY) Services for more information.

Beginning in the 2020–2021 school year, an additional instructional days incentive became available to district or charter school campuses that offer up to an additional 30 days of half-day instruction for students enrolled in pre-K through fifth grade. In order to be eligible for the incentive for the additional 30 days, a district or charter school campus has to meet the regular year minimum operational and instructional minutes requirements and provide at least 180 days of instruction, not including waivers. Participating campuses receive half-day funding for students attending each additional day. Similar to 3.2.1.3 Code 2 requirements, additional days must provide a minimum of two hours of instruction for students. If all the criteria are met for the additional days of incentive funding, a school district or charter school that is entitled to both the incentive and funding for a campus under the TEC, §48.252, may receive only the incentive or the funding for the campus under the TEC, §48.252, whichever would result in the greater amount of funding. Additional days funding started on September 1, 2020. See the TEC, §48.0051, for more information.

The Additional Days School Year (ADSY) program allows for additional half-day funding for each school day beyond the 180 days, up to 210 days. See 11.5 Additional Days School Year (ADSY) and the ADSY web page for more information.

If a student is in membership for additional days beyond the 75,600 minutes, including intermissions and recesses, that make up the state funding year, the attendance that exceeds the 75,600 minutes will not generate state funding other than the exceptions noted above, assuming eligibility requirements have been met such as providing a 180-day calendar for Additional Days School Year funding. For the purposes of calculating state funding, the state funding calendar year begins the fourth Monday in August unless a district is designated as a year-round system or is a District of Innovation that changes its start date.

Situations sometimes occur in which a student who has been served in one public school throughout the school year moves to another public school that is operating a calendar track during the summer. To account for situations in which school calendars do not align, up to 77,700 minutes of state funding will be allowed for individual students. However, no public school will be funded in excess of a 180-day calendar except for the schools that meet all the criteria for the additional days incentive funding that became available starting in the 2020–2021 school year. The criteria are defined in the TEC, §48.0051.

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

If a student attends additional instructional days, the school in which they are enrolled is held accountable to the 180-day requirement, regardless of if the student is attending the additional instructional days at a different campus. Additionally, the funding for additional days will go the campus in which the student is officially enrolled, even if the services are offered at a different location.

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

3.9 Data Submission

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

Regardless of the basis used for student attendance accounting, your district must submit all the information required in TEDS and must follow all definitions and instructions in this handbook.

For districts with year-round programs: If your district is registered with TEA to operate a year-round program and has one or more tracks ending later than the June 20, 2024, due date for initial TSDS PEIMS

Summer submission, your district still must submit its initial TSDS PEIMS Summer submission data by that due date. Your district may delay resubmission of the TSDS PEIMS Summer submission data until August 15, 2024, or two weeks after the completion of the latest year-round track, whichever comes first. In no case will any resubmission be processed after August 15, 2024. Corrections made after August 15, 2024, will be handled by the State Funding Division.

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

Note: The attendance data reported in TSDS PEIMS for students who attend magnet programs or magnet campuses must be reported for the campus that provides half-day or full-day instruction. Attendance must not be reported for a student's home campus if the student receives instruction at a different campus that houses the magnet program. For campuses that house multiple programs, such as a magnet program and a general attendance program, attendance is counted for all students on the campus.

3.10 Quality Control

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

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

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

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

3.11 Examples

3.11.1 Example 1

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

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

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

3.11.2 Example 2

A four-year-old student enrolls in a pre-K program in a district that offers separate programs for three year and four year olds. This student qualifies based on identification as an emergent bilingual (EB). Additionally, the ARD committee identifies that this student has special needs and places the student in a self-contained ECSE classroom for a three-hour afternoon session.

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

3.11.3 Example 3

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

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

3.11.4 Example 4

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

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

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

3.11.5 Example 5

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

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

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

3.11.6 Example 6

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

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

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

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

3.11.7 Example 7

A 21-year-old special education student graduated the prior year by meeting the requirements outlined by the ARD committee in the student's IEP. The ARD committee determines that this student is still in need of special education and related services and places the student back in school full day.[94]

*Since this student graduated by meeting the requirements in his IEP and is receiving a full day of service as required by the ARD committee, his ADA eligibility code is **1 - Eligible for Full-Day Attendance**.*

3.11.8 Example 8

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

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

3.11.9 Example 9

A student who is auditorily impaired attends an RDSPD in a neighboring school district. The student is in self-contained classes. The superintendents of the neighboring district and your district agree that your district will report this student and, as prescribed by rules relating to data submission, must report the student for all student submissions.

*The ADA eligibility code for this student is **3 - Eligible Transfer Student Full-Day**. The student would also be reported as a transfer student on the 40110 Student School Association Extension (see Section 4 Special Education).*

3.11.10 Example 10

A student who is auditorily impaired attends an RDSPD in a neighboring school district. The student receives special education and related services in general education classes. The superintendents of the

[94] 19 TAC §89.1070(j)

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

*The ADA eligibility code for this student is **3 – Eligible Transfer Student Full-Day**. The student would also be reported as a transfer student on the 40110 Student School Association Extension (see Section 4 Special Education).*

3.11.11 Example 11

A student attends school for four hours each day. The student receives instruction for three of those hours and is in a study hall for one of those hours.

*The ADA eligibility code for this student is **2 - Eligible Half-Day**. Time spent in study hall does not count as instructional time. To generate full eligible days present, a student must be provided instruction for at least four hours each day.*

3.11.12 Example 12

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

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

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

3.11.13 Example 13

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

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

3.11.14 Example 14

A high school student who is a junior is absent for one day to attend College Day at a local university to determine if she would like to attend the university. The university is accredited by a generally recognized accrediting organization, and your school district has adopted a policy on such absences and a procedure for verifying student visits to institutions of higher education.

Since the student's absence and your district's policies meet the requirements of the TEC, §25.087, your district will receive ADA funds for this student on this day. Your district must not count a student who is absent for this purpose as present for FSP funding purposes for more than two days per school year.

3.11.15 Example 15

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

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

3.11.16 Example 16

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

Since the beginning of the 2018–2019 school year, the agency no longer offers Early Release waivers. Early Release waivers previously approved for the 2018–2019 school year are rescinded.

3.11.16 Example 17

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

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

3.11.18 Example 18

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

District personnel may take one of these courses of action:

- *Count the afternoon section of pre-K students as absent because the students received no instruction on that school day.*
- *Have students make up the day on an alternative day, and report the afternoon pre-K section with a separate calendar.*
- *Bring the afternoon pre-K students in for instruction with the morning section.*

3.11.19 Example 19

A district or a charter school operating after January 1, 2015, receives a waiver for 2,100 minutes of staff development and provides 2,100 minutes of staff development. This waiver allows the district or charter school to offer an instructional track that contains 73,500 minutes of operation. Note that if the district provides less than 2,100 waiver minutes for actual staff development, the instructional track will need to contain additional minutes of operation. The only rule associated with attendance accounting that is affected by this particular waiver is the requirement that all instructional tracks must consist of at least 75,600 minutes, including intermissions and recesses.

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

A charter school operating before January 1, 2015, receives a waiver for five additional days of staff development and provides five days of staff development. This waiver allows the district to offer an instructional track that contains only 175 days of instruction. Note that if the charter school provides less than five waiver days for actual staff development, the instructional track will need to contain additional days of operation.

3.11.20 Example 20

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

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

3.11.20 Example 21

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

This is an excused absence, and your district will receive ADA funding for this student for the days missed to attend the required court appearance.[95]

3.11.20 Example 22

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

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

3.11.20 Example 23

A student who turned five years of age on August 20 of the current year moves to your district from a school district in another state. The student completed kindergarten in the previous district. The student's parents would like to enroll the student in first grade in your district.

*Your district may enroll the student in the first grade. A student who is five years of age on or before September 1 of the current school year is automatically eligible to be enrolled in the first grade for the full school term (ADA eligibility code **1**) if the student has completed public school kindergarten or has been enrolled in the first grade in a public school in another state before moving to a Texas public school district.*[96]

---

[95] TEC, §25.087
[96] TEC, §48.003(c)

3.11.20 Example 24

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

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

3.11.20 Example 25

A general education student develops a medical condition, and the school obtains a licensed physician's statement that the medical condition will prevent him from attending school for at least four weeks. *The GEH committee should convene to review all the student's information, including the physician's statement, to determine if homebound services are appropriate. If the GEH committee determines homebound services are appropriate, the following must be retained:*

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

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

<u>Example 25A</u>
If the student is served four or more hours during a week, the student is recorded present every day that week.

<u>Example 25B</u>
If the student is served two hours during a week, the student is recorded present for two days and absent for three days of that week.

<u>Example 25C</u>
If the student does not receive any service during a week, absences must be recorded every day of that week, resulting in zero eligible days present.

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

- *the length of time for the transition period*

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

3.11.20 Example 26

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

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

3.11.20 Example 27

A student with a chronic, **recurring** illness normally receives GEH program services at home. The student's doctor has provided documentation stating that the student may attend school when able.

On Tuesday, the student is served at home through the GEH program for three hours. On Friday of the same week, the student feels well enough to attend five hours of school at the student's campus. The student **is present when attendance is taken and is recorded present**.

The student earns three eligible days present for the time the student was served on Tuesday, per the Homebound Funding Chart. The student also earns one additional day of attendance for attending school on Friday, per the two-through-four-hour rule and because the student was present at the time attendance was taken.

3.11.20 Example 28

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

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

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

3.11.20 Example 29

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

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

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

3.11.20 Example 30

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

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

3.11.20 Example 31

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

Because your district is aware that the student no longer resides in the district, your district may withdraw the student.

3.11.20 Example 32

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

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

3.11.20 Example 33

A student enrolled in your district is expected to be hospitalized in a hospital outside of your district for a period of a minimum of four weeks. (These weeks need not be consecutive.) Your district has decided to continue to provide instruction remotely to the student through the GEH/special education remote homebound program(s). Providing instruction remotely will allow the student to remain enrolled in his home district without having to unenroll and enroll in the district the hospital is located and then unenroll when he is able to return to his home district. See 3.7 General Education Homebound (GEH) Program and the remote homebound requirements in 12.3.3 Remote Homebound Instruction— Regular Education. Also see 4.7.2 Code 01 - Homebound and 12.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services.

Your district's local policy allows for the district to provide instruction remotely to the student while he is in a hospital outside of your district, and the student meets the criteria for remote homebound instruction. Although the receiving district is required to serve any students who are entitled to

enrollment under the TEC, §25.001, the two districts may communicate and agree with each other regarding which district will serve the student while he is outside of his home district. The student's home (enrolled in) district and the district the student is hospitalized in both agree that the student will continue enrollment in the student's home district for the duration of the student's stay in hospital.

Your district must document its intent to provide remote instruction to the student, consult with the homebound committee, and inform the student's parent that instruction will continue to be provided by the home district remotely. If the home district will continue to provide instruction, the home district may use remote homebound to provide services to the students.

Once your district decides to provide instruction to the student remotely during the hospital stay, your district must continue to provide instruction and not withdraw the student unless an agreement has been reached with the district the hospital is located in to provide instruction to the student. As applicable, the home district remains responsible for providing a free appropriate public education (FAPE) and ensuring that the student is provided instruction in all core academic subject area courses in which he is enrolled.

Section 4 Special Education

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

Note: In this handbook, the term "instructional setting" means the same as the term "instructional arrangement/setting." The term "special education services" includes related services.

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

4.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel to whom all special education coding questions should be directed.

Name: _____

Phone Number: _____

4.2 Special Education and Eligibility

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

To be eligible to receive special education services, a student must be a child with a disability and who, by reason thereof, requires specially designed instruction.[97] The determination of a student's eligibility for special education and related services is made by the student's individualized family services plan (IFSP) committee (for children age two years or younger) or ARD committee (for students age three years or older).[98]

[97] The term "child with a disability" is defined in 34 CFR, §300.8(a), subject to the provisions of 34 CFR, §300.8(c), the TEC, §29.003, and 19 TAC §89.1040.
[98] 19 TAC §89.1040(b) and §89.1050(b)

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

- an eligible student beginning on his or her third birthday;
- an eligible student who has not reached his or her 22nd birthday on September 1 of the current school year and who has not received a regular high school diploma under 19 TAC §89.1070(b)(1) or §89.1070(f)(1) or (2); or
- an eligible student who meets all three of the following requirements:
    - the student has not reached his or her 22nd birthday on September 1 of the current school year;
    - the student has received a regular high school diploma under 19 TAC §89.1070(b)(2), §89.1070(b)(3)(A), (B), or (C), or §89.1070(f)(4)(A), (B), or (C), and
    - the student is returning to school under 19 TAC §89.1070(j).

Your district also must make special education services available to an infant or toddler (a child age two years or younger) who has a visual impairment or is deaf or hard of hearing and for whom an IFSP committee has determined to be eligible for special education services.[99] Such a child is eligible for ADA on the same basis as other students receiving special education services.[100]

Provided that they are served by appropriately certified special education staff members, students who are eligible for special education services and are provided those services by your district are eligible for special education contact hours and weighted funding. The IFSP or ARD committee determines the special education services and documents the frequency, location, and duration of those services that impact contact hours and weighted funding described within this section for a child or eligible student.

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

For teacher certification requirements, see 4.17 Teacher Requirements. For information specific to infants and toddlers receiving special education services, see 4.10 Special Education Services for Infants and Toddlers. For information specific to students who are three through five years of age and receiving special education services, see 4.9 Early Childhood Special Education (ECSE) Services.

4.3 Enrollment Procedures

This subsection explains the procedures for special education program enrollment.

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

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

1. Upon completion of a full individual and initial evaluation (FIIE), an ARD committee meets and, if the ARD committee finds the student eligible, develops the student's IEP, which includes the appropriate educational placement for implementing the student's IEP. The instructional setting code for the student will be based on the setting in which the student receives special education

[99] Under the TEC, §29.003, a free appropriate public education (FAPE) must be available from birth to students with visual impairments or who are deaf or hard of hearing.
[100] 19 TAC §89.1121(g)

services and the percentage of time the student receives special education services in a setting (see 4.7 Instructional Setting Codes). The student's speech therapy indicator code will be based on whether the student receives speech therapy and, if the student does, whether the student receives other services provided through an instructional setting (see 4.8.1 Speech Therapy Indicator Codes). Additionally, the ARD committee determines the date that services will begin (the effective date) and the duration of the services, and records this information in the IEP.

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

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

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

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

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

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

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

1. When a student moves from one district to another within the state in the same school year and either the parents or previous district verifies that the student had an IEP that was in effect in the previous district, your district must meet the requirements of 34 CFR, §300.323, regarding the provision of special education services. Specifically, your district must provide a FAPE to the student, including services comparable to those described in the student's IEP from the previous district, until the ARD committee does either of the following:

- adopts the student's IEP from the previous district **or**
- develops, adopts, and implements a new IEP.

The ARD committee's timeline for adopting the student's previous IEP or developing, adopting, and implementing a new IEP is 30 calendar days from the date the student is verified as being a student eligible for special education services. Verification means the new district has received a copy of the student's IEP that was in effect in the previous district.

The ARD committee must determine the instructional setting code and speech therapy indicator code according to the committee's interim placement for the student (that is, the placement necessary to provide comparable services pending development and implementation of a new IEP) or final placement for the student (as determined by the adopted or newly implemented IEP).[101] Additionally, the ARD committee determines the date that services will begin (the effective date).

A student with a disability who has an IEP in place from a previous in-state school district and who registers in a new school district during the summer is not considered a transfer student.

2. When a student transfers from a school district in another state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district, the new school district must meet the requirements of 34 CFR, §300.323(f), regarding the provision of special education services. Specifically, your district must provide a FAPE to the student, including services comparable to those described in the student's IEP from the previous district, until the ARD committee:

   - determines that an evaluation is necessary. A FIIE must be completed within the timelines established by 19 TAC §89.1011(c) and (e), and your district must meet the requirements in 34 CFR, §300.323(f)(2), if appropriate within 30 calendar days from the date of the completion of the evaluation report.
     OR
   - determines that an evaluation is not necessary and completes the requirements outlined in 34 CFR, §300.323(f)(2), within 30 calendar days from the date the student is verified as being a student eligible for special education services.

   Verification means the new district has received a copy of the student's IEP that was in effect in the previous district.

   A student with a disability who has an IEP in place from a previous out-of-state school district and who registers in a new school district during the summer is not considered a transfer student.

3. The ARD committee provides the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel or PEIMS clerks) as soon as possible.

[101] 19 TAC §89.1050(j); 34 CFR, §300.323

4. District personnel record the coding information and effective date of services in the attendance accounting system.

5. The ARD committee provides any changes in the student's coding information and the effective date to appropriate district personnel (for example, attendance personnel or PEIMS clerks) as soon as possible.

6. District personnel record any necessary changes in codes in the attendance accounting system along with the effective date of the changes.

4.3.3.1 Transfer of Records

A district must transfer a student's records, including the student's current IEP, using the TREx system[102] to a requesting district no later than the 10th working day after the date a request for the information is received by the district.[103] See the TEA TREx web page at http://tea.texas.gov/index4.aspx?id=25769817556 for more information on the TREx system.

4.3.3.2 Summer Registration Procedures

A student with a disability who has an IEP in place from a previous in- or out-of-state school district and who registers in a new school district during the summer is not considered a transfer student for the purposes of 34 CFR, §300.323(e) or (f). For these students, if the parents or in- or out-of-state district verifies before the new school year begins that the student had an IEP that was in effect in the previous district, the new school district must implement the IEP from the previous school district in full on the first day of class of the new school year or must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year.

If the student's eligibility for special education and related services cannot be verified before the start of the new school year, then the timelines for a student who transfers during the school year from an in-state or out-of-state district described above will apply, as applicable to the location of the student's previous district.

If the new district wishes to convene an ARD meeting to consider revision to the student's IEP before the beginning of the school year, the new district must determine whether the parents will agree to waive the five-school day notice. If the parents agree, the new district must make every reasonable effort to hold the ARD meeting prior to the first day of the new school year.

Verification means the new district has received a copy of the student's IEP that was in effect in the previous district.

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

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

---

[102] TEC, §25.002
[103] TEC, §25.002(a-1)

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

4.4 Special Education Dismissal Procedure

A student is dismissed from special education and related services when the ARD committee determines the student is no longer a child with a disability and, therefore, no longer eligible for special education services. A student is also no longer eligible for special education and related services if the student's parent revokes consent in writing for the student's receipt of special education services.[104]

After the ARD committee determines that a student is no longer a child with a disability, the district must provide the student's parent with prior written notice that it proposes to change the student's eligibility determination. A district must also provide the parent with prior written notice upon receipt of the parent's written revocation of consent for the continued provision of special education services. The district must provide prior written notice at least five school days before special education services will be discontinued, unless the parent agrees otherwise.[105] A school must not discontinue services until prior written notice has been provided. The ARD committee must provide the effective date of the special education and related services dismissal to appropriate district personnel as soon as possible, and district personnel must record the effective date of the special education and related services dismissal in the attendance accounting system. **The effective date, which is stated in the IEP, the prior written notice, or both, is the date that special education and related services end.**

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

Per 19 TAC §89.1096, Provision of Services for Students Placed by their Parents in Private Schools or Facilities, the amount and type, if any, of special education and related services made available by your district to students with disabilities placed in private schools or facilities are determined based on ongoing consultation with representatives of the private school and representatives of parentally placed private school students with disabilities and a proportionate share calculation.[106]

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

4.5.1 Private or Home School Students Aged Three or Four Years

If an ARD committee determines that a private or home school student three or four years of age is eligible for special education and related services, the parent may enroll the student in public school, "dual enroll" the student, or decline to have the student enroll in public school. For more information, see 4.9.9 ECSE Services and Private or Home School Student Aged Three or Four Years and in Need of Special Education.

---

[104] 34 CFR, §300.9(c)(3); 34 CFR, §300.300(b)(4)
[105] 34 CFR, §300.300(b)(4) and §300.503; 19 TAC §89.1050(h)
[106] 34 CFR, §§300.130–300.144

4.5.2 Private or Home School Students Aged Five through 21 Years

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

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

4.6 Interim Alternative Educational Placements

Special education services must be provided as outlined in the student's IEP while the student is placed in an appropriate disciplinary alternative education setting (for example, in-school suspension or DAEP). Special education contact hours should be claimed only if the IEP services are provided. If the IEP special education services are not provided, special education contact hours must not be claimed. This restriction includes short-term removals of not more than 10 consecutive or cumulative school days. (See 10.6.2 Disciplinary Removals of Students with Disabilities for more information on disciplinary removals of students with disabilities.)

4.7 Instructional Setting Codes

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

Student Detail Reports must contain an instructional setting code for any student receiving special education and related services. A student may be funded for only one instructional setting for special education at any given time, with the exception of a student who receives services through an instructional setting with a code other than 00 and also receives speech therapy. Speech therapy may be combined with any other instructional setting.[107]

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

In developing a student's IEP, the ARD committee should base the determination of the appropriate instructional setting code for the student on the percentage of the **instructional day** that the student

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

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

Note: If a student's ARD committee determines that instruction through remote conferencing is appropriate for a student, that determination does not necessarily mean that the student's instructional setting code will change with the provision of the instruction through remote conferencing. The student's instructional setting code may stay the same if the actual instruction and services the student is receiving will remain the same and all that will change is the means of delivery of that instruction. In determining what instructional setting code to use for the student, the ARD committee should consider the type of instruction and services being provided instead of the physical location of the student. For more information on virtual classroom participation, see 12.3.2 Remote Conferencing—Students Receiving Special Education and Related Services.

A student's ARD committee must review the student's IEP, including his or her instructional setting code, at least annually.[108]

The instructional setting codes are as follows.

Instructional Setting Code	Page Code Description Starts On	Page Examples Start On
00 - No Instructional Setting (Speech Therapy)	101	154
01 - Homebound	102	143
02 - Hospital Class	108	145
08 - Vocational Adjustment Class	108	146
30 - State Supported Living Centers	109	NA
31 - Home-Based Instruction	111	NA
32 - Center-Based Instruction	111	NA
34 - Other Environment	111	NA
40 - Special Education Mainstream	111	146
41 - Resource Room/Services - Less Than 21 Percent	113	148
42 - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent	113	148
43 - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent	113	148
44 - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent	113	148
45 – Full-Time Early Childhood Special Education Setting	116	149
50 - Residential Nonpublic School	116	NA
60 - Nonpublic Day School	116	NA
70 - Texas School for the Blind and Visually Impaired	117	NA

[108] 34 CFR, §300.324(b)(1)(i)

Instructional Setting Code	Page Code Description Starts On	Page Examples Start On
71 - Texas School for the Deaf	117	NA
81 - Residential Care and Treatment Facility - Mainstream	117	150
82 - Residential Care and Treatment Facility - Resource Room/Services - Less Than 21 Percent	117	150
83 - Residential Care and Treatment Facility - Resource Room/Services - At Least 21 Percent but Less Than 50 Percent	117	150
84 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent but No More Than 60 Percent	117	150
85 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent	117	150
86 - Residential Care and Treatment Facility - Separate Campus	117	150
87 - Residential Care and Treatment Facility - Community Class	117	150
88 - Residential Care and Treatment Facility - Vocational Adjustment Class	117	150
89 - Residential Care and Treatment Facility - Full-Time Early Childhood Special Education Setting	117	150
91 - Off Home Campus - Mainstream	119	151
92 - Off Home Campus - Resource Room/Services - Less Than 21 Percent	119	151
93 - Off Home Campus - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent	119	151
94 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent	119	151
95 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent	119	151
96 - Off Home Campus - Separate Campus	119	151
97 - Off Home Campus - Community Class	119	151
98 - Off Home Campus - Full-Time Early Childhood Special Education Setting	119	151

4.7.1 Code 00 - No Instructional Setting (Speech Therapy)

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

Instructional Setting Code 00: Information Specific to TSDS PEIMS 41163 Student Special Education Program Association Extension

The TSDS PEIMS 41163 Student Special Education Program Association Extension allows for only one instructional setting code to be reported for a student.

A student who is receiving speech therapy services and is **not** receiving instructional services through any other instructional setting (for example, the resource room) should have an instructional setting code of 00 reported on the TSDS PEIMS 41163 Student Special Education Program Association Extension. Code 00 is used regardless of whether the student receives only speech therapy or receives speech therapy as well as one or more other special education related services (that is, supportive

services that do not constitute instructional services, such as occupational therapy or physical therapy). Also, code 00 is used regardless of whether the speech therapy is provided in the general education classroom or in a location other than a general education setting. A student whose instructional setting code is reported as 00 on the TSDS PEIMS 41163 Student Special Education Program Association Extension must have a speech therapy indicator code of 1.

A student who receives speech therapy services **and who also receives instructional services through another instructional setting** (for example, the resource room) should be reported on the TSDS PEIMS 41163 Student Special Education Program Association Extension with the code for the primary setting (not with 00) and a speech therapy indicator code of 2, regardless of whether the speech therapy is provided in the general education classroom or a location other than a general education setting.

Instructional Setting Code 00: Information Specific to TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension

The TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension (for special education attendance data - student) allows for multiple instructional setting codes to be reported for a student for a given period. If two instructional setting codes are reported for a student for a given period, one of them must be 00.

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

A student who receives speech therapy services **and who also receives instructional services through another instructional setting *other than general education*** (for example, the resource room) for a given period should have **two** instructional setting codes reported on the 42401 Special Programs Reporting Period Attendance Extension for that period: 00 and the code for the other instructional setting through which the student is receiving instructional services. The 42401 Special Programs Reporting Period Attendance Extension does not permit reporting of the 40 - Mainstream instructional setting code. If a student is in a general education instructional setting and also receives speech therapy services, the 42401 Special Programs Reporting Period Attendance Extension should have only one instructional setting code reported: 00.

Additional Information

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

For coding examples, see 4.18.10 Speech Therapy Indicator Code 1 Examples and 4.18.11 Speech Therapy Indicator Code 2 Examples.

4.7.2 Code 01 - Homebound

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

- The student is eligible for special education and related services as determined by an ARD committee.

- The student is expected to be confined at home or hospital bedside for a minimum of four weeks. The weeks need not be consecutive if the student is chronically ill and the local district policy allows for such.[109]
- The student is confined at home or hospital bedside for medical or psychological reasons only.
- The student must have a medical or psychological condition[110] that is documented by a physician licensed[111] to practice in the United States.[112]

Infants and toddlers from birth through age two may be placed in the homebound instructional setting if their IFSP committees determine that placement is appropriate. Students aged three through five years may be placed in the homebound instructional setting if their ARD committees determine that placement is appropriate. [113]

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

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

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

For information on remote homebound instruction, see 12.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services.

4.7.2.1 Homebound Notes

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

The teacher serving a student ("homebound teacher") while the student is in the special education homebound setting must be a certified special education teacher. Supplementing in-person homebound instruction with virtual instruction is encouraged for students in special education homebound programs where medically appropriate and to the extent that such instruction is consistent with students' individualized education programs. Virtual instruction provided to students in special education homebound programs cannot be provided by a teacher concurrently instructing students in person.

---

[109] 19 TAC §89.1005(c)(2)(A)
[110] Except in cases of severely immuno-compromised students, potential medical conditions or concerns that students may develop medical conditions do not constitute grounds for special education homebound program eligibility.
[111] Access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp. Throughout subsection 4.7.2 and other parts of Section 4 related to the homebound instructional arrangement/setting and the licensure of physicians, "licensed" means licensed to practice in the United States.
[112] 19 TAC §89.1005(c)(2)(A)
[113] 19 TAC §89.1005(c)(2)(B)

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

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

For homebound coding examples, see 4.18.1 Code 01 - Homebound Examples.

4.7.2.2 Homebound Services and Pregnancy-Related Services (PRS)

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

4.7.2.3 Homebound Services for Infants and Toddlers Who Are Deaf or Hard of Hearing of Have Visual Impairments or Both

Infants and toddlers (children from birth through two years of age) who are deaf or hard of hearing or have visual impairments or both may receive homebound instruction as determined by the IFSP team. See 4.10.1 Infants Receiving Visual Impairment Services, Orientation and Mobility (O&M) Services, or Both and 4.10.2 Infants Receiving Deaf or Hard of Hearing Services for detailed information.

4.7.2.4 Early Childhood Special Education (ECSE) and Homebound Services

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

ADA Eligibility Coding for Students Receiving ECSE Services in the Homebound Instructional Setting

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

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

4.7.2.5 Homebound Funding and Homebound Documentation Requirements

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

Homebound Funding Chart

Amount of Time Served in Membership per Week	Eligible Days Present Earned per Week
one hour	one day present
two hours	two days present
three hours	three days present
four hours	four days present (if the week is a four-day week) five days present (if the week is a five-day week)
more than four hours	four days present (if the week is a four-day week) five days present (if the week is a five-day week)

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

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

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

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

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

4.7.2.6 Test Administration and the Homebound Instructional Setting

A student receiving services in the special education homebound instructional setting may earn eligible days present as stated in the chart above when a certified special education teacher administers routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.

A student being administered standardized, six-weeks, semester, or final exams or required state assessments is limited to earning one day present for a minimum of one hour or more of testing in one calendar day. When it takes the student more than one hour to complete the exam, the additional contact hours must not be credited as attendance.

If the routine, standardized, six-weeks, semester, or final exam administration or required state assessment testing requires less than one hour, then the certified special education teacher must complete the hour with homebound instruction for the student to earn the one day present. For

example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive an additional 30 minutes of homebound instruction to earn one day present.

A student receiving services in the special education homebound instructional setting **who returns to his or her campus to take required state assessments must have a medical release** from a physician licensed in the United States to do so.[114] **The time spent on campus taking required state assessments must not count as any part of the number of hours of homebound service for eligible days present.**

(See 4.18.1 Code 01 - Homebound Examples.)

4.7.2.7 Transition from Homebound to the Classroom

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

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

During the transition period, students are to be served in the homebound instructional setting for the period of time each week specified by the ARD committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on instruction in the homebound setting.

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

4.7.2.8 Transitioning Students with Chronic Illness between Homebound and the Classroom

A student with a chronic illness or acute health problem that is a long-term condition and requires the student to be in the homebound instructional setting for at least four weeks will generate contact hours based on the following:

- Students transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the homebound funding chart.
- The length of the transition period must be determined by the ARD committee based on current medical information.

During the transition period, students are to be served in the homebound instructional setting for the period of time each week specified by the ARD committee. Any student attendance in the classroom generated during the transition period will not be reported for funding purposes because funding will be based on instruction in the homebound setting.

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

[114] Access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp.

4.7.2.9 Students with a Recurring Chronic or Acute Health Condition

A student with a chronic illness or acute health problem **that is a recurring condition** and requires the student to be in the homebound instructional setting for a period of time (which may be in daily or weekly increments) totaling at least four weeks throughout the school year will generate contact hours based on the following:

- Students moving back and forth between the homebound instructional setting and a school-based placement must be coded homebound for those days they are in the homebound instructional setting subject to the homebound funding chart.
- Students with a recurring condition generally do not require a transition period.
- Use the following chart to determine how to record attendance and instructional setting code information for students with a recurring condition.

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

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

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

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

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

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

Attendance Accounting and Documentation: To document the changing instructional settings for students with a recurring condition for attendance reporting and auditing purposes, district personnel must keep a log of the student's attendance information (see 4.7.2.5 Homebound Funding and Homebound Documentation Requirements).

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

4.7.2.10 Homebound: CTE Funding Requirements

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

4.7.3 Code 02 - Hospital Class

This instructional setting code should be used when a student is provided special education instruction in a classroom in a hospital facility or a residential care and treatment facility not operated by your school district. A student with a disability who is served in but not residing in the facility is considered to be in an off home campus instructional setting. If the student residing in the facility is provided special education services on a school campus, the student is not considered to be in a hospital class.[115]

For hospital class coding examples, see 4.18.2 Code 02 - Hospital Class Examples.

4.7.3.1 Hospital Class: CTE Funding Requirements

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

4.7.4 Code 08 - Vocational Adjustment Class (VAC)

This instructional setting code is used for a student who is participating in a special education work-based learning program and **employed in a paid or unpaid full- or part-time job with regularly scheduled, direct involvement** by special education personnel in the implementation of the student's IEP.[116]

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

[115] 19 TAC §89.1005(c)(3)
[116] 19 TAC §89.1005(c)(9)

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

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

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

4.7.5 Code 30 - State Supported Living Centers

This instructional setting code is used for a student who is provided special education and related services and currently resides at a state supported living center when the services are provided at a state supported living center. If services are provided on a local district campus, the student's instructional setting should be coded as residential care and treatment facility.[117]

The 13 state supported living centers in Texas currently serving students through 21 years of age are the following:

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

4.7.5.1 CTE Contact Hours for Students in State Supported Living Centers

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

[117] 19 TAC §89.1005(c)(11)

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

According to 20 United States Code (USC), §1412(a)(5)(A), "[t]o the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities" must be "educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment" may occur "only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

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

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

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

Student is incarcerated or court ordered to remain at the residential facility?*	Parent*** resides within district boundaries?	Student is served at the local district campus?**	Appropriate Instructional Setting Code
No	No	Yes	81–89, based on services
No	No	No	02
No	Yes	Yes	based on services
No	Yes	No	02
Yes	No	N/A	81–89, based on services
Yes	Yes	N/A	02

*The answer will be "no" except in situations involving adjudicated or incarcerated youth who are detained in secure facilities or other circumstances in which a court orders a student to remain at a facility site. In certain limited circumstances, an ARD committee may review official documentation and determine on a student-by-student basis that an individual student's current legal or medical status

precludes removal from the residential facility. In those individualized and documented cases, codes 81–89 may be used.

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

***The instructional arrangement coding for an adult student who resides in a residential facility can be interchanged with the word "parent."

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

4.7.7 Code 31 - Home-Based Instruction

See 4.10.3 Infants (Birth through Two Years of Age) Receiving Home-Based Instruction.

4.7.8 Code 32 - Center-Based Instruction

See 4.10.4 Infants (Birth through Two Years of Age) Receiving Center-Based Instruction.

4.7.9 Code 34 - Other Environment

See 4.10.5 Infants (Birth through Two Years of Age) Receiving Services in Other Environment .

4.7.10 Code 40 - Special Education Mainstream

This instructional setting code is used for a student who is provided special education and related services in the general education classroom in accordance with the student's IEP. The term special education means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.[118] Specially designed instruction means content, methodology, or delivery of instruction that has been adapted, as appropriate to the needs of an eligible child, to:

- address the unique needs that result from the child's disability and
- ensure access of the child to the general curriculum.[119]

Examples of special education and related services provided to a student in the general education instructional setting include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications or accommodations, special materials or equipment, consultation with the student and his or her general classroom teacher(s) or other general or special education service providers, staff development, and reduction of ratio of students to instructional staff members.[120]

For mainstream coding examples, see 4.18.4 Code 40 - Mainstream Examples.

[118] 34 CFR, §300.39(a)(1)
[119] 34 CFR, §300.39(b)(3)(i-ii)
[120] 19 TAC §89.1005(c)(1)

4.7.10.1 Requirements

For a student to be coded with an instructional setting code of 40 - Special Education Mainstream, the student must have:

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

Monitoring student progress in and of itself does **not** constitute a special education service. If certified special education personnel are **only monitoring** student progress, **40 – Special Education Mainstream funding must not be generated. In order to report this instructional arrangement, document the details of the specially designed instruction that is being provided in the student's IEP. This documentation should describe the direct, indirect, consultive, or other support services that constitute special education services being provided to the student by certified special education personnel. See 4.18.4 Code 40 - Mainstream Examples.**

4.7.10.1.1 Requirements Related to Teachers Providing Special Education Instruction in General Education Settings

One teacher, even if dually certified, must not serve in both a general education and a special education role simultaneously when serving students in grades K–12. Students with disabilities who are aged three or four may have an instructional setting code of 40 - Special Education Mainstream, if special education services are provided in classroom settings with nondisabled peers. The only context in which a dually certified teacher may serve in both a general education and a special education role is in an early childhood program for students aged three or four years.

4.7.10.2 Special Education Mainstream and Speech Therapy

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

4.7.10.3 Early Childhood Special Education (ECSE) and Mainstream Instructional Settings

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

4.7.10.3.2 Pre-K Program: A preschool-age student who meets eligibility requirements for free pre-K and special education services and is receiving special education services in the pre-K classroom may be

coded mainstream, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate weighted funding, a certified special education teacher must provide services to the student under the two-through-four-hour rule as applicable to meet the individual needs of the student.

See 4.9.3 ECSE Services and Pre-K Programs for more information.

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

4.7.11 Code 41 or 42 - Resource Room/Services

This instructional setting code is used for a student who is provided special education and related services in a setting other than general education for **less than 50 percent of the student's instructional day**.[121]

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

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

Code 41 or 42 is used for a student who is receiving related services in a special education setting. These related services must be documented in the IEP, and they must be required to assist a child with a disability to benefit from special education. For more information about related services, refer to the Related Services Q & A document.

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

For guidance on determining the percentage of the instructional day that a student is provided special education services, see 4.7.13 Additional Guidelines for Instructional Setting Codes 41–44. For coding examples, see 4.18.5 Codes 41 and 42 - Resource Room/Services Examples. For coding examples specific to three- or four-year-old students who are ineligible for free pre-K but are provided special education services solely in a general education pre-K classroom, see the chart in 4.9.3 ECSE Services and Pre-K Programs.

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

This instructional setting code is used for a student who is provided special education and related services and is in a self-contained class or classes for 50 percent or more of the student's instructional day, on a regular school campus.[122]

[121] 19 TAC §89.1005(c)(5)
[122] 19 TAC §89.1005(c)(6)

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

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

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

4.7.13 Additional Guidelines for Instructional Setting Codes 41–44

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

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

For example, if a student is provided:

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

When determining a student's instructional setting code other than 40 - Mainstream, include the percentage of time allocated for speech therapy services outside of the general education setting in the percentage of time in the special education setting.

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

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

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

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

4.7.13.1 Semester Block Scheduling

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

For example, say that in the first semester a student attends two general education classes and two special education classes. Convert the student's four-period instructional day to an eight-period instructional day. The student's converted schedule is four general education classes and four special education classes. According to the chart, the student's instructional setting code would be 43 - Self-Contained, Mild/Moderate/Severe, Regular Campus - at least 50 percent and no more than 60 percent. Apply this type of conversion to each semester class schedule.

4.7.13.2 AB Block Scheduling

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

4.7.13.3 Schedules in Which Instructional Periods Are Not Equal in Length

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

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

4.7.14 Code 45 - Full-Time Early Childhood Special Education Setting

This instructional setting code is used for children **three through five years of age** who receive full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **A student for whom this code is used does not receive any special education and related services in a regular early childhood setting or spend any part of the instructional day in a regular early childhood setting.** If a student receives any amount of special education and related services in a regular early childhood setting or spends any part of the instructional day in a regular early childhood setting, this instructional setting code is not applicable. For a coding example, see 4.18.7 Code 45 - Full-Time Early Childhood Special-Education Setting (FT ECSE) Example.

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

For more information on special education services for students three through five years of age, see 4.9 Early Childhood Special Education (ECSE) Services.

4.7.15 Code 50 - Residential Nonpublic School

This instructional setting code is used for a student who is provided special education and related services through a contractual agreement with an approved residential nonpublic school.[123] A student is placed in a residential nonpublic school through the ARD committee process. This instructional setting code does **not** generate ADA or contact hours. A residential nonpublic school student should be reported with an ADA eligibility code of 0 – Enrolled, Not in Membership.

For more information, see the TEA Special Education Funding page at http://www.tea.state.tx.us/index2.aspx?id=2147493439&menu_id=934&menu_id2=941.

4.7.16 Code 60 - Nonpublic Day School

This instructional setting code is used for a student who is provided special education and related services through a contractual agreement with an approved nonpublic day school.[124] A student is placed in a nonpublic day school through the ARD committee process. This instructional setting code does **not**

[123] 19 TAC §89.1005(c)(8); 34 CFR, §300.146 and §300.147. A list of approved nonpublic schools can be accessed at https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/special-education-in-nonpublic-and-off-campus-programs.

[124] 19 TAC §89.1005(c)(8); 34 CFR, §300.146 and §300.147. A list of approved nonpublic schools can be accessed at https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/special-education-in-nonpublic-and-off-campus-programs.

generate ADA or contact hours. A nonpublic day school student should be reported with an ADA eligibility code of 0 – Enrolled, Not in Membership.

For more information, see the TEA Nonpublic Day and Residential Placement Notification and Application page at http://www.tea.state.tx.us/index2.aspx?id=2147497536.

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

This instructional setting code is used for a student who is provided special education and related services at the TSBVI. This instructional setting code does **not** generate contact hours.

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

4.7.18 Code 71 - Texas School for the Deaf

This instructional setting code is used for a student who is provided special education and related services at the TSD. This instructional setting code does **not** generate contact hours. The TSD should report a student who is referred to the school by his or her parents or guardians with the student attribution code of 10 (on TSDS PEIMS 40110 Student School Association Extension).

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

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

This instructional setting code is used for a student who is provided special education and related services, who has a disability and resides in a care and treatment facility, and whose parents do not reside within the boundaries of the school district providing educational services to the student. A residential care and treatment facility includes a licensed or verified foster group home but does not include a licensed or verified foster family home.[125]

For this code to be used for a student, the services must be provided on a local district campus. If the instruction is provided at the facility rather than on a school district campus, the instructional setting code used should be hospital class (code 02).[126] For additional guidance, see 4.7.6 Applicable Federal Law and Additional Guidance Regarding the Location of Services for Students Currently Residing in a Hospital, Residential Facility, or State Supported Living Center.

4.7.19.1 Students Receiving Only Speech Therapy

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

[125] "Foster group home" and "foster family home" are defined in 40 TAC §749.43(25–26) and §750.43(1–2).
[126] 19 TAC §89.1005(c)(10)

4.7.19.2 Residential Care and Treatment Facility Categories

The categories for this instructional setting are as follows:

- 81 - Residential Care and Treatment Facility - Mainstream

  Code 81 indicates that a student resides in a facility and receives mainstream services on a local school district campus.

- 82 - Residential Care and Treatment Facility - Resource Room/Services - Less Than 21 Percent

  Code 82 indicates that a student resides in a facility and receives resource room/services for less than 21 percent of the student's total instructional day on a local school district campus.

- 83 - Residential Care and Treatment Facility - Resource Room/Services - At Least 21 Percent But Less Than 50 Percent

  Code 83 indicates that a student resides in a facility and receives resource room/services for at least 21 percent but less than 50 percent of the student's total instructional day on a local school district campus.

- 84 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent But No More Than 60 Percent

  Code 84 indicates that a student resides in a facility and receives self-contained services for at least 50 percent but no more than 60 percent of the student's total instructional day on a local school district campus.

- 85 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent

  Code 85 indicates that a student resides in a facility and receives self-contained services for more than 60 percent of the student's total instructional day on a local school district campus.

- 86 - Residential Care and Treatment Facility - Separate Campus

  Code 86 indicates that a student resides in a facility and receives special education and related services on a local school district campus in a self-contained program at a separate campus operated by your school district.

- 87 - Residential Care and Treatment Facility - Community Class

  Code 87 indicates that a student resides in a facility and receives special education and related services by school district personnel in a facility (other than a nonpublic day school) not operated by a school district.

- 88 - Residential Care and Treatment Facility - Vocational Adjustment Class

Code 88 indicates that a student resides in a facility and receives VAC services.

- 89 - Residential Care and Treatment Facility - Full-Time Early Childhood Special Education Setting.

  Code 89 indicates a student is **three to five years of age**, resides in a facility, and receives full-time special education and related services in educational programs designed primarily for children with disabilities on a local school district campus other than a separate campus.

For coding examples, see 4.18.8 Codes 81–89 - Residential Care and Treatment Facility (Nonresident) Examples.

4.7.20 Code 91, 92, 93, 94, 95, 96, 97, or 98 - Off Home Campus

This instructional setting code is used only for a student who is provided special education and related services and meets one of the following criteria:

- The student is one of a group of students from more than one school district served at a single location in another school district when a FAPE is not available in the sending district.[127]
- The student is provided instruction by school district personnel in a facility, other than a nonpublic day school, not operated by a school district.[128]
- The student is in a self-contained program at a separate campus operated by your school district that provides only special education and related services.[129]

For a student with an off home campus instructional setting who is served in a district other than his or her home district, there should be an agreement between the home district and the receiving district regarding the reporting of TSDS PEIMS and attendance data. If the home district reports these data, it may report the student as being enrolled in the home district, even though the student attends the entire instructional day in the receiving district. However, it is also permissible for the receiving district to report the student in TSDS PEIMS instead of the home district. Only one district may report TSDS PEIMS data for an individual student. The receiving district is responsible for recording student absences and attendance. The receiving district must either submit this information to the home district, if the home district is responsible for reporting TSDS PEIMS data, or enter the information, if the receiving district is responsible for reporting TSDS PEIMS data for the student.

4.7.20.1 Off Home Campus Categories

The categories for this instructional setting are as follows:

- 91 - Off Home Campus - Mainstream

  Code 91 indicates that a student is receiving mainstream services in an off home campus setting.

  A student three through five years of age who is receiving special education services in a licensed community child care facility or preschool that is working in a collaborative partnership with your school district may be coded 91, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate

[127] 19 TAC §89.1005(c)(7)(A)
[128] 19 TAC §89.1005(c)(7)(B)
[129] 19 TAC §89.1005(c)(7)(C)

ADA and contact hours, a certified special education teacher must provide services under the two-through-four-hour rule as applicable to meet the individual needs of the student. See 4.9.7 ECSE Services and Students Served in a Community-Based Preschool or Child Care Facility for more information.

- 92 - Off Home Campus - Resource Room/Services – Less Than 21 Percent

  Code 92 indicates that a student is receiving resource room/services for less than 21 percent of the student's total instructional day in an off home campus setting.

- 93 - Off Home Campus - Resource Room/Services - At Least 21 Percent But Less Than 50 Percent

  Code 93 indicates that a student is receiving resource room/services for at least 21 percent but less than 50 percent of the student's total instructional day in an off home campus setting.

- 94 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent But No More Than 60 Percent

  Code 94 indicates that a student is receiving self-contained services for at least 50 percent but no more than 60 percent of the student's total instructional day in an off home campus setting.

- 95 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent

  Code 95 indicates that a student is receiving self-contained services for more than 60 percent of the student's total instructional day in an off home campus setting.

- 96 - Off Home Campus - Separate Campus

  Code 96 indicates that a student is receiving special education and related services in a self-contained program at a separate campus operated by your school district. This code also applies to students **three to five years of age** who receive special education and related services in a self-contained classroom on a separate campus.

- 97 - Off Home Campus - Community Class

  Code 97 indicates that a student is receiving special education and related services by school district personnel in a setting or environment other than a nonpublic day school not operated by a school district that prepares the student for postsecondary education/training, integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives, including 18 plus programs/services. This code also applies to students **three to five years of age** who receive special education and related services in a community setting.

- 98 - Off Home Campus - Full-Time Early Childhood Special Education Setting

Code 98 indicates that a student who is **three to five years of age** is receiving full-time special education and related services in educational programs designed primarily for children with disabilities in a multidistrict classroom located on a regular campus.

An off home campus instructional setting code should not be used when a district establishes a program on a regular campus to serve students from a single district in a central setting (for example, a centralized class on a regular campus that is not a separate campus to serve young children with disabilities). Students in such a program would be coded based on the amount of general education and special education services received at a centralized location on a regular campus.

Also, an off home campus instructional setting code **must not** be used for students with disabilities placed by school districts in nonpublic day school settings (see 4.7.16 Code 60 - Nonpublic Day School).

For coding examples, see 4.18.9 Codes 91–98 - Off Home Campus Examples.

4.8 Speech-Language Pathology Services (Speech Therapy) and Speech Therapy Indicator Codes

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

4.8.1 Speech Therapy Indicator Codes

Student Detail Reports and the TSDS PEIMS 41163 Student Special Education Program Association Extension must contain a speech therapy indicator code (Code Table C095, TSDS TEDS) for any student receiving special education services. Use the following information to determine the appropriate speech therapy indicator code.

4.8.1.1 Indicator Code 1 – Speech Therapy

This code indicates that a student only receives speech therapy regardless of the environment where the speech therapy services are provided—or receives speech therapy and another special education related service, such as occupational therapy—and that an instructional setting (for example, resource room) is not appropriate. When the only special education service a student receives is speech therapy or speech therapy and another special education related service such as physical therapy, the student's Student Detail Report and TSDS PEIMS 41163 Student Special Education Program Association Extension must show an instructional setting code of 00 and a speech therapy indicator code of 1.[130] The student's TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension also must show an instructional setting code of 00. An instructional setting code of 40 **must not** be used.

For your district to claim funding for speech-language pathology services provided to a student, the ARD committee must document the services that the student's speech therapist will provide in the student's IEP.

[130] 19 TAC §89.1005(c)(4)

Note: A student whose only special education service is speech therapy and who receives fewer than two hours (120 minutes) of any form of instruction each day is **not** in membership (that is, has an ADA eligibility code of 0).

For coding examples, see 4.18.10 Speech Therapy Indicator Code 1 Examples.

4.8.1.2 Indicator Code 2 – Speech Therapy with Other Services

This code indicates that a student receives speech therapy **along with other services through another special education instructional setting** (for example, resource room). When a student receives speech therapy services in conjunction with other special education services through an instructional setting, the student's Student Detail Report and TSDS PEIMS 41163 Student Special Education Program Association Extension must show a speech therapy indicator code of 2, regardless of the setting in which the speech therapy services are provided. The student's TSDS PEIMS 41163 Student Special Education Program Association Extension must show an instructional setting code **other than** 00. The student's TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension must show both the student's primary instructional setting code (a code other than 00) and the instructional setting code of 00. (The 42401 Special Programs Reporting Period Attendance Extension does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 Special Programs Reporting Period Attendance Extension should have only one instructional setting code reported: 00.)

For a student to be coded with an instructional setting code of 40 and a speech therapy indicator code of 2 on the TSDS PEIMS 41163 Student Special Education Program Association Extension, the student must have:

- certified special education personnel (other than a certified speech pathologist/therapist) involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services:
    - to the student in the general education environment and/or;
    - in collaboration with the student's general education classroom teacher(s); **and**
- a certified speech pathologist/therapist involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services:
    - to the student regardless of the location (general education class or location other than a general education setting) and/or;
    - in collaboration with the student's general education classroom teacher(s).

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

For coding examples, see 4.18.11 Speech Therapy Indicator Code 2 Examples.

4.8.1.3 Indicator Code 0 – No Speech Therapy

This code indicates that a student does not receive speech therapy. If a student does not receive speech therapy, the student's Student Detail Report and TSDS PEIMS 41163 Student Special Education Program Association Extension must show a speech therapy indicator code of 0 and an instructional setting code **other than 00**. The student's TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension also must show an instructional setting code **other than 00**.

4.9 Early Childhood Special Education (ECSE) Services

Eligible children with disabilities aged three through 21 years are entitled to receive a FAPE under IDEA. In Texas, special education and related services for eligible children with disabilities, aged three through five years, have historically been referred to as preschool programs for children with disabilities (PPCD). In an effort to clarify and promote understanding that a child who qualifies for these services must be served in the least restrictive environment specified in the child's IEP, TEA will phase out references to PPCD in this and other TEA publications beginning with the 2024–2025 school year. Instead, children aged three through five who qualify for special education and related services will receive services through ECSE.

ECSE refers to the services provided by the school district, **not** to the place where they are provided. Eligible children may receive ECSE services in a variety of settings, including district settings, such as pre-K, resource, and self-contained classrooms, and community settings, such as community-based Head Start programs and preschools.

A student receiving services may have a grade level of EE, pre-K, or K (kindergarten), depending on the student's age, the location where services are provided, and whether the student is eligible for free pre-K.

4.9.1 Eligibility for ECSE Services

ECSE services are special education services provided to children aged three through five years. To receive ECSE services, a child aged three through five years must meet the same eligibility requirements as other students receiving special education services. An ARD committee must meet and document in the student's record that the student is eligible to receive services through this program.

See 4.2 Special Education and Eligibility and 4.3 Enrollment Procedures.

4.9.2 ADA (State Funding) Eligibility for Students Receiving ECSE Services

Students receiving ECSE services are eligible for ADA on the same basis as other students enrolled in your district. That is, they are subject to the two-through-four-hour rule, based on the time the student is served.

If the student is scheduled for and provided services for which he or she is eligible for at least four hours each day, the student is eligible for full-day attendance (ADA eligibility code 1). If the student is scheduled for and provided services for which he or she is eligible for at least two hours but fewer than four hours each day, the student is eligible for half-day attendance (ADA eligibility code 2). If the student is scheduled for and provided services for which he or she is eligible for fewer than two hours each day, the student is not eligible to generate ADA (ADA eligibility code 0).

For more information on ADA eligibility codes and the two-through-four-hour rule, see 3.2.1 ADA Eligibility Coding and 3.2.2 Funding Eligibility. For information specific to ECSE students who attend a pre-K program, see the following subsection.

4.9.3 ECSE Services and Pre-K Programs

A student who is eligible for ECSE services may or may not be eligible for free public pre-K enrollment. Eligibility for free public pre-K programs is limited by statute.[131] For the eligibility criteria for free pre-K, see Section 7 Prekindergarten (Pre-K), specifically 7.2 Eligibility.

When a student who is eligible for **both** special education and pre-K is served in a pre-K classroom, the student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student. The student is eligible for full-day attendance (ADA eligibility code 1) if the student is scheduled for and receives at least four hours of instruction and services. The student is eligible for half-day attendance (ADA eligibility code 2) if the student is scheduled for and receives at least two hours but fewer than four hours of instruction or services.

A student who is **not eligible for free pre-K** may be served in the pre-K classroom if the ARD committee determines that this is the appropriate setting based on the student's IEP. When a student who is eligible for special education but is not eligible for pre-K is served in a pre-K classroom, the student's instructional setting code should be determined based on the amount of special education services, located in the chart on the following page.[132]

If a special education teacher is not in the classroom for the student's entire instructional day, ADA will not be generated.

For coding examples, see the chart on the following page. For additional examples, see the applicable examples in 7.6 Examples.

---

[131] TEC, §29.153

[132] Special education services, as explained in 19 TAC §89.1005(c)(1), may include indirect, and/or consultative services by a special education teacher. See Coding Chart 1: ECSE Services and Pre-K for ADA eligibility.

Coding Chart 1: ECSE Services and Pre-K													
	Student Age[1]	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind	Child Count	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind	Child Count
		Coding Information for Student Who Is Eligible for Both Special Education AND Free Pre-K						Coding Information for Student Who Is Eligible for Special Education BUT Ineligible for Free Pre-K[2]					
served in the pre-K classroom by pre-K and special education teachers for ½ day (at least 2 but fewer than 4 hours)[3]	3 or 4	2 half-day	40	pre-K	1	0	3	2 half-day	40	EE	1	0	3
served in the pre-K classroom by pre-K and special education teachers for full day (at least 4 hours)[3]	3 or 4	1 full-day	40	pre-K	1	0	3	1 full-day	40	EE	1	0	3
served in the pre-K classroom by pre-K teacher for ½ day (at least 2 but fewer than 4 hours) with indirect and/or consultative services by special education teacher less than 2 hrs/day	3 or 4	2 half-day	40	pre-K	1	0	3	5 ineligible half-day	40	EE	1	0	3
served in the pre-K classroom by pre-K teacher for full day (at least 4 hours) with indirect and/or consultative services by special education teacher less than 2 hrs/day	3 or 4	1 full-day	40	pre-K	1	0	3	4 ineligible full-day	40	EE	1	0	3
served in the ½ day pre-K classroom but leaves for special education and related services in a self-contained (S-C) environment less than 21% of the instructional day	3 or 4	2 half-day	41	pre-K	1	0	3	5 ineligible half-day	41	EE	1	0	3
served in the ½ day pre-K classroom but leaves for special education and related services in a S-C environment at least 21% but less than 50% of the instructional day	3 or 4	2 half-day	42	pre-K	1	0	3	5 ineligible half-day	42	EE	1	0	3
served in the ½ day pre-K classroom but leaves for special education and related services in a S-C environment at least 50% but less than 60% of the instructional day	3 or 4	2 half-day	43	pre-K	1	0	3	5 ineligible half-day	43	EE	1	0	3
served in the pre-K classroom for ½ day and in a S-C classroom for the other ½ day	3 or 4	1 full-day	43	pre-K	1	0	3	2 half-day	43	EE	1	0	3
served in the pre-K classroom by pre-K and special education teachers for ½ day and in a S-C classroom for the other ½ day	3 or 4	1 full-day	43	pre-K	1	0	3	1 full-day[3]	43	EE	1	0	3
served in the ½ day pre-K classroom but leaves for special education and related services in a S-C environment more than 60% of the instructional day	3 or 4	2 half-day	44	pre-K	1	0	3	5 ineligible half-day	44	EE	1	0	3
served in a S-C classroom by a special education teacher for at least 2 hours but fewer than 4 hours each day (Students in this setting receive only special education and related services.)[4]	3 or 4	2 half-day	45	EE	1	0	3	2 half-day	45	EE	1	0	3
served in a S-C classroom by a special education teacher for at least 4 hours each day (Students in this setting receive only special education and related services.)[4]	3 or 4	1 full-day	45	EE	1	0	3	1 full-day	45	EE	1	0	3
served in the ½ day pre-K classroom and the only sp. ed. svc. the student receives is 1 hour speech therapy/wk	3 or 4	2 half-day	00	pre-K	1	0	3	5 ineligible half-day	00	EE	1	0	3

Note: The examples in this chart related to pre-K programs assume that your district provides both a 3-year-old pre-K program and a 4-year-old pre-K program. For pre-K eligibility requirements, see 7.2 Eligibility. ADA eligibility code rules:
General: 0 = enrolled fewer than 2 hours per day, 2 = enrolled 2+ but fewer than 4 hours per day, 1 = enrolled at least 4 hours per day
Homebound: 0 = enrolled fewer than 2 hours per week, 2 = enrolled 2+ but fewer than 4 hours per week, 1 = enrolled at least 4 hours per week
Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

[1] An eligible student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

[2] Ineligible pre-K students may be served in the pre-K classroom if the ARD committee deems it appropriate and space is available. However, eligible pre-K students should not be denied enrollment due to an ineligible pre-K student's enrollment.

[3] The pre-K and special education teachers must be teaching concurrently for the entire half day if student is to be eligible for half-day attendance or for the entire day if student is to be eligible for full-day attendance. See 4.7.10.1.1 Requirements Related to Teachers Providing Special Education Instruction in General Education Settings.

[4] Refer to 4.7.14 Code 45 - Full-Time Early Childhood Special Education Setting

4.9.4 ECSE Services and Kindergarten Programs

An eligible student who receives special education services and attends a full-day kindergarten program is eligible for a full day of attendance (ADA eligibility code 1). The student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student.

An eligible student who receives special education services in addition to attending a half-day kindergarten program is also eligible for a full day of attendance (ADA eligibility code 1) if the student is scheduled for and receives at least four hours of instruction and services. The student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student.

If a kindergarten student who receives special education services turns six years of age during the school year, the PPCD[133] indicator code for that student should be changed from 1 to 0 on the date that the student turns six. Also, note that a student who is six years old on or before the October fall snapshot date must not have an instructional setting code of 45 - Full-time Early Childhood Special Education Setting. An instructional setting code change from 45 – Full-time Early Childhood to 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus due to the student turning six during the school year as required for student attendance and accounting purposes does not constitute a change in placement described in 34 CFR, §300.116.

For coding examples, see the chart on the following page. Each row that shows a "current age" age of five shows the coding that should be used for a kindergarten student while the student is five years of age. Each row that shows a "current age" age of six shows the coding that should be used for a kindergarten student beginning on the date the student turns six years of age.

---

[133] **PRESCHL-PROG-CHLDRN-WITH-DISAB-IND-CD (E0899)** indicates whether the preschool student, age three through five years old, is receiving any special education and related services (including AI and VI) from the school district or charter school in any setting(s) or environment. (See 19 TAC §89.1035 and 34 CFR, §300.101(b).) The term PPCD continues to exist currently in the TSDS TEDS.

Coding Chart 2: Kindergarten and Special Education Services								
	Age 09/01	Current Age	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
A kindergarten student eligible for special education services who is:								
attending a kindergarten classroom for his or her entire instructional day and receives special education services in the kindergarten classroom	5	5	1 full-day or 2 half-day	40	K	1	0	3
attending a kindergarten classroom for his or her entire instructional day and receives special education services in the kindergarten classroom	5	6	1 full-day or 2 half-day	40	K	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	5	1 full-day or 2 half-day	41	K	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	6	1 full-day or 2 half-day	41	K	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	5	1 full-day or 2 half-day	42	K	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	6	1 full-day or 2 half-day	42	K	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	5	1 full-day or 2 half-day	43	K	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	6	1 full-day or 2 half-day	43	K	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for more than 60% of the day	5	5	1 full-day or 2 half-day	44	K	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for more than 60% of the day	5	6	1 full-day or 2 half-day	44	K	0	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.)[1]	5	5	1 full-day or 2 half-day	45	K	1	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.)	5	6	1 full-day or 2 half-day	44	K	0	0	3

ADA eligibility code rules:

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

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

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

[1] Refer to 4.7.14 Code 45 - Full-Time Early Childhood Special Education Setting.

4.9.5 ECSE Services and Head Start

Your district and a Head Start program should provide collaborative services as documented in a memorandum of understanding between the two entities. For students with disabilities served in a district-operated or community-based Head Start program, refer to the chart in 4.9.8 Coding Chart: ECSE Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility to make coding determinations for grade level, instructional setting code, and PPCD[134] indicator.

ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since Head Start attendance does not generate ADA or weighted funding.

4.9.6 ECSE Services and Students Served in a District-Operated Preschool or Child Care Facility

For students with disabilities served in a district-operated preschool or child care facility, refer to the chart in 4.9.8 Coding Chart: ECSE Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility to make coding determinations for grade level, instructional setting code, and PPCD indicator. ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since preschool and child care services do not generate ADA or weighted funding.

If your district establishes an early childhood education program to serve all three and/or four year olds regardless of eligibility or other criteria, your district may use the mainstream code (40) for a student in the program who receives special education services other than speech therapy in the general classroom. However, for the mainstream code to be used for the student, the majority of students in his or her class must be students who are not receiving special education services.

District-operated preschool and child care settings include, but are not limited to, a staff child day care facility, a staff child care center open to the community, and a district therapy setting not primarily designed for children with disabilities and in which the majority of the children are nondisabled.

4.9.7 ECSE Services and Students Served in a Community-Based Preschool or Child Care Facility

For students with disabilities served in a community-based preschool or child care facility, refer to the chart in 4.9.8 Coding Chart: ECSE Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility to make coding determinations for grade level, instructional setting code, and ECSE indicator. ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since preschool and child care services do not generate ADA or weighted funding.

If your district enters into a collaborative effort with a preschool or child care center to serve all three and/or four year olds regardless of eligibility or other criteria, your district may use the Off Home

[134] **PRESCHL-PROG-CHLDRN-WITH-DISAB-IND-CD (E0899)** indicates whether the preschool student, age three through five years old, is receiving any special education and related services (including AI and VI) from the school district or charter school in any setting(s) or environment. (See 19 TAC §89.1035 and 34 CFR, §300.101(b).) The term PPCD continues to exist currently in the TSDS TEDS.

Campus - Mainstream code (91) for a student in the program who receives special education services other than speech therapy in the general classroom. However, for code 91 to be used for the student, the majority of students in his or her class must be students who are not receiving special education services.

Community-based child care settings and facilities include, but are not limited to, private child care centers, private preschools, and community-based Head Start programs.

4.9.8 Coding Chart: ECSE Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility

Coding Chart 3: ECSE Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility							
	Student Age[1]	**ADA Elig. Code**	**Instructional Setting Code**	**Grade Level**	**PPCD Ind.**	**ECI Ind.**	**Child Count**
Community-based: A student who is eligible for special education services, is receiving services in a community-based Head Start program, community-based preschool, or community-based child care facility, and is:							
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	91	EE	1	0	3
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	91	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	97	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	97	EE	1	0	3
District-operated: A student who is eligible for special education services, is receiving services in a district-operated Head Start program, district-operated preschool, or district-operated child care facility, and is:							
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	40	EE	1	0	3
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	40	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	45	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	45	EE	1	0	3

ADA eligibility code rules:

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

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

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

[1] An eligible student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

4.9.9 ECSE Services and Private or Home School Student Aged Three or Four Years and in Need of Special Education

Under 19 TAC §89.1096, Provision of Services for Students Placed by their Parents in Private Schools or Facilities, the amount and type, if any, of special education and related services made available by your district to students with disabilities placed in private schools or facilities are determined based on ongoing consultation with representatives of the private school and representatives of parentally placed private school students with disabilities and a proportionate share calculation.[135]

See the TEA Guidance on Parentally Placed Private School Children with Disabilities web page at http://www.tea.state.tx.us/index2.aspx?id=2147492070 for more information.

4.9.9.1 Dual Enrollment of Private or Home School Student

If an ARD committee determines that a private or home school student aged three or four years is eligible for special education and related services, the parent may enroll the student only in the public school, dual enroll the student, or decline to have the student enroll in public school.

Dual enrollment means the enrollment of a three- or four-year-old student who is eligible for special education services in both a public school district, through which the student receives special education services, and a private or home school.

Parents of an eligible student have the right to dual enroll the student beginning on the student's third birthday and continuing until the end of the school year in which the student turns five or until the student is eligible to attend your district's public school kindergarten program, whichever comes first.

When parents choose to enroll a child under the dual enrollment provision, your school district should take the following steps to enroll the student, based on the services and amount of time needed to provide those services as set forth in the student's IEP:

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

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

[135] See also 34 CFR, §§300.130–300.144.

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

If the parent of an eligible student declines dual enrollment for the student, your school district must make the special education and related services available as provided for in 19 TAC §89.1096(d), which provides for parents of an eligible child who decline dual enrollment to request a services plan. Since the obligation of your district to provide special education and related services is limited, and any services provided will be under a services plan, not an IEP, the student will not generate ADA. However, **a student receiving services under a services plan** should be entered into TSDS PEIMS with an ADA eligibility code of 0 - Enrolled, Not in Membership, and counted on the **last Friday of October for the TSDS PEIMS Fall submission** child count snapshot for data reporting purposes.

4.9.10 Some Common Instructional Setting Codes for Students Receiving ECSE Services

Following is a list of instructional setting codes commonly used for students receiving ECSE services. **Note that it is not an exhaustive list.** For a complete list of instructional setting codes and detailed information on when to use them, see 4.7 Instructional Setting Codes.

Commonly used instructional setting codes for students receiving ECSE services:

00 - No Instructional Setting (Speech Therapy)
See 4.7.1 Code 00 - No Instructional Setting (Speech Therapy).

01 - Homebound
See 4.7.2 Code 01 - Homebound. See especially the information in 4.7.2.4 Early Childhood Special Education (ECSE) and Homebound Services.

40 - Special Education Mainstream
See 4.7.10 Code 40 - Special Education Mainstream. See especially the information in 4.7.10.3 Early Childhood Special Education (ECSE) and Mainstream Instructional Settings.

41 or 42 - Resource Room/Services
See 4.7.11 Code 41 or 42 - Resource Room/Services.

43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus
See 4.7.12 Code 43 or 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus.

45 - Full-Time Early Childhood Special Education Setting (FT ECSE)
See 4.7.14 Code 45 - Full-Time Early Childhood Special Education Setting.

91, 96, 97, 98 - Off Home Campus
See 4.7.20 Code 91, 92, 93, 94, 95, 96, 97, or 98 - Off Home Campus.

4.10 Special Education Services for Infants and Toddlers

Infants and toddlers (children ages two or younger) who have visual impairments or are deaf or hard of hearing or both and who are served by your district are eligible for special education services[136] and are eligible to generate ADA. The following subsections describe the coding information to use for these children.

4.10.1 Infants Receiving Visual Impairment Services, Orientation and Mobility (O&M) Services, or Both

All infants (birth through two years of age) receiving visual impairment services, orientation and mobility (O&M) services, or both **at home, in day care, or in a nondistrict center-based program** should be reported with the information shown in the following table:

Grade Level	EE
Instructional Setting Code	**01 - Homebound** (a doctor's statement is not needed)
ADA Eligibility Code	**0 - Enrolled, Not in Membership** if the infant is served fewer than two hours per week **2 - Eligible for Half-Day Attendance** if the infant is served at least two hours but fewer than four hours per week **1 - Eligible for Full-Day Attendance** if the infant is served at least four hours per week

See 4.7.2 Code 01 - Homebound for more information on the homebound instructional setting.

All infants receiving visual impairment services, O&M services, or both **in center-based programs** (not an early childhood intervention [ECI] program) should be reported with the information shown in the following table:

Grade Level	EE
Instructional Setting Code	**44 - Self-Contained, Mild/Moderate/Severe, Regular Campus** *or* **97 - Off Home Campus** *depending on the location of the services*
ADA Eligibility Code	**0 - Enrolled, Not in Membership** if the infant is served fewer than two hours per day **2 - Eligible for Half-Day Attendance** if the infant is served at least two hours but fewer than four hours per day **1 - Eligible for Full-Day Attendance** if the infant is served at least four hours per day

4.10.2 Infants Receiving Deaf or Hard of Hearing Services

All infants (birth through two years of age) receiving deaf or hard of hearing services **at home or in day care** should be reported with the information shown in the following table:

[136] Under the TEC, §29.003, a FAPE must be available from birth to students with visual impairments or who are deaf or hard of hearing.

Grade Level	EE
Instructional Setting Code	**01 - Homebound** (a doctor's statement is not needed)
ADA Eligibility Code	**0 - Enrolled, Not in Membership** if the infant is served fewer than two hours per week **2** - **Eligible for Half-Day Attendance** if the infant is served at least two hours but fewer than four hours per week **1 - Eligible for Full-Day Attendance** if the infant is served at least four hours per week

See 4.7.2 Code 01 - Homebound for more information on the homebound instructional setting.

All infants receiving deaf or hard of hearing services **in your school district or in nondistrict centers** should be reported with the information shown in the following table:

Grade Level	EE
Instructional Setting Code	**44 - Self-Contained, Mild/Moderate/Severe, Regular Campus** *or* **97 - Off Home Campus** *depending on the location of the services*
ADA Eligibility Code	**0_- Enrolled, Not in Membership** if the infant is served fewer than two hours per day **2** - **Eligible for Half-Day Attendance** if the infant is served at least two hours but fewer than four hours per day **1** - **Eligible for Full-Day Attendance** if the infant is served at least four hours per day

4.10.3 Infants (Birth through Two Years of Age) Receiving Home-Based Instruction

Important: Only a district that operates an ECI program through a contract with the Texas Health and Human Services Commission may code an infant with this instructional setting code.

An instructional setting code of **31 - Home-Based Instruction** is used for an infant (birth through age two) to whom early intervention services are provided in the client's home. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving home-based instruction as described in the previous paragraph:

Grade Level	EE
Instructional Setting Code	**31 - Home-Based Instruction**
ADA Eligibility Code	**0** - **Enrolled, Not in Membership**

4.10.4 Infants (Birth through Two Years of Age) Receiving Center-Based Instruction

An instructional setting code of **32 - Center-Based Instruction** is used for an infant (birth through age two) when the infant and his or her family are provided early intervention services through an ECI program operated through the Texas Health and Human Services Commission and in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting code does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving center-based instruction as described in the previous paragraph:

Grade Level	EE
Instructional Setting Code	**32 - Center-Based Instruction**
ADA Eligibility Code	**0 - Enrolled, Not in Membership**

4.10.5 Infants (Birth through Two Years of Age) Receiving Services in Other Environment

Important: Only a district that operates an ECI program through a contract with the Texas Health and Human Services Commission may code an infant with this instructional setting code.

Infants receiving early intervention services in an environment other than a home or a center should be coded with an instructional setting code of **34 - Other Environment**. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does **not** generate contact hours or ADA.

The following table shows the information with which to report an infant who is receiving services in another environment as described in the previous paragraph:

Grade Level	EE
Instructional Setting Code	**34 - Other Environment**
ADA Eligibility Code	**0 - Enrolled, Not in Membership**

4.11 Shared Services Arrangements (SSAs), Including Regional Day School Program for the Deaf SSAs

A shared services arrangement (SSA) is an arrangement in which school districts enter into a written contract to jointly operate their special education programs. School districts may also enter into SSAs to establish regional day school programs for the deaf. A student who attends a program operated under an SSA may be reported by the receiving district without the necessity of a legal transfer. **Note:** With the closing of STS, RDSPD SSAs must report students who reside in one district but receive educational services in another district as transfer students.

For more information on ADA eligibility codes, see 3.2.1 ADA Eligibility Coding.

The matter of which district will report the student should be outlined in the SSA agreement between the member districts. The same district reports the student for **all** TSDS PEIMS reporting. If the RDSPD fiscal agent district reports TSDS PEIMS data for students who reside in another district, the student must be reported on the 40110 Student School Association Extension as a transfer student (attribution code 6 – Transfer Student). For these transfer students, the district must also report the campus ID of Residence (data element E0903).

4.11.1 Regional Day School Programs for the Deaf (RDSPDs)

Students in an RDSPD must be served a minimum of 45 minutes per week by an RDSPD teacher. All students who receive instructional services through the RDSPD for the minimum time indicated should be reported on the TSDS PEIMS 41163 (Student Special Education Program Association Extension) and 42401 (Special Programs Reporting Period Attendance Extension) records using C067 (Reg-Day-Sch-Prog-Deaf) code 3.

The following table shows the ADA eligibility codes to use for students in an RDSPD.

If a student is enrolled in an RDSPD:	**then use ADA eligibility code:**
and is a full-day student (served for at least four hours [240 minutes]) and is a resident of the district submitting TSDS PEIMS data,	1 - Eligible for Full-Day Attendance.
and is a half-day student (served for at least two hours [120 minutes]) and is a resident of the district submitting TSDS PEIMS data,	2 - Eligible for Half-Day Attendance.
and is a full-day student (served for at least four hours [240 minutes]) but is a not a resident of the district submitting TSDS PEIMS data,	3 - Eligible for Full-Day Attendance. (Note: This also requires that the student be assigned an attribution code of 6 - Transfer Student on the 40110 Student School Association Extension.)
and is a half-day student (served for at least two hours [120 minutes]) but is not a resident of the district submitting TSDS PEIMS data,	6 - Eligible for Half-Day Attendance. (Note: This also requires that the student be assigned an attribution code of 6 – Transfer Student on the 40110 Student School Association Extension.)

4.12 Coding Chart: Services for Students with Disabilities—Exceptions to the Norm

Coding Chart 4: Services for Students With Disabilities—Exceptions to the Norm							
	Student Age	**ADA Elig. Code**	**Instructional Setting Code**	**Grade Level**	**PPCD Ind.**	**ECI Ind.**	**Child Count**
District Visual Impairment Services, O&M Services, or Both							
Home/day care/nondistrict center-based program	0–2	2–4 hr/*week* rule	01	EE	0	0[1]	0
In district center-based program	0–2	2–4 hr/*day* rule	44 or 97	EE	0	0[1]	0
District or RDSPD Deaf or Hard of Hearing Services[2]							
At home or in day care	0–2	2–4 hr/*week* rule	01	EE	0	0[1]	0
In district or nondistrict centers	0–2	2–4 hr/*day* rule	44 or 97	EE	0	0[1]	0
Texas Health and Human Services Commission ECI Program—Operated by a School District[3] (Service ends on 3rd birthday.)							
Home-based instruction	0–2	0	31	EE	0	1	0
Center-based instruction	0–2	0	32	EE	0	1	0
Other environment	0–2	0	34	EE	0	1	0
Head Start Programs (Eligibility depends on amount of time with special education teacher.)							
School-based Head Start (see chart in 4.9.8 ECSE Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility)	3 or 4	2–4 hr/*day* rule	40/45	EE	1	0	3
Community-based Head Start (see chart in 4.9.8 ECSE Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility)	3 or 4	2–4 hr/*day* rule	91/97	EE	1	0	3
Private School Students							
Where served not relevant (dual enrolled)	3 or 4	2–4 hr/*day* rule	Per IEP	EE	1	0	3
Where served not relevant	5–21	0	Per ISP	Approp.	0	0	3
Indirect services—students not reported to TSDS PEIMS	3–21						
Students 18–21	**Age on September 1**						
In public school; student is working toward completing graduation requirements	18–21	2–4 hr/*day* rule	Per IEP	12	0	0	3
Student graduated by meeting requirements of 19 TAC §89.1070(b)(2), (3)(A), (B), or (C), or (4)(A), (B), or (C)) and returned under 19 TAC §89.1070(j)—Graduation type codes 04–06, 18-20, 35, 54-56	18–21	2–4 hr/*day* rule	Per IEP	12	0	0	3

ADA eligibility code rules:

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

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

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

[1] ECI Indicator code 0 is used for children (0–2) who receive jointly district and ECI services under the ECI TEA MOU from an ECI program not operated by your district.

[2] Districts and RDSPDs should have an agreement related to the reporting of TSDS PEIMS data for these students.

[3] Only districts that operate an ECI program under the auspices of the Texas Health and Human Services Commission should report children 0–2 using the ECI indicator code 1. Districts without district-operated ECI programs must report children served jointly under the ECI TEA MOU using the ECI indicator code 0.

4.13 Extended School Year (ESY) Services

Your district will be funded for any ESY services it provides for students receiving special education services beyond the regular school year during a period such as winter, spring, or summer break. The ARD committee determines the need for ESY services based on documented evidence that the student may be expected to exhibit severe or substantial regression that cannot be recouped within a reasonable period of time.[137]

The procedures for providing ESY services are as follows:

1. At the review of the student's IEP, the ARD committee members must consider whether a student will benefit from ESY services based on regression and recoupment information from the service providers, the student's parents, and evaluations (formal, informal, or both) provided by the LEA and/or the student's parents.

   A student who receives ESY services must be reported with the same instructional setting code with which the student was reported during the school year, if he or she had an instructional setting code for the school year.

   If a student is turning three years old during the summer, the ARD committee may begin to implement the IEP at the start of the school year. Or, if necessary for the student to receive a FAPE, the ARD committee may decide to begin to implement the IEP through ESY services.

2. Each special education teacher and related service provider who provides ESY services is responsible for maintaining an ESY services record or register of the actual instructional eye-to-eye contact hours that each student receives. The ESY services record or register must contain the following data:
   a. the name of the district and the campus
   b. the county-district-campus number
   c. the beginning and ending dates of each week of ESY services
   d. the grade level of each student as shown in the attendance system for the regular school year
   e. the student's name as shown in the attendance system for the regular school year
   f. the instructional setting code of the student as shown in the attendance system for the regular school year
   g. the total actual contact hours served. (Each teacher or special education service provider must record the actual number of contact hours the student was served in class each day in 30-minute increments. Increments of fewer than 30 minutes are not counted.)
   h. the total contact hours by instructional setting code, in order to sum the total ESY services contact hours for each instructional setting

3. After the period for the provision of ESY services ends, the teachers and related service providers must sign ESY services records or registers and forward them to the superintendent (or the superintendent's designee) for safekeeping. Your district retains the ESY services records

[137] TEC, §48.102(j); 19 TAC §89.1065

or registers locally for audit purposes. Your district must report ESY services data to TEA using **42408 Student ESY Program Association Extension** according to TSDS TEDS.

Note: A student coded with an instructional setting code of 40 – Special Education Mainstream is ineligible for state funding through ESY services. This prohibition does not mean that your district should not or cannot administer mainstream services as an ESY service. If a student who received mainstream services during the regular school year requires mainstream services through the summer, then your school district should serve the student accordingly. However, funding for the mainstream service must come from sources other than those for ESY services.

4.14 Exiting an Emergent Bilingual (EB)/English Learner (EL) Student Who Is Receiving Special Education Services Within a Bilingual Education or English as a Second Language (ESL) Program

See 6.8.2 Reclassification Procedures and Criteria for EB Students Receiving Special Education Services for information on transferring an EB student/EL who is receiving special education services within a bilingual education or ESL program.

Note: As a result of Senate Bill 2066 in the 2021 legislative session, the term "emergent bilingual student" replaced the term "limited English proficient (LEP) student" used in the TEC, Chapter 29, Subchapter B. This also resulted in a change to the term "English learner (EL)" used in 19 TAC Chapter 89, Subchapter BB. These terms describe the same group of Texas students. An emergent bilingual student is in the process of acquiring English and has another language as the student's primary or home language. In TSDS PEIMS, the terms of "emergent bilingual (EB)" and "English learner (EL)" are bridged as EB/EL, and the data element names may still indicate the use of LEP in some places during the transition. It is important to note that "English learner" is still used in federal regulations and guidance.

4.15 Eligible Days Present and Contact Hours

No matter what instructional setting code is assigned to a student, the student's total number of eligible days present for that instructional setting must be recorded for each six-week reporting period in the Student Detail Report. Eligible days present are determined by whether the student was present at the official attendance-taking time each day or, for the homebound instructional setting, by the number of eligible days present earned each week according to the homebound funding chart (see 4.7.2.5 Homebound Funding and Homebound Documentation Requirements).

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

4.15.1 Contact Hours for Each Instructional Setting

When computing information for the Campus Summary Report (see Section 2 Audit Requirements), contact hours for each instructional setting must be recorded. To compute contact hours, multiply the total eligible days present for that instructional setting by the corresponding contact hour multiplier. Each instructional setting has a different contact hour multiplier. Use the following chart when

computing special education contact hours.

Contact Hour Multiplier for Each Instructional Setting Code

Instructional Setting	Instructional Setting Code(s)	Contact Hour Multiplier
No Instructional Setting (Speech Therapy)	00	0.250
Homebound	01	1.000
Hospital Class	02	4.500
VAC	08	5.500
State Supported Living Center	30	5.500
Resource Room	41 and 42	2.859
Mild/Moderate/Severe	43 and 44	2.859
Full-Time Early Childhood	45	2.859
Residential Care and Treatment	81–89	5.500
Off Home Campus	91–98	4.250

4.15.2 Special Education Contact Hours

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

Total Special Education Contact Hours = Eligible Special Education Days × Contact Hour Multiplier

4.15.3 Excess Contact Hours

Excess contact hours should also be totaled for each instructional setting. For funding purposes, a student may receive a maximum of six contact hours per day. Time in excess of six contact hours per day, earned by any combination of special education and CTE classes, must be deducted from the student's primary special education instructional setting. Excess contact hours may be deducted from speech therapy **only if** there are no other special education contact hours.

For examples of how to determine excess contact hours, see 4.18.12 Calculation of Excess Contact Hours Examples.

4.15.4 Eligible Mainstream Days Present

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

Your district must produce a separate Campus Summary Report for each instructional track for each campus in your district. At the end of each six-week reporting period, a District Summary Report must be computed. Campus Summary Reports and District Summary Reports must include eligible

mainstream days present for each grade level, total eligible mainstream days present for all grades, and campus or district mainstream ADA. **At no time are mainstream eligible days present converted to contact hours.**

4.16 Special Education Documentation

For your district to claim special education contact hours and receive weighted funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating special education eligible days present and for every student with a speech therapy indicator code on the Student Detail Report.

Your district must maintain the following:

- documentation to support the amount of time teachers served students in the homebound instructional setting each week
- documentation to support the IFSP or ARD committee decisions regarding a student and a copy of the student's IFSP or IEP, as applicable, in the student's eligibility folder
- the following statements, if applicable, in the student's eligibility folder:
    - **homebound**—for a student aged six years or older, a licensed physician's statement confirming the need for the student to be placed in the homebound instructional setting for a minimum of four weeks
    - **hospital class**—documentation from a proper authority confirming the need for the student to reside in the facility
    - **residential care and treatment facility**—documentation from a proper authority confirming the placement for the student to reside in the facility

4.17 Teacher Requirements

Since the beginning of the 2016–2017 school year, schools and teachers only need to meet state requirements for certification. The federal term "highly qualified teacher status" no longer applies. It is important to note that all state certification requirements adopted in State Board for Educator Certification rule remain in place.

A special education teacher who delivers direct instruction to students with disabilities in **core academic subject areas** must meet the appropriate state special education certification requirements for the subject and grade level that he or she is teaching.[138]

For teacher requirements specific to the homebound instructional setting, see 4.7.2.1 Homebound Notes.

[138] For the certification required for particular assignments, see 19 TAC Chapter 231.

4.18 Examples

This subsection provides examples of the codes to use for various situations involving students who receive special education services.

4.18.1 Code 01 - Homebound Examples

Example 1: An eight-year-old student who receives special education and related services (instructional setting code **41 - Resource Room/Services - Less Than 21 Percent**) develops a medical or psychological condition, and the school obtains a licensed physician's statement affirming that the medical or psychological condition will prevent him from attending school for at least four weeks.

1. The ARD committee should convene to review all the student information, including the physician's statement, to determine if homebound services are appropriate. If the ARD committee determines homebound services are appropriate, the committee should document the following in the student's records:
   a) licensed physician's statement and ARD committee documentation, which must be on file before a student may be coded homebound
   b) the date that homebound services will begin
   c) the change of placement from resource room to a homebound setting, which will result in a change in the instructional setting code from **41** to **01 - Homebound**
   d) the type, frequency, and duration of services that will be provided in the homebound setting
   e) the certified special education and related service providers who will be serving the student in the homebound setting

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

   Example A: If the student is served four or more hours that week, the student is recorded present every day that week.

   Example B: If the student is served two hours that week, the student is recorded present for two days and absent for three days of that week.

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

3. The ARD committee should convene to review current student information, including the physician's statement, to determine if a transition period is necessary and the date homebound services are no longer appropriate. If the student requires a transition period when returning to the classroom setting, the ARD committee should document the following in the student's IEP:
   a) the length of time for the transition period
   b) the amount of time the student will be served in both settings (homebound and classroom) during the transition period

c) the effective date that the student's instructional setting code will change back to **41**

*During the transition period, the student's instructional setting code remains **01 - Homebound**, based on the homebound funding chart (see 4.7.2.7 Transition from Homebound to the Classroom). The date the transition period is completed and the student returns to the classroom full time, the student's instructional setting code changes back to **41**.*

Example 2: A student with a chronic illness or acute health problem (recurring condition) will be absent from school for at least four weeks over the entire school year, as documented by a licensed physician.[139] The ARD committee determines and documents in the IEP that during the time of absence, the student will be served through a homebound instructional setting.

During the first week of the second six-week reporting period, the student is present on Monday and receives services following the requirements of the two-through-four-hour rule. The student is then absent on Tuesday, Wednesday, and Thursday but receives three hours of homebound instruction from a certified special education teacher on Thursday following the requirements of the homebound funding chart. The student returns to school on Friday and receives services following the requirements of the two-through-four-hour rule. The student generates five eligible days present. The student's instructional setting code is **42 - Resource Room/Services - at Least 21 Percent and Less Than 50 Percent** for two days and **01 - Homebound** for three days.

During the second week of the second six-week reporting period, the student is present all five days and receives services following the requirements of the two-through-four-hour rule. The student generates five eligible days present in instructional setting code **42**.

During the third week of the second six-week reporting period, the student is present all five days and receives services following the requirements of the two-through-four-hour rule. The student generates five eligible days present in instructional setting code **42**.

During the fourth week of the second six-week reporting period, the student is present on Monday, Tuesday, and Wednesday and receives services following the requirements of the two-through-four-hour rule. The student is then absent on Thursday and Friday but does not receive any homebound instruction because the student is too ill to receive services. The student generates three eligible days present in instructional setting code **42**. The student is counted absent for two days.

During the fifth week of the second six-week reporting period, the student is absent all five days and is served four hours at home by a certified special education teacher following the requirements of the homebound funding chart. The student generates five eligible days present in instructional setting code **01**.

During the sixth week of the second six-week reporting period, the student is present all five days and receives services following the requirements of the two-through-four-hour rule. The student generates five eligible days present in instructional setting code **42**.

[139] Access the Texas Medical Board's searchable database of licensed physicians at http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp.

To document for attendance reporting purposes the changing instructional settings for this student who has a recurring condition, the attendance clerk accumulates the attendance information for the entire second six-week reporting period and summarizes the information for the eligible days of attendance and contact hours served. The eligible days present and absent are recorded in the attendance accounting system at the end of the second six-week reporting period.

Example 3: A certified special education teacher administers the required state math assessment to a student confined to the home on a Tuesday. It takes the student two hours to complete the math assessment. The teacher returns on Wednesday and administers the required state reading assessment. It takes the student two hours to complete the reading assessment.

The student earns only one eligible day present for Tuesday and only one eligible day present for Wednesday. The certified special education teacher must schedule two more hours of homebound instruction during the week so the student can earn an entire week of attendance credit. The additional homebound instruction may be any day of the same week, Sunday to Saturday, including the same calendar day that the test is administered. In all cases, the homebound instruction must be in addition to the time the student is tested.

Example 4: A certified special education teacher administers a final exam to a student confined to the home, and it takes the student 30 minutes to complete the exam.

The student must receive an additional 30 minutes of homebound instruction to earn one day present.

Example 5: A student with a chronic, recurring illness normally receives special education and related services in the special education homebound instructional setting. The student's doctor has provided documentation stating that the student may attend school when able. The student's ARD committee has specified that the student is to receive special education and related services in a general education setting when the student is well enough to attend school.

On Tuesday, the student is served at home by a certified special education teacher for three hours. On Friday of the same week, the student feels well enough to attend five hours of school at the student's campus. The student **is present when attendance is taken and is recorded present**.

*The student earns three eligible days present for the time the student was served on Tuesday, per the Homebound Funding Chart. The student's instructional setting code for that day is **01 - Homebound**. The student also earns one additional day present for attending school on Friday, per the two-through-four-hour rule and the student's being present at the time attendance was taken. The student's instructional setting code for Friday is **40 - Mainstream**.*

4.18.2 Code 02 - Hospital Class Examples

Example 1: A student receiving special education services has been confined to a hospital. While at the hospital, the student attends class at the hospital taught by a teacher from your district's high school campus.

*The instructional setting code for this student is **02 - Hospital Class**. Standard attendance accounting rules apply for recording student absences for students in the hospital class instructional setting.*

Example 2: A student receiving special education and related services who resides in a residential care and treatment facility within your district's boundaries receives special education instruction and related services at the residential care and treatment facility.

*The instructional setting code for this student is **02 - Hospital Class**.*

4.18.3 Code 08 - Vocational Adjustment Class (VAC) Examples

Example 1: A student works half of the school day and attends classes the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTE classes. After three weeks, the student loses his job but remains in the special education job training class he has been enrolled in from the beginning of the school year.

For the time the student is gainfully employed, the instructional setting code for the student is 08, and the CTE code is V2 (see Section 5 Career and Technical Education (CTE)). As soon as the student loses his job, the student's instructional setting code changes to reflect the appropriate code for the interim placement determined by the ARD committee, but the CTE code remains V2 if the student remains enrolled in two vocational classes. Note that the classes are CTE classes and not special education classes.

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

Example 2: A student works (paid or unpaid) in a job or job training program (assisted or unassisted) and receives regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. The student may or may not attend special education classes in the district in accordance with the IEP.

For the time the student is employed (paid or unpaid, assisted or unassisted), the instructional setting code for the student is 08. The IEP determines the extent of regularly scheduled direct involvement of special education personnel.

4.18.4 Code 40 - Mainstream Examples

Example 1: A student attends all general education classes. Certified special education personnel are involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student. The student's IEP specifies the services that will be provided by certified special education staff members to enable the student to appropriately progress in the general education curriculum, appropriately advance in achieving the goals set out in the student's IEP, or both.

*The instructional setting code for this student is **40 - Mainstream**.*

Example 2: A student attends all general education classes. A dyslexia instructor, who has required training as outlined in *The Dyslexia Handbook*, provides the student standard protocol dyslexia instruction in a general education setting. Certified special education personnel are involved in the implementation of the student's IEP through the provision of direct and/or support services to the student. Standard protocol dyslexia instruction is identified on the student's IEP as specially designed

instruction necessary to enable the student to appropriately progress in the general education curriculum, appropriately advance in achieving the goals set out in the student's IEP, or both.

*The instructional setting code for this student is **40 - Mainstream.***

Example 3: A student attends six general education classes a day. In five of the six general education classes, the student receives special education services by certified special education personnel.

*The instructional setting code for this student is **40 - Mainstream** because the student receives special education services in the general education class.*

Example 4: A student attends all general education classes and receives special education services in the general education setting. For one hour a week, as documented in the IEP, this student receives physical therapy in the general education classroom.

*The instructional setting code for this student is **40 - Mainstream** because the student receives all special education and related services in the general education setting. (If this student received physical therapy in a location other than a general education setting, then the instructional setting code would be **41 - Resource Room/Services - Less Than 21 Percent**.) The student's physical therapy indicator code is **1**.*

Example 5: A student attends all general education classes with an interpreter from the RDSPD.

*The instructional setting code for this student is **40 - Mainstream** because the student receives special education services in the general education setting. Regardless of the amount of time the interpreter spends with the student, the instructional setting code is **40**.*

Example 6: A four-year-old student with a disability who is eligible for the free pre-K program and early childhood special education services receives special education and related services, including speech therapy, in the pre-K classroom for three hours five days a week. The certified special education teacher teaches collaboratively in the pre-K classroom with the pre-K teacher for the full three hours and the full five days. The occupational therapist provides services for 20 minutes twice a week in the pre-K classroom. The speech therapist provides speech instruction for 30 minutes a week in a location other than a general education setting.

The student generates half-day ADA eligibility.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **40 - Mainstream**; the speech therapy indicator code is **2**; and the occupational therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*One instructional setting code is recorded for this student: **00 - No Instructional Setting.** (The 42401 Special Programs Reporting Period Attendance Extension does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 Special Programs Reporting Period Attendance Extension should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the 42400 Basic Reporting Period Attendance Extension.)*

4.18.5 Codes 41 and 42 - Resource Room/Services Examples

Example 1: A student attends four general education classes and three special education classes a day. The student attends the three special education classes in the resource room.

*The instructional setting code for this student is **42 - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent** because the student is in a location other than a general education setting to receive special education services in the resource room and the student receives special education services for at least 21 percent and less than 50 percent (3/7 = 43 percent) of the student's total instructional day.*

*If this student attended six general education classes and one special education class a day, then the student would have an instructional setting code of **41 - Resource Room/Services - Less Than 21 Percent** because the student would be in a location other than a general education setting to receive special education services and would receive special education services for less than 21 percent (1/7 = 14 percent) of the student's total instructional day.*

Example 2: A student attends all general classes and receives special education services in the general education setting, except for one hour a week, as documented in the IEP, when the student receives physical therapy in a special education setting.

*The instructional setting code for this student is **41 - Resource Room/Services - Less Than 21 Percent** because the student receives regularly scheduled related services in a special education setting but is otherwise served in general education. The physical therapy indicator code is **1**.*

Example 3: A student attends all general classes, except for one hour a week, as documented in the IEP, when the student receives support services in a resource room from a certified special education teacher, or from an itinerant teacher from an RDSPD.

*The instructional setting code for this student is **41 - Resource Room/Services - Less Than 21 Percent** because the student receives direct, regularly scheduled special education support services in a special education setting.*

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

Example 1: A student on a departmentalized campus attends four special education classes and three general education classes each day.

*The instructional setting code for this student is **43 - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent** because the student receives special education services for at least 50 percent and no more than 60 percent (4/7 = 57 percent) of the student's total instructional day.*

Example 2: A student on an elementary campus spends three out of six instructional hours in the special education classroom.

*The instructional setting code for this student is **43 - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent** (180 minutes/360 minutes = 50 percent).*

Example 3: A student on an elementary campus spends 200 minutes out of 300 instructional minutes in the special education classroom. The student spends the other 100 minutes in a general education classroom.

*The instructional setting code for this student is **44 - Self-Contained, Mild/Moderate/Severe, Regular Campus – More Than 60 Percent** because 67 percent (200/300 = 67 percent) of the student's instructional day is spent in special education.*

Example 4: A student on an elementary campus spends 145 minutes out of 300 instructional minutes in the special education classroom and receives 30 minutes a week (an average of six minutes/day) of speech (or any related service).* The student spends the other 149 minutes in a general education classroom.

*The following coding information assumes the student receives speech therapy.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **43 - Self-Contained, Mild/ Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent** because 50 percent (151/300 = 50 percent) of the student's instructional day is spent in a special education setting. The speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*Two instructional setting codes are recorded for this student: **43 - Self-Contained, Mild/ Moderate/Severe, Regular Campus – At Least 50 Percent and No More Than 60 Percent** and **00 - No Instructional Setting.***

Example 5: A student transfers and is enrolled into a district providing a special education classroom that serves students from other districts. The student attends this class for the entire instructional day.

*The instructional setting code for this student is **44 - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent** because the student is in the special education classroom for more than 60 percent of the student's instructional day. All absences and eligible days present are recorded in the serving district's attendance accounting system. For students three through five years of age with disabilities, the instructional setting code is **45 - Full-Time Early Childhood Special Education Setting.***

The student's ADA eligibility code is 3 (see 3.2.1.4 Code 3 Eligible Transfer Student Full Day).

4.18.7 Code 45 - Full-Time Early Childhood Special Education Setting (FT ECSE) Example

A four-year-old student with a disability receives full-time special education and related services in educational programs designed primarily for children with disabilities located on local school district campuses. **No education or related services are provided in the general education early childhood settings.**

*The instructional setting code for this student is **45 - Full-Time Early Childhood Special Education Setting** because no education or related services are provided in general education early childhood settings.*

4.18.8 Codes 81–89 - Residential Care and Treatment Facility (Nonresident) Examples

Example 1: A residential care and treatment facility is within the boundaries of your school district. Several students who receive special education services reside in the facility and attend school at a school campus in your district. These students' parents do not reside within the boundaries of your district.

*For a student who resides in the residential care and treatment facility and receives all special education and related services in a general education setting at a local school district campus, the instructional setting code is **81 - Residential Care and Treatment Facility - Mainstream**.*

*For a student who resides in the residential care and treatment facility and attends **one special education class and six general education classes** at a local school district campus, the instructional setting code is **82 - Residential Care and Treatment Facility - Resource Room/Services - Less Than 21 Percent** (1/7 = 14 percent).*

*For a student who resides in the residential care and treatment facility and attends **three special education classes and four general education classes** at a local school district campus, the instructional setting code is **83 - Residential Care and Treatment Facility - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent** (3/7 = 43 percent).*

*For a student who resides in the residential care and treatment facility and attends **three special education classes and three general education classes** at a local school district campus, the instructional setting code is **84 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent** (3/6 = 50 percent).*

*For a student who resides in the residential care and treatment facility and attends **five special education classes and one general education class** at a local school district campus, the instructional setting code is **85 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent** (5/6 = 83 percent).*

*For a student who resides in the residential care and treatment facility and receives **speech therapy services only**, the instructional setting code is **00 - No Instructional Setting**.*

Example 2: A student receiving special education and related services who resides in a residential care and treatment facility within your district's boundaries attends special education classes on a local school district campus that serves only students receiving special education and related services.

*The instructional setting code for this student is **86 – Residential Care and Treatment Facility - Separate Campus**.*

Example 3: A three-year-old student receiving special education and related services who resides in a residential care and treatment facility within your district's boundaries receives special education and related services in a self-contained special education classroom within a child care facility.

*The instructional setting code for this student is **87 - Residential Care and Treatment Facility - Community Class**.*

*If the services were provided in a self-contained special education class within an agency in the community (such as a community-based Head Start program), then the instructional setting code for this student still would be **87.***

Example 4: A student receiving special education and related services who resides in a residential care and treatment facility within your district's boundaries works half of the school day and attends classes at the high school campus the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTE classes.

*The instructional setting code for this student is **88 - Residential Care and Treatment Facility - Vocational Adjustment Class.** The student's CTE code is V2 (see Section 5 Career and Technical Education (CTE)). Note that the classes are CTE classes and not special education classes.*

Example 5: A four-year-old student receiving special education and related services who resides in a residential care and treatment facility within your district's boundaries receives full-time early childhood special education and related services on a local school district elementary campus.

*The instructional setting code for this student is **89 - Residential Care and Treatment Facility - Full-Time Early Childhood Special Education Setting**.*

4.18.9 Codes 91–98 - Off Home Campus Examples

Example 1: A student attends special education classes on a local school district campus that serves only students who receive special education and related services.

*The instructional setting code for this student is **96 - Off Home Campus - Separate Campus**.*

Example 2: A student attends the entire instructional day in another school district because the home district does not offer the special education services the ARD committee determined are required for the student to have an appropriate education.

There should be an agreement between the home district and the receiving district regarding the reporting of TSDS PEIMS and attendance data for this student. If the home district reports these data, it may report this student as being enrolled in the home district, even though the student attends the entire instructional day in the receiving district. However, it is also permissible for the receiving district, instead of the home district, to report this student in TSDS PEIMS. Only one district may report TSDS PEIMS data for an individual student. The receiving district is responsible for recording student absences and attendance. The receiving district must either submit this information to the home district, if the home district is responsible for reporting TSDS PEIMS data, or enter the information, if the receiving district is responsible for reporting TSDS PEIMS data.

*If the student attends three general education classes and three special education classes, the instructional setting is determined according to which entity reports TSDS PEIMS attendance data for the student. If reported by the home district, the instructional setting code for this student is **94 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent** (3/6 = 50 percent). If reported by the receiving district, the instructional setting code for*

*this student is **43 - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent**.*

*If the student attends five special education classes and one general education class in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports TSDS PEIMS data for the student, then the instructional setting code for this student is **95 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent** (5/6 = 83 percent). If the receiving district reports TSDS PEIMS data for the student, the instructional setting code is **44 - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent**.*

*If the student receives special education services and support in a general education setting in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district enters TSDS PEIMS data for this student, then the instructional setting code for this student is **91 - Off Home Campus - Mainstream**. If the receiving district reports TSDS PEIMS data for this student, the instructional setting code is **40 - Mainstream**.*

*If the student attends three special education classes and four general education classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports TSDS PEIMS data for this student, then the instructional setting code for this student is **93 - Off Home Campus - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent** (3/7 = 43 percent). If the receiving district reports TSDS PEIMS data for this student, the instructional setting code is **42 - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent**.*

Example 3: A five-year-old student receives full-time special education and related services in a self-contained multidistrict preschool classroom designed for children with disabilities.

*The instructional setting code for this student is **98 - Off Home Campus - Full-Time Early Childhood Special Education Setting**.*

Example 4: A preschool-age student with a disability who is eligible for special education and related services is provided special education services in a self-contained special education classroom within a child care facility.

*The instructional setting code for this student is **97 - Off Home Campus - Community Class**.*

*If the services were provided in a self-contained special education class within an agency in the community, then the instructional setting code for the student still would be **97 - Off Home Campus - Community Class.***

Example 5: A three-year-old student with a disability receives special education services, including speech therapy, in a community-based child care center for four hours five days a week and is in a class in which the majority of students are not receiving special education services. The certified special education teacher teaches collaboratively in the community-based child care classroom with the child care provider for the full four hours and the full five days. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week.

The student generates full-day ADA eligibility because the student meets the requirements of the two-through-four-hour rule.

TSDS PEIMS 41163 Student Special Education Program Association Extension:
*The instructional setting code for this student is **91 - Off Home Campus - Mainstream,** and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*Two instructional setting codes are recorded for this student: **91 - Off Home Campus - Mainstream** and **00 - No Instructional Setting.***

Example 6: A four-year-old student with a disability receives special education services and related services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based child care classroom and provides consultation to the teachers for 15 minutes a week. An aide is in the classroom four hours a day for five days a week to provide support services to the student.

*The student's ADA eligibility code is **0 - Enrolled, Not in Membership** because the student does not meet the requirements of the two-through-four-hour rule for ADA eligibility.*

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **91 - Off Home Campus – Mainstream,** and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*Two instructional setting codes are recorded for this student: **91 - Off Home Campus - Mainstream** and **00 – No Instructional Setting.***

Example 7: A four-year-old student with a disability receives special education services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 60 minutes once a week and consults with the child care provider for 60 minutes once a week.

*The student's ADA eligibility code is **0 - Enrolled, Not in Membership** because the student does not meet the requirements of the two-through-four-hour rule for ADA eligibility. The instructional setting code for this student is **91 - Off Home Campus - Mainstream**.*

Example 8: A student with a disability attends and receives special education services in a community setting or environment not operated by a school district that prepares the student for postsecondary education/training, integrated employment, and/or independent living skills (including 18 plus programs/services and work-based learning programs). The student may also receive direct involvement or instruction provided by school district personnel.

*The instructional setting code for this student is **97 - Off Home Campus - Community Class**.*

4.18.10 Speech Therapy Indicator Code 1 Examples

Example 1: A student receives services from the speech therapist 30 minutes a week and attends all general education classes. The services from the speech therapist are the only special education services the student receives.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **00 - No Instructional Setting,** and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*The instructional setting code for this student is **00 - No Instructional Setting.***

Example 2: A student receives direct speech therapy services **and** indirect support from the speech therapy program through services provided by a speech therapist. These are the only special education services the student receives.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*Regardless of whether these services and supports are provided in a general education or in a location other than a general education setting the instructional setting code for this student is **00 - No Instructional Setting,** and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*The instructional setting code for this student is **00 - No Instructional Setting.***

Example 3: A four-year-old student with a disability is eligible for and attends the pre-K program. The only special education services the student receives are speech therapy and support services, which are provided by the speech therapist. The speech therapist provides services 30 minutes twice a week in a location other than a general education setting and goes into the pre-K classroom to provide services, consult with the pre-K teacher, or both 30 minutes a week.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **00 - No Instructional Setting,** and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*The instructional setting code for this student is **00 - No Instructional Setting.***

Example 4: A four-year-old student with a disability attends a community-based child care center. The only special education services the student receives are speech therapy and support services, which are provided by the speech therapist. The speech therapist provides services 30 minutes twice a week and consults with the child care provider for 30 minutes once a week. An aide is in the classroom two hours a day five days week to provide support services to the student.

*The student will **not** generate contact hours because the student does not meet the requirements of the two-through-four-hour rule for ADA eligibility.*

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **00 - No Instructional Setting,** and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*The instructional setting code for this student is **00 - No Instructional Setting.***

Example 5: A four-year-old student receives only speech therapy and physical therapy services. The speech therapist provides services 30 minutes twice a week, and the physical therapist provides services 30 minutes twice a week. **The student does not receive any other services.** The student is ineligible for free pre-K but is eligible for the special education services the student receives.

*The student will **not** generate contact hours because the student does not meet the requirements of the two-through-four-hour rule for ADA eligibility.*

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **00 - No Instructional Setting**, the speech therapy indicator code is **1**, and the physical therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*The instructional setting code for this student is **00 - No Instructional Setting.***

4.18.11 Speech Therapy Indicator Code 2 Examples

Example 1: A student attends one 55-minute special education class and five 55-minute general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes in a location other than a general education setting.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **41 - Resource Room/Services - Less Than 21 Percent** (305 minutes/1,650 minutes = 18 percent), and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*Two instructional setting codes are recorded for this student: **41 - Resource Room/Services - Less Than 21 Percent** and **00 - No Instructional Setting.***

Example 2: A student attends one 55-minute special education class and four 55-minute general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes in a location other than a general education setting.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **42 - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent** (305 minutes/1,375 minutes = 22 percent), and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*Two instructional setting codes are recorded for this student: **42 - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent** and **00 - No Instructional Setting.***

Example 3: A student with a speech impairment and another type of disability receives special education services and support from a special education teacher in the general education classroom. The student also receives direct speech therapy services.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:
*The instructional setting code for this student is **40 - Mainstream,** and the speech therapy indicator code is **2**. The instructional setting code of 40 may be used regardless of whether the direct speech therapy services are provided in the general education classroom or a location other than a general education setting.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:
*One instructional setting code is recorded for this student: **00 - No Instructional Setting.** (The 42401 extension does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 extension should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the 42400 extension.)*

4.18.12 Calculation of Excess Contact Hours Examples

Example 1: A student attends six CTE classes that have been determined to meet CTE code V1 (see 5.5 CTE (Contact Hour) Codes) and speech therapy (0.25 contact hour multiplier) for a total of 6.25 contact hours a day.

*Since this number of contact hours is over the six hour per day maximum, 0.25 contact hours must be subtracted from the speech therapy setting (instructional setting code **00 - No Instructional Setting**) for every eligible day present the student accumulates.*

Example 2: A student attends two special education classes and four general education classes a day. All four of the general education classes are CTE classes. Three courses meet CTE Code V1 and the other course meets CTE Code V3 (see 5.5 CTE (Contact Hour) Codes). The student would earn 2.859 contact hours for special education (contact hour multiplier for instructional setting code **42 - Resource Room/Services - At Least 21 Percent and Less than 50 Percent**) and six contact hours for CTE (V1 + V1 + V1 + V3 = 6 hours), totaling 6.859 contact hours a day. The first six-week reporting period has 30 days taught. Of those 30 days, the student is present 28 days.

Since the number of contact hours is over the six hour per day maximum, 2.859 contact hours must be subtracted from the resource room instructional setting for every eligible day present the student accumulates.

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

Calculate Special Education Contact Hours:	
Eligible Days Present	28.000
× Special Education Contact Hour Multiplier	× 2.859
Total Special Education Contact Hours	**80.052**
Calculate CTE Contact Hours:	
Eligible Days Present	28.00

× CTE Contact Hour Multiplier	× 6.00
Total CTE Contact Hours	**168.00**

Calculate Total Contact Hours:

CTE Contact Hours	168.000
+ Special Education Contact Hours	+ 80.052
Total Contact Hours	**248.052**

Calculate Maximum Contact Hours Allowed:

Number Days Present	28.00
× Maximum Hours per Day	× 6.00
Total Maximum Contact Hours Allowed	**168.00**

Calculate Total Excess Contact Hours:

Total Contact Hours	248.052
– Maximum Contact Hours Allowed	– 168.000
Total Excess Contact Hours for First Six Weeks	**80.052**

OR

Calculate Excess Contact Hours per Day:

Total Contact Hours per Day	8.859
– Maximum Hours per Day	– 6.000
Total Excess Contact Hours per Day	**2.859**

Calculate Total Excess Contact Hours:

Total Excess Contact Hours per Day	2.859
× Eligible Days Present	× 28.000
Total Excess Contact Hours for First Six Weeks	**80.052**

Section 5 Career and Technical Education (CTE)

This section addresses unique attendance accounting provisions for CTE. They must be applied in conjunction with the general rules in Section 1 Overview, Section 2 Audit Requirements, and Section 3 General Attendance Requirements. If students are served by multiple programs, review and apply the provisions of each applicable program.

Important: See Section 3 General Attendance Requirements for general attendance requirements that apply to all program areas, including CTE.

5.1 Responsibility

In the spaces below, provide the name and phone number of the LEA personnel to whom all CTE coding questions should be directed.

Name: _____

Phone Number: _____

5.2 Eligibility and Eligible Days Present

An LEA district is responsible for ensuring CTE contact hour funding eligibility by meeting the following four criteria:

1. Each CTE course **must** be taught by a **qualified/certified** teacher[140] as defined in 19 TAC Chapter 231, Subchapter E, with the exceptions described in the following three paragraphs.

    - This requirement does not apply to an open-enrollment charter school unless the school's charter states that a CTE course must be taught by a qualified/certified CTE teacher. It also does not apply to a district of innovation to the extent the district's innovation plan allows the use of uncertified teachers in CTE classes. Teachers with less than a bachelor's degree are not eligible to teach CTE courses that meet graduation requirements for English language arts and reading, science, mathematics, or fine arts.

    Note: Certain teacher assignments may require an industry license which is regulated outside of TEA.

    - When LEAs partner with technical or community colleges to offer dual credit, including locally articulated CTE courses, the postsecondary faculty must meet Southern Association of Colleges and Schools teacher requirements. Postsecondary faculty are

[140] TEC, §21.003

not required to be certified by the State Board for Educator Certification when teaching secondary students under articulation agreements.

- An individual who has been issued a school district teaching permit in accordance with the TEC, §21.055, to teach a CTE course is deemed qualified by the local district that issued the permit and is not required to obtain a teaching certificate in accordance with the TEC, §21.003. Teachers with less than a bachelor's degree are not eligible to teach CTE courses that meet graduation requirements for English language arts and reading, science, mathematics, or fine arts.

2. An LEA must report a teacher of record for each CTE course, except for a dual credit course taught in a non-campus-based setting, such as a community or technical college.[141] The teacher of record reported through TSDS Class Roster must be the teacher in the classroom responsible for teaching and learning, grades, and attendance.

3. An LEA must maintain documentation showing the average minutes per day for each CTE course, as specified in 5.10 Documentation (see 5.6 Computing Contact Hours).

4. An LEA must ensure that the appropriate resources, laboratories, equipment, and technology are provided to teach the Texas Essential Knowledge and Skills (TEKS) for the courses offered.

Important: If an LEA assigns a substitute teacher to teach a CTE course and the teacher does not hold the certification required by 19 TAC Chapter 231, Subchapter E, the LEA may continue to earn CTE weighted funding for that course for no more than 30 consecutive school days.

5.2.1 Eligibility of Students for Funding

Students in grades six through 12 are eligible to be **served** in CTE programs.

Eligibility for Contact Hours: Students in grades seven through 12 are eligible for CTE contact hours when enrolled in approved CTE courses for high school credit.

5.2.2 Eligibility of Courses for Funding

State-approved CTE courses are listed in Section 4, Code Table C022 of TSDS TEDS, available at https://tealprod.tea.state.tx.us/TWEDS/66/0/0/0/CodeTable/List/7999, and designated with an H in the CTE column.

An LEA may receive state weighted funding for all CTE innovative courses approved by TEA for students in grades seven through 12. To receive CTE weighted funding, the LEA must maintain documentation of local board approval to offer any TEA-approved innovative course.[142] With the approval of the local board of trustees or governing board, LEAs may offer any state-approved innovative course for state elective credit. No application is required for an LEA to offer an approved innovative course. If an LEA wishes to submit a new innovative course, the LEA must follow the process for applying to TEA for approval to offer the new innovative course.

[141] Reporting a teacher of record for a dual credit class taught in a non-campus-based setting is optional.
[142] 19 TAC §74.27

Funding students enrolled in a Pathways in Technology Early College High School (P-TECH)

Students enrolled on TEA-designated P-TECH campuses will generate $50 for each student in ADA (grades nine through 12 only). The campus must be designated by TEA and listed on the Texas Education Standards website. Campuses report the students enrolled on the TEA-designated P-TECH campus in TSDS PEIMS submissions 1 and 3 using the data element P-TECH-INDICATOR-CODE (E1612). Students coded with the indicator 1 in PEIMS submission 3 will be funded.

Funding students enrolled in a New Tech Network (NTN) school

Students enrolled on campuses that have an active agreement with the NTN will generate $50 or each student in ADA (grades seven through 12 only). The campus must have an active agreement with the NTN and be listed on the Texas Education Data Standards website. Campuses report the students enrolled on NTN campus in TSDS PEIMS submissions 1 and 3 using the date element NEW-TECH-INDICATOR-CODE (E1647). Students coded with the indicator 1 in PEIMS submission 3 will be funded.

5.2.3 Earning CTE Contact Hours

A student may enroll simultaneously in as many CTE courses as his or her schedule permits. For funding purposes, however, the student may receive no more than six contact hours per day (see 4.15 Eligible Days Present and Contact Hours).

A student is **not** eligible to receive any CTE contact hours for partial participation. See 5.13.15 Example 15.

See 3.6.9 Effective Dates for Program Changes in Section 3 General Attendance Requirements for important information on making program changes in student attendance records.

See 12.2 Texas Virtual School Network (TXVSN) for information on time spent in online courses provided through the TXVSN state-led online learning initiative.

See 12.4 On-Campus Online Courses Not Provided through the TXVSN for information on time spent in on-campus online courses not provided through TXVSN. See 12.5 Self-Paced Computer Course for information on time spent in self-paced computer courses.

5.2.4 Earning CTE Contact Hours in a Non-Campus-Based Setting

For a student to earn CTE contact hours in any of the following settings or programs, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in that setting, under the supervision of a **qualified/certified** teacher, as defined in 19 TAC Chapter 231, Subchapter E:

- special education instructional setting of 01- Homebound, 02- Hospital Class, or 30- State Supported Living Center
- GEH program
- PRS compensatory education home instruction (CEHI) program

For information about special education instructional settings, see 4.7 Instructional Setting Codes. For requirements related to the log that a special education homebound teacher must keep, see 4.7.2.5 Homebound Funding and Homebound Documentation Requirements.

For information on the GEH program, see 3.7 General Education Homebound (GEH) Program.

For information about CEHI and CTE, see 9.13 PRS and Career and Technical Education (CTE) and 9.17.4 Example 4. For requirements related to the CEHI teacher's log, see 9.15 Documentation.

5.3 Enrollment Procedures

The procedures for enrolling a student in CTE courses are as follows:

1. A student enrolls in school, and school personnel review the student's Personal Graduation Plan (PGP) to identify the courses necessary to complete the program(s) of study.

2. Appropriate CTE staff members review CTE courses, as necessary, to ensure the appropriate V code (V1, V2, V3) is connected to the courses.

3. Designated CTE staff review changes in the student's schedule.

If CTE courses are added or dropped, the student's CTE V-code could change. Changes will occur most often at the beginning of a new semester. Appropriate staff members need to review students' schedules as courses are added or dropped.

Attendance staff members should record the effective date of any change in a student's CTE courses in the attendance accounting system. The effective date is the date the student's schedule changed.

Important: A student enrolled in a CTE course should be reported on the TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension with the CTE SERVICE-ID and the eligible days.

5.3.1 Determining the Number of Students to Enroll in a Course

In determining the number of students to enroll in any course, an LEA must consider the subject to be taught, the teaching methodology to be used, the safety of students and teachers, the functional use of available space, and any need for individual instruction.[143]

5.4 Withdrawal Procedures

The procedures for withdrawing a student from CTE courses are as follows:

1. The student withdraws from school, or the student's class schedule changes. As a result, the student is no longer enrolled in a given CTE course.

2. Attendance personnel record the effective date of withdrawal in the attendance accounting system. Eligible CTE days are no longer accumulated from that date forward for the course from which the student withdrew.

[143] TEC, §25.112(c)

CTE contact hours must **not** be claimed when a student receiving CTE services is placed in a disciplinary setting (for example, in-school suspension or DAEP) for more than five consecutive days if the same amount and type of CTE services are not provided by a CTE teacher. After five consecutive days without CTE services being provided, LEA personnel must remove the student from the TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension eligible days present effective the first day of placement in the disciplinary setting.

To reiterate, an LEA may place a student in a disciplinary setting for up to and including five consecutive days and continue to claim CTE contact hours even though no CTE services are provided to the student. A student may earn state graduation credit for a CTE course if the student continues to work on the course even though direct CTE instruction by a certified CTE teacher is not provided during periods of disciplinary removal.

5.5 CTE (Contact Hour) Codes

CTE courses approved for state weighted funding must have a corresponding CTE code (V1, V2, or V3), based on the course service ID for attendance accounting purposes. A course service ID is used to calculate contact hours and tiered funding per the TEC, §48.106. Tiered funding is calculated based on the course service ID and the days the student was eligible, present, and enrolled in a CTE course. (See TSDS Web-Enabled Data Standards [TWEDS] for instructions on completing that record.)

To determine the CTE V-code to assign to the CTE course, LEA personnel must use the following chart.

CTE Course's Average Minutes per Day	CTE Code
45–89	V1
90–134	V2
135–180+	V3

Each CTE course must be reviewed separately to determine the average minutes per day students attend that course. To receive CTE weighted funding, course periods are required to be a minimum of 45 minutes in length. Three contact hours (V3) is the maximum an LEA may claim for a single course.

Note: Auditing of a CTE course (that is, attending the course but not taking it for credit) is not considered CTE participation for purposes of TSDS PEIMS reporting. A student who is auditing a CTE course and taking no other CTE courses for credit should not have CTE eligible days present on the 42401 Special Programs Reporting Period Attendance Extension.

5.5.1 Special Instructions for Districts Operating Block Schedules

If an LEA operates block schedules in which class periods are not in equal length increments, use the chart above to determine the CTE V-code to assign to each CTE course.

Each CTE course must be reviewed separately to determine the average minutes per day students attend that course. Average minutes per day must be computed by reviewing a complete cycle of courses. For example, if a course meets on even numbered days of the month, LEA personnel must review a two-week cycle. (One week, the course will meet on Monday, Wednesday, and Friday, and the next week, the course will meet on Tuesday and Thursday.) LEA personnel divide the total number of

CTE minutes for the course, for a complete cycle of courses, by the total number of school days during the cycle. To receive CTE weighted funding, course periods are required to be a minimum of 45 minutes in length.

Once LEA personnel have determined average minutes, they assign the applicable code to each CTE course. They then assign all students attending that CTE course the corresponding CTE code.

For students who are enrolled in more than one CTE course, each course is assigned a separate code. CTE codes cannot be combined due to varying course weights as a result of tiered funding.

5.6 Computing Contact Hours

No matter what CTE V-code is assigned to a CTE course, LEA personnel must record the total number of eligible days present for the student in that CTE course with the course's V-code for each six-week reporting period in the Student Detail Report. When computing the Campus Summary Report (2.3.2 Campus Summary Reports), LEA personnel must determine the CTE V-code to assign to a student's CTE course separately based on the CTE course's average minutes per eligible school day. (See the chart in 5.5. CTE (Contact Hour) Codes.) LEA personnel multiply the number of eligible days present for each student in each CTE course code by the corresponding V-code contact hour multiplier to derive contact hours. Each CTE V-code has a different contact hour multiplier.

Use the following chart when computing CTE contact hours.

CTE Code	Contact Hour Multiplier
V1	1.00
V2	2.00
V3	3.00

CTE Weighted Funding Tiers (Calculated by TEA)

Tier 1	*Not in a program of study	Weight = 1.1
Tier 2	*Level 1 and Level 2 CTE course	Weight = 1.28
Tier 3	*Level 3 and Level 4 CTE course	Weight = 1.47

*Course level provided in the CTE Lookup – Table. Link: TSDS Calculation Tech Tips

The Student Detail Report should reflect eligible CTE days present for each eligible student enrolled in a state-approved and state-funded CTE course. Campus Summary Reports and the District Summary Report should have total eligible CTE days and total CTE contact hours by course CTE V-code, by six-week reporting period.

Total CTE contact hours = eligible CTE days × contact hour multiplier.

Note: Eligible CTE days are the number of student instructional days in an LEA's calendar. The number of eligible CTE days varies among districts. Report contact hours by student ID and each individual CTE course ID.

Important: If LEA personnel have reported a student in the Student Detail Report with an ADA eligibility code of 2 (eligible for half-day attendance), they should **not** report full-day CTE attendance for the student. The CTE days present must be reported as half days.

5.7 Career Preparation and Practicum Learning Experiences

Career Preparation consists of time spent at an approved training site, as well as classroom instruction. Practicums are specific to a Career Cluster and combine classroom instruction with learning experiences in a laboratory setting or at an approved training site.

Career Preparation and practicums require that the LEA and the training sponsor plan and supervise instruction cooperatively. Students receive instruction by participating in occupationally specific classroom instruction and training site experiences.

Note: Time a student spends at a training site is instructionally engaged time. Up to 120 minutes per day required time at the training station counts toward meeting full-time and half-time attendance requirements. (See 3.2 Membership and Eligibility for Attendance and Foundation School Program (FSP) Funding.)

5.7.1 Career Preparation Eligibility Requirements

CTE Career Preparation eligibility requirements are as follows. Refer to 5.7.3 Training Plan Requirements and Date on Which Students May Earn Contact Hours through 5.7.5 Required Site Visits by Teachers for additional information and to the Glossary for definitions.

- The Career Preparation course[144] is for **paid or unpaid** experiences. The classroom component must address all the TEKS for the course. The training site will provide students with a variety of learning experiences that will give them the broadest possible understanding of the business or industry.

- Each Career Preparation course must consist of student participation in career preparation training appropriate to the instructional program plus participation in related CTE classroom instruction. The course should **span the entire school year**, and classroom instruction must average one class period each day for every school week. Class periods are required to be a minimum of 45 minutes in length. A student is expected to be enrolled the entire school year. However, in accordance with LEA policy, a student may enter or exit the course when extenuating circumstances require such a change.

- A student must be a minimum age of 16 and hold valid work documentation, such as a Social Security card, to participate in paid Career Preparation learning experiences.

- Students unemployed or without an unpaid work-based learning experience for more than 15 consecutive school days are not eligible for contact hours.

- An LEA must not enroll a student in a Career Preparation course in any setting that does not allow a student to be enrolled for the entire school year, such as credit recovery.

[144] 19 TAC §127.14 and §127.15

Use the following chart to determine the CTE code for students participating in CTE Career Preparation.

Classroom Instruction	Work-Based Instruction	Units of Credit	CTE Code
1 class period per day (average)	10 hours per week (average)	2	V2
1 class period per day (average)	15 hours per week (average)	3	V3

5.7.2 Practicum Course Eligibility Requirements

CTE practicum course eligibility requirements are as follows. Refer to 5.7.3 Training Plan Requirements and Date on Which Students May Earn Contact Hours through 5.7.5 Required Site Visits by Teachers for additional information and to the Glossary for definitions.

- Practicum courses and other two credit or three credit CTE courses found in 19 TAC Chapter 127 or 130 may be used as laboratory-based, **paid**, or **unpaid** work experiences for students.

- Each practicum course using a work-based learning instructional arrangement must consist of student participation in training aligned with the student's program of study plus participation in related CTE classroom instruction. A practicum course **spans the entire year**. A student is expected to be enrolled the entire school year. However, in accordance with LEA policy, a student may enter or exit the course when extenuating circumstances require such a change.

- **In a practicum instructional arrangement, related classroom instruction must average one class period per week during the school year. Class periods are required to be a minimum of 45 minutes in length.**

- A student must be a minimum age of 16 and hold valid work documentation such as a Social Security card to enroll in any of the practicum learning experiences that have a **paid** component.

- Students unemployed for more than 15 consecutive school days in a practicum learning experience must be placed in an unpaid learning experience.

Use the following chart to determine the CTE code for students participating in a practicum learning experience.

Combination of Classroom Instruction and Work-Based Instruction (Work Site or Lab Based)	Units of Credit	CTE Code
2 class periods per day (average)	2	V2
3 class periods per day (average)	3	V3

5.7.3 Training Plan Requirements and Date on Which Students May Earn Contact Hours

Written training plans must be on file for any student participating in either a paid or unpaid work-based learning experience at an approved training site except for a student participating in an unpaid practicum for which the teacher of record provides all training. Training plan forms are available at http://tea.texas.gov/CTE_Career_Preparation_and_Practicum_Courses/.

A student in **paid** work-based instruction may be counted for contact hours on the first day of enrollment, provided a training plan for the student is on file within 15 school days of the student's employment date. A student participating in **unpaid** work-based instruction may be counted for contact hours on the first day of enrollment, provided a written training plan is completed and on file before the student begins participating in training at the site.

5.7.4 Additional Requirements for Students Participating in Paid Learning Experiences

For a student participating in **paid** experiences, employment must begin within 15 school days of the student's enrollment date. If a student's employment ends before the end of the school year, contact hours may be counted without interruption provided the student's **paid** training resumes within 15 school days and a written training plan is on file within 15 school days of employment.

5.7.5 Required Site Visits by Teachers

A teacher assigned to teach courses involving work-based learning experiences, both **paid** and **unpaid**, must visit each student training site at least six times each school year. The teacher must be provided time within his or her schedule to visit the training sites. The training site visits must not be conducted during the teacher's planning and preparation period.[145] Regardless of the length of a grading period, at least one training site visit must be conducted during each grading period to earn contact hours for that reporting period.

5.8 Project-Based Research

A Project-Based Research course[146] must be cooperatively planned by the student and teacher, continuously supervised by the teacher, and conducted by the student with the guidance and support of a mentor or interdisciplinary team.

An LEA must maintain a written project plan for each student enrolled in a Project-Based Research course. An LEA may count a student in a Project-Based Research course for contact hours on the first day of enrollment, provided the student's project plan is written within 15 school days of the student's enrollment date. If a student's project plan is not written within this time period, an LEA may count the student for contact hours beginning on the first day the project plan is written.

The Project-Based Research course provides a combination of classroom instruction and supervised research equivalent to an average of five class periods per week. The student and teacher must meet for instruction at least once each week for the purpose of project planning, reporting, evaluation, supervision, and coordination. The student must use remaining class time to conduct research, work with the project mentor or interdisciplinary team, analyze and interpret project data, compile evaluation results, and compose a project presentation. A project progress evaluation for each grading period is required for the student to earn contact hours for that reporting period.

---

[145] TEC, §21.404
[146] 19 TAC §127.12

5.9 Contracting with Other Entities to Provide CTE Instruction

An LEA may contract with another entity to provide CTE instruction for students enrolled in the LEA to receive high school credit.[147] The entity may be an LEA, a community or technical college, or a career school. In all cases, the home (sending) LEA must report the student's attendance when the course is a high school credit only course (that is, not a dual credit course). (See 5.11 Quality Control for quality control instructions.)

5.9.1 Attendance Reporting Requirements

The serving (receiving) LEA must report attendance in contracted CTE courses to the home LEA. The serving LEA must **not** report the student in the serving LEA's student attendance accounting records, regardless of the time the student has spent in the serving LEA. The **home** LEA keeps all attendance in its records and reports this attendance in the home LEA's Student Detail Report, Campus Summary Report, and District Summary Report (see 2.3.3 District Summary Reports).

5.9.2 Student Absences and Contracted CTE Courses

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

5.9.3 Dual Credit CTE Courses

If an LEA and a college offer a dual credit CTE course that meets all TAC requirements for dual credit courses, students enrolled in the course are eligible to be counted for CTE contact hour funding. Eligibility for secondary CTE contact hour funding does not preclude the college from also being funded from postsecondary funding sources. **Important:** See 11.3.1 Dual Credit (High School and College or University) Programs; 19 TAC Part 1, Chapter 4, Subchapter D; and 19 TAC Part 2, Chapter 74, Subchapter C.

5.10 Documentation

To claim CTE contact hours for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating CTE eligible days present on the Student Detail Report. Documentation requirements are as follows.

Adequate documentation of a student's **entry** into the program, **service** in the program, and **withdrawal** from the program must be available. Acceptable documentation for establishing entry, service, and withdrawal is as follows:

- the CTE teacher's grade book (grade books are required to be retained for one year from the date that grades are posted to students' academic achievement records; see 2.3.5 Additional Required Documentation);

[147] TEC, §29.184

- documentation showing the average minutes per day for each CTE course, such as a course calendar (class periods are required to be a minimum of 45 minutes in length to receive CTE weighted funding); and

- the student's official schedule change document, if the student changed schedules during the semester.

A student must be reported on the TSDS PEIMS 43415 Course Transcript Extension when the student completes each semester of a course.

5.11 Quality Control

At the beginning of each school year and at the end of each six-week reporting period, the appropriate CTE staff members should verify the Student Detail Report to ensure that the course enrollment of the CTE students is correct.

LEA personnel must report a student's course completion data on the TSDS PEIMS 43415 Course Transcript Extension for each semester of a CTE course. For students who do not complete the course, the LEA will still receive contact hours for the days the student was enrolled and present. The LEA should report the 42410 Special Programs Reporting Period Attendance Extension with eligible days present for the time the student was in the course.

Auditing of a CTE course (that is, attending the course but not taking it for state credit) is not considered CTE participation for purposes of TSDS PEIMS reporting. A student who is only auditing a CTE course and taking no other CTE courses for state credit should not have a 42401 Special Programs Reporting Period Attendance Extension. Also, the student should not have a 43415 Course Transcript Extension for the audited CTE course.

5.12 Examples

5.12.1 Example 1

Student A is enrolled in one 60-minute per day CTE course.

Student A will be reported with the CTE course SERVICE-ID the student was enrolled in and the attendance data associated with V1 eligible days present. The attendance data associated to the course will be used to determine the weighted funding per the TEC, §48.106*. Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE course's average minutes per day and corresponding CTE codes.*

Student B is enrolled in one 120-minute per day CTE course.

Student B will be reported with the CTE course SERVICE-ID the student was enrolled in and the attendance data associated with V2 eligible days present. The attendance data associated to the course will be used to determine the weighted funding per the TEC, §48.106. Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE course's average minutes per day and corresponding CTE codes.

Student C is enrolled in one 180-minute per day CTE course.

Student C will be reported with the CTE course SERVICE-ID the student was enrolled in and the attendance data associated with V3 eligible days present. The attendance data associated to the course will be used to determine the weighted funding per the TEC, §48.106. Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE course's average minutes per day and corresponding CTE codes.

Student D is enrolled in three 60-minute per day CTE courses.

Student D will be reported with the CTE course SERVICE-ID for each of the three CTE courses the student was enrolled in. Each course will be associated with V1 eligible days present. The attendance data associated to the course will be used to determine the weighted funding per the TEC, §48.106. Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE course's average minutes per day and corresponding CTE codes.

5.12.1 Example 2

A student is enrolled in the course Principles of Architecture for 45 minutes per day for the first semester and Principles of Applied Engineering for 45 minutes per day for the second semester.

In the first semester, the student will be reported with the CTE course SERVICE-ID 13004210 – Principles of Architecture and the attendance data associated with V1 eligible days present. In the second semester, the student will be reported with the CTE course SERVICE-ID 13036200 – Principles of Applied Engineering) and the attendance data associated with V1 eligible days present. All data will be reported in the 42410 Special Programs Reporting Period Attendance Extension. Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE course's average minutes per day and corresponding CTE codes.

5.12.1 Example 3

A student is enrolled in Principles of Health Science for 55 minutes per day and Medical Terminology for 55 minutes per day for the first semester and Medical Microbiology for 55 minutes per day for the second semester.

In the first semester, the student will be reported with the CTE course SERVICE-ID 13020200 – Principles of Health Science and the attendance data associated with V1 eligible days present. The student will also be reported with the CTE course SERVICE-ID 13020300 – Medical Terminology and the attendance data associated with V1 eligible days present.

In the second semester, the student will only be reported with the CTE course SERVICE-ID 13020300 – Medical Terminology and the attendance data associated with V1 eligible days present.

All data will be reported in the 42410 Special Programs Reporting Period Attendance Extension.

Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE course's average minutes per day and corresponding CTE codes.

5.12.1 Example 4

A grade eight student is enrolled in Principles of Transportation Systems (a CTE course for high school credit) for 58 minutes per day for the first semester.

For this semester, the student will be reported with the CTE course SERVICE-ID 13039250 – Principles of Transportation Systems and the attendance data associated with V1 eligible days present in the 42410 Special Programs Reporting Period Attendance Extension. Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE Course's average minutes per day and corresponding CTE codes.

5.12.1 Example 5

A student is enrolled in Child Guidance for 174 minutes per day and Family and Community Services for 87 minutes per day for the first semester. During the second semester, the student is enrolled in Child Guidance for 174 minutes per day.

For the first semester, the student will be reported with the CTE course SERVICE-ID 13024800 – Child Guidance and the attendance data associated with V3 eligible days present. The student will also be reported with the CTE course SERVICE-ID 13024900 – Family and Community Services and the attendance data associated with V1 eligible days present. In the second semester the student will be reported with the CTE course SERVICE-ID 13024800 – Child Guidance and the attendance data associated with V3 eligible days present. All data will be reported in the 42410 Special Programs Reporting Period Attendance Extension. Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE course's average minutes per day and corresponding CTE codes.

5.12.1 Example 6

A student in a Career Preparation course is employed as an automotive machinist for the entire school year. The student is employed 20 hours a week, from 1:00 p.m. until 5:00 p.m. each day, and is enrolled in the Career Preparation course during fourth period.

The student will be reported with the CTE course Service-ID 12701305 - Extended Career Preparation I and the attendance data associated with V3 eligible day present in the 42410 Special Programs Reporting Period Attendance Extension. Note: Refer to the table in 5.7.1 Career Preparation Eligibility Requirements for classroom instruction and work-based learning corresponding V codes.

5.12.1 Example 7

A student wants to take Business Information Management I; however, this course is not offered at the student's home LEA. The student's home LEA contracts with a nearby LEA for the student to attend the nearby LEA's Business Information Management I course, which is taught for a one-hour course period.

The student will be reported with the CTE course SERVICE-ID 13011400 – Business Information Management I and the attendance data associated with V1 eligible days present in the 42410 Special Programs Reporting Period Attendance Extension. See 5.9 Contracting with Other Entities to Provide CTE Instruction. Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE course's average minutes per day and corresponding CTE codes.

5.12.1 Example 8

A student in grade seven is taking Touch System Data Entry.

The student will be reported with the CTE course SERVICE-ID 13011300 – Touch System Data Entry and the attendance data associated with V1 eligible days present assuming the class is 45-89 minutes per day in the 42410 Special Programs Reporting Period Attendance Extension. Note: Refer to the table in 5.5 CTE (Contact Hour) Codes for the CTE course's average minutes per day and corresponding CTE codes.

5.12.1 Example 9

A student enrolls in Interior Design I, a one credit CTE course, on the first day of school. After two weeks in the course, the student decides to take Health Science Theory/Health Science Clinical, a two credit CTE course, instead of Interior Design I.

For the first two weeks, the student will be reported with the CTE course SERVICE-ID 13004300 – Interior Design I and the attendance data for those two weeks associated with V1 eligible days present in the 42410 Special Programs Reporting Period Attendance Extension. When the student enrolls in the next course, the student will be reported with the CTE course SERVICE-ID 13020410 – Health Science Theory/Health Science Clinical and the attendance data associated with V2 eligible days present in the 42410 Special Programs Reporting Period Attendance Extension. The LEA should maintain documentation of the student's schedule change.

5.12.1 Example 10

A student attends school at the high school campus, which operates on a modified block schedule. The student is enrolled in Advanced Animal Science. This course meets for 90 minutes on even numbered days of the month.

The student will be reported with the CTE course SERVICE-ID 13000700 – Advanced Animal Science) and the attendance data associated with V1 eligible days present in the 42410 Special Programs Reporting Period Attendance Extension. To illustrate, the student receives 450 minutes of instruction in Advanced Animal Science over a two-week period. One week, the course meets on Monday, Wednesday, and Friday, for a total of 270 minutes. The following week, the course meets on Tuesday and Thursday, for a total of 180 minutes of instruction. This is the same amount of classroom time that a student would receive on a traditional schedule (45 minutes each school day).

5.12.1 Example 11

A student receiving special education services is enrolled in Principles of Health Science (V1). The student develops a physical impairment, and the school obtains a statement from a physician licensed to practice in the United States affirming that the physical impairment will confine the student to home or hospital bedside for at least four weeks.

For a student to earn CTE contact hours while he or she is also being served in the special education homebound, hospital class, or state supported living center instructional setting, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the special education homebound, hospital class, or state supported living center instructional setting (see 4.7 Instructional Setting Codes). On returning to school, the student will earn CTE contact hours, provided the student remains enrolled in the CTE course.

5.12.1 Example 12

A student is enrolled in three hours of high school credit courses, including a one-hour CTE course. The student is also enrolled in a two-hour CTE course that is provided by a college and meets all secondary and postsecondary TAC requirements for dual credit courses.

An LEA receives one CTE contact hour for the high school CTE course (V1) plus two contact hours for the approved CTE college course taught for dual credit (V2). The high school student is also eligible to be counted by the community college for state funding for postsecondary programs. The LEA is eligible for

full ADA funding for the student provided there is a written dual credit agreement with the college. See the following:

- *3.2.4 Dual Credit (High School and College or University)*
- *11.3 College Credit Programs*
- *19 TAC Part 1, Chapter 4, Subchapter D*
- *19 TAC Part 2, Chapter 74, Subchapter C*

To be eligible for contact hour funding, the content of the college course must correspond to the content of a secondary CTE course approved by the State Board of Education or approved as an innovative course by TEA and the LEA. Instruction must include 100 percent of the TEKS in the equivalent high school course plus advanced academic instruction beyond or in greater depth than prescribed by the high school course TEKS.

5.12.1 Example 13

If a PRS student is receiving CEHI services during the postpartum period and the student is also enrolled in a CTE course, how is the CTE time to be reported?

A PRS student receiving CEHI services may remain enrolled in CTE courses during the period of time that she is receiving CEHI services. However, unless a certified CTE teacher is serving the student and providing the same type and level of CTE instruction the student received at school, the LEA must not report any CTE eligible days present for the student in the TSDS PEIMS summer submission for the period of time that the student is receiving CEHI services. If this situation occurs during the fall snapshot, the LEA still must report the student on the applicable CTE TSDS PEIMS records.

5.12.1 Example 14

An eighth grade student is enrolled in a Principles of Law, Public Safety, Corrections, and Security course.

The student will be reported with the CTE course SERVICE-ID 13029200 – Principles of Law, Public Safety, Corrections, and Security and the attendance data associated with V1 eligible days present in the 42410 Special Programs Reporting Period Attendance Extension, assuming the average minutes per day for the course is 45 to 89 minutes. (See TSDS TEDS for instructions on completing the TSDS PEIMS 40100 Student Extension for CTE students.)

5.12.1 Example 15

A student is enrolled in Welding I, a two-credit course. The course is scheduled to meet each school day during the school's fourth and fifth periods. Each class period is 50 minutes (100 total minutes per day). Because of a schedule conflict, this student is only able to attend the Welding I class during fifth period. How many CTE contact hours can be claimed for this student?

The student will not be reported with any CTE Eligible days present in the 42410 Special Programs Reporting Period Attendance Extension for the SERVICE-ID 13032300 – Welding I. A student is not eligible to receive any CTE contact hours for partial participation in a CTE course (5.2.3 Earning CTE Contact Hours).

Section 6 Bilingual/English as a Second Language (ESL)

This section addresses unique provisions for bilingual and ESL education programs. These provisions must be applied in conjunction with the general rules in Section 1 Overview, Section 2 Audit Requirements, and Section 3 General Attendance Requirements. If students are served by multiple programs, review and apply the provisions of each applicable program.

An emergent bilingual student is in the process of acquiring English and has another language as the student's primary or home language. In TSDS PEIMS, the terms “emergent bilingual (EB)” and “English learner (EL)” are bridged as EB/EL. It is important to note that “English learner” is still used in federal regulations and guidance.

The term “exit,” as used in this section, is interchangeable with the term “transfer,” used in the TEC, Chapter 29, Subchapter B. A distinction has been made to clarify the difference between the use of the terms “reclassification” and “exit” in alignment with 19 TAC Chapter 89, Subchapter BB. Reclassification is the process for EB students who have met criteria to be identified as non-EB/English Proficient (EP), and “exit” describes the process for reclassified students to no longer participate in a bilingual or ESL program.

Within this section, the term "parent" includes the parent or legal guardian of the student in accordance with the TEC, §29.052. Also, the term “district” includes all school districts, public open-enrollment charter schools, and districts of innovation.

Important: See Section 3 General Attendance Requirements for general attendance requirements that apply to all program areas, including bilingual/ESL.

6.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel to whom all bilingual and ESL education program coding questions should be directed.

Name: _____

Phone Number: _____

6.2 Identification of Emergent Bilingual (EB) Students and Enrollment Procedures

This subsection explains the procedures for identifying a student as EB and enrolling the student in the bilingual or ESL education program for the first time in a Texas public school. This includes students

coming into a Texas school for the first time from another state or country. For students who are transferring from another Texas public school, see 6.2.1 Students Transferring from within Texas.

The procedures below must be completed within the first four calendar weeks of a student's initial enrollment in a Texas public school.

1. Upon initial enrollment in a Texas public school, a student's parent completes a home language survey (HLS), indicating the language used in the home most of the time and the language used by the student most of the time (see 6.10.1 Home Language Survey (HLS) Requirements). Students in grades nine through 12 may complete the HLS themselves. In cases where a parent indicates more than one language in response to question 1 and/or question 2 of the HLS, it is the district's responsibility to contact the parent and explain to the parent that the question is asking which language is used most of the time and seek clarification in a language the parent understands. If the parent is physically present, the parent can document the change on the HLS. If the parent is being contacted via a phone call, a school staff member can document the parent's response on the HLS.

   Parents may request a correction on the HLS only if the child has not yet been assessed for English proficiency and corrections are made within two calendar weeks of the child's enrollment date.

   If a language other than English is indicated on any of the required questions on the survey, the district must assess the student for English language proficiency using the state-approved assessment. Additionally, if the school district is required to provide a bilingual education program at the elementary grades, a language proficiency assessment in the primary language of the student must be administered for students at the elementary grade levels whose primary language is that of the bilingual education program.

2. District personnel, who are proficient in the language of the test and trained in the language proficiency testing requirements of the test publisher, assess the student for English language proficiency using the state-approved English language proficiency assessment. Additionally, primary language proficiency is assessed, as appropriate, using the state-approved Spanish language proficiency assessment or informal language assessment measures for languages other than Spanish (19 TAC §89.1226(d)).

   Important: A student will be identified as EB if the student is not English proficient or the student's disabilities are so severe that the English language proficiency assessment cannot be administered (19 TAC §89.1226(g)).

3. The language proficiency assessment committee (LPAC) convenes to identify the student as EB or as English proficient, based on the results of the English language proficiency assessment, and recommends placement of the identified EB student in either the bilingual or ESL education program, in accordance with 19 TAC §89.1205 (a) and (c). However, district personnel **do not yet** assign the student a bilingual or ESL program type code in the attendance accounting system until parental consent is received.

4. The LPAC must give written notice to the student's parents informing them that the student has been classified as EB and requesting documented parental approval to place the student in the

required bilingual or ESL education program. The notice must include information about the benefits of the bilingual or ESL education program for which the student has been recommended and state that it is an integral part of the school program (19 TAC §89.1220(h)).

Documentation of parental approval for bilingual or ESL program participation must be obtained. Parental approval may be obtained in writing with the parent's signature and date on the notification form, through a documented phone conversation, or through an email that is retained in accordance with 19 TAC §89.1220(m).

5. Once documented parental approval has been received, district personnel assign the student the appropriate bilingual or ESL program type code and parental permission code[148] in the attendance accounting system.

A student may be recorded absent on the effective date of a program change. However, as with all other students who are absent, no bilingual/ESL ADA may be earned by the student for that date.

To be eligible for state bilingual/ESL funding, the district must have all required documentation for each eligible student on file.

For additional information on coding for bilingual and ESL programs, see this Code Guide.

6.2.1 Students Transferring from within Texas

This subsection explains the procedures for verifying EB student identification status and enrolling a student in the bilingual or ESL education program who has transferred from another Texas public school.

The procedures below must be completed within the first four calendar weeks of a student's transfer to and enrollment in a Texas public school.

1. District personnel shall obtain the student records from the sending district, including the HLS and supporting LPAC documentation. Multiple attempts to obtain records shall be documented in writing.
2. If the sending district cannot find the original HLS, a new HLS should **not** be administered if there is sufficient LPAC documentation, such as Texas English Language Proficiency Assessment System (TELPAS) scores and/or TSDS PEIMS data, from the sending district that shows the student was identified as EB.
3. The LPAC convenes to analyze the student records from the sending district, determine whether the student was previously identified as EB, recommend continuation of program services, as appropriate, and ensure that documented parental approval for current program participation has been obtained.
4. Once documented parental approval has been confirmed by the LPAC, district personnel assign the student the appropriate bilingual or ESL program type code and parental permission code[149]

[148] To find the appropriate codes to use, consult the program type code tables available at https://tealprod.tea.state.tx.us/TWEDS/100/0/0/0/CodeTable. Search the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes. Search the C093 code table for parental permission codes.
[149] To find the appropriate codes to use, consult the program type code tables available at https://tealprod.tea.state.tx.us/TWEDS/100/0/0/0/CodeTable. Search the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes. Search the C093 code table for parental permission codes.

in the attendance accounting system. The date of the student's enrollment from another Texas public school is the start date for continued program services if the student has been previously identified and served in Texas.

6.3 Initial Program Placement/Eligibility

To be eligible for participation in the bilingual or ESL education program, a student must meet the following requirements:

- have a language other than English indicated on the HLS
- be identified as an EB student based on scoring below fluent level on the state-approved English language proficiency assessment for identification as follows (19 TAC §89.1226(f)):
  - in pre-K through grade one, the student's score from the listening and speaking components on the state-approved English language proficiency test for identification is below the level designated for indicating English proficiency
  - in grades two through 12, the student's score from the listening, speaking, reading, and writing components on the state-approved English language proficiency test for identification is below the level designated for indicating English proficiency
- be recommended for placement in the required program by an LPAC
- have a record of parental approval to place the EB student in a bilingual or ESL education program

Each EB student must be served according to the following guidelines. On a student's initial enrollment and at the end of each school year, the LPAC must review all pertinent information on the EB student. The LPAC must: designate, subject to parental approval, the initial instructional placement of each EB student in the required bilingual or ESL program; classify the student's level of English proficiency according to the results of appropriate tests; identify the level of academic achievement of each EB student; determine whether reclassification criteria has been met at the end of the year only; and recommend the student's exit from the bilingual or ESL education program, as appropriate, upon reclassification at the end of the year only.[150] Reclassification as English proficient may only occur at the end of the school year, and a student may not be reclassified in pre-K or kindergarten.[151]

6.3.1 Students Participating in the Bilingual or ESL Education Program but Do Not Generate BEA Funding

The following students **may participate in** a district's bilingual or ESL education program with parental approval. However, these students are **not eligible for bilingual education allotment (BEA) funding**.

- Students who do not meet identification criteria to be considered EB (non-EB students) participating in a one-way dual language immersion, a transitional bilingual education, or an ESL program.
- Students who have met reclassification criteria (English proficient students) but are continuing in a one-way dual language immersion, a transitional bilingual education, or an ESL program.

[150] 19 TAC §89.1220(g)
[151] 19 TAC §89.1226(j)

6.3.2 Parental Denial of Services and Eligibility of Students to Receive Bilingual/ESL Summer School Services

If a student's parent has denied bilingual/ESL education services and the only summer school program available is a bilingual/ESL summer school program, then the student is **not** eligible to generate bilingual/ESL ADA in the summer school program.[152] The student must not participate in the summer school program or earn bilingual/ESL eligible days present (be assigned a bilingual or ESL program type code in the attendance accounting system) in the summer program unless the district has documented parental approval for placement of the student in the bilingual or ESL education program.

6.3.3 Requirement to Serve Eligible Students

A district **must** place a student in a bilingual or ESL education program as soon as the district identifies the student as EB and recommends program placement based on the identification and placement process outlined in 6.3 Initial Program Placement/Eligibility. Recommended program placement still occurs if parental approval is pending; however, the district **may only count the student for BEA funding after parental approval has been obtained and all necessary documentation has been received**. If a parent ultimately denies program services, a district must discontinue serving the student. However, the student is assessed annually in the TELPAS until the student meets reclassification criteria. Review parental permission codes for clarification.

6.4 Program Services: Bilingual and ESL Education Services a District Is Required to Provide

Each district is required to offer a bilingual education and/or ESL program for identified EB students, based on the following requirements:

- In the elementary grades (pre-K through fifth or sixth grade when clustered with elementary grades), a bilingual education program must be provided when there are 20 or more identified EB students in the same grade level with the same primary language classification across the district.
- If the district is not required to provide a bilingual education program, an ESL program must be provided in pre-K through twelfth grade, regardless of the number of identified EB students and the grade levels and primary language classifications of the EB students.
- A district may choose to provide a bilingual education program in grade levels for which the district is not required (beyond the elementary grades) or when the district has not yet met the minimum number of identified EB students to require implementation of a bilingual education program.

Note: EB students who successfully complete English for speakers of other languages (ESOL) I and ESOL II may satisfy the English I and English II graduation requirement(s).

6.5 Program Services: Eligibility for State Bilingual Education Allotment (BEA) Funding

[152] 19 TAC §89.1250(2)(B)

For information on weighted BEA funding, see this Fact Sheet.

Bilingual Education Programs: For a district to claim eligible days present for BEA funding, a district must show that its bilingual education program meets at least one of the three following state requirements, as applicable.[153]

1. An EB student is served in a bilingual education program model per the requirements in 19 TAC §89.1210(c), including instruction delivered by appropriately certified teacher(s). The four state-approved bilingual education program models include: transitional bilingual education early exit, transitional bilingual education late exit, dual language immersion one-way, and dual language immersion two-way. The appropriate bilingual education program type code should be recorded for each student served in a bilingual program.
2. An EB student is served in a temporary alternative language program approved by TEA under an exception to the bilingual education program. A TEA-approved exception remains valid for the current school year only (the TEC, §29.061; 19 TAC §89.1207). The appropriate alternative language program type code should be recorded for each student served in a temporary alternative language program under a bilingual education exception.
3. A student who is a non-EB student or formerly identified EB student who has been reclassified as English proficient and is participating in a two-way dual language immersion program.

English as a Second Language (ESL) Programs: For a district to claim eligible days present for BEA program funding, it must show that its ESL program meets one of the following, as applicable.[154]

1. An EB student is served in an ESL program model per the requirements in 19 TAC §89.1210(d), including instruction delivered by appropriately certified teacher(s). The two state-approved ESL program models include: ESL pull-out and ESL content-based. In high school, the ESL program must be consistent with graduation requirements.[155] The appropriate ESL program type code should be recorded for each student served in an ESL program.

2. An EB student is served in a temporary alternative language program approved by TEA under a waiver to the ESL program. A TEA-approved waiver remains valid for the current year only.[156] The appropriate alternative language program type code should be recorded for each student served in a temporary alternative language program under an ESL waiver.

Note: EB students served through an alternative language program do generate BEA funds at the basic allotment for EB students (0.1). However, EB students and non-EB students participating in a dual language immersion one-way and one-way and served through an alternative language program **do not** generate the additional 0.05.

6.6 Program Services: Teacher Certification Requirements

The following charts describe the certification requirements for teachers of bilingual and ESL education programs in pre-K through twelfth grade, per the TEC, §29.061. Funding is generated when a student is identified as an EB student and is being served in a bilingual or ESL program with parental approval.

[153] 19 TAC §89.1210; 19 TAC §89.1205
[154] 19 TAC §89.1210; 19 TAC §89.1205
[155] under 19 TAC Chapter 74
[156] TEC, §29.061; 19 TAC §89.1207

Bilingual Education Programs	Teacher Certification Requirement
transitional bilingual/early exit	teacher(s) certified in grade level/content area and in bilingual education
transitional bilingual/late exit	
dual language immersion/one way	teacher(s) certified in grade level/content area and in bilingual education; or within a language allocation plan of 50 percent instructional minutes in each language, the teacher certified in bilingual education (instructing in the program's partner language) is paired with a teacher certified in bilingual education or ESL (instructing in English)
dual language immersion/two way	

ESL Programs	Teacher Certification Requirement
ESL/content-based	EB students receive all content area instruction, including English language arts and reading (ELAR), mathematics, science, and social studies, by teacher(s) certified in ESL or bilingual education and the appropriate grade level and content area.
ESL/pull-out	EB students receive instruction in at least ELAR by an ESL or bilingual education certified teacher.

Note: ESOL I and ESOL II **must** be taught by teachers who have an appropriate grade level/content area certification plus an ESL or bilingual education certification.

Note: EB students served through an alternative language program do generate BEA funds at the basic allotment for emergent bilingual students (0.1).

For more information, see this Program Model Fact Sheet and this Certification Fact Sheet.

6.7 Program Services: Eligible Days Present

This subsection describes the procedure for reporting bilingual/ESL eligible days present in the attendance accounting system. District personnel must do the following:

- Identify each student who is participating in the bilingual education program or ESL program, or under an alternative language program (ALP) code, and who is eligible for funding, according to 6.3 Initial Program Placement/Eligibility, with the appropriate **bilingual, ESL, or ALP type code**[157] in the attendance accounting system.
- Record the total number of eligible bilingual/ESL days present for each six-week reporting period in the Student Detail Report for every student eligible for the program.
- At the end of each six-week reporting period, compute a Campus Summary Report (see Section 2 Audit Requirements). Personnel must summarize the total eligible bilingual/ESL days present,

[157] To find the appropriate code to use, consult the program type code tables available at the following link: https://tealprod.tea.state.tx.us/TWEDS/100/0/0/0/CodeTable. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

for every student in the program, by grade level on this report. There will be a separate Campus Summary Report for each instructional track for each campus in the district. The Campus Summary Report must include the total eligible bilingual/ESL days present for each grade level on that campus, the total eligible bilingual/ESL days present for all grades, and the district's bilingual/ESL ADA.

- At the end of each six-week reporting period, compute a District Summary Report (see Section 2 Audit Requirements). Personnel add the information from all Campus Summary Reports for each track in the district to comprise the District Summary Report for each track. This report must include eligible bilingual/ESL days present for each grade level in the district, the total eligible bilingual/ESL days present for all grades, and the district's bilingual/ESL ADA.

6.7.1 Eligible Days Present and Students Placed in a Disciplinary Setting

Bilingual or ESL education program eligible days present must **not** be claimed when a student participating in a bilingual or ESL education program services is placed in a disciplinary setting (for example, in-school suspension or DAEP) for more than five consecutive days if the same amount and type of bilingual or ESL education program services are not provided by a bilingual or ESL education program teacher. After five consecutive days without participation in the bilingual or ESL education program, district personnel should remove the student's days from the TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension for bilingual education or ESL program eligible days present effective the first day of placement in the disciplinary setting.

6.8 Reclassification Criteria and Exit Procedures

This subsection explains the criteria for the reclassification of EB students as English proficient and outlines procedures for exiting a student from the bilingual or ESL education program.

1. At the end of the school year, the LPAC will determine whether an EB student has met the criteria to be reclassified as English proficient and has demonstrated readiness to participate equitably in grade-level content instruction that is delivered with no second language acquisition supports, per the TEC, §29.056(g). The Emergent Bilingual Student Reclassification Criteria Chart can be located on the TEA Bilingual and English as a Second Language Education Programs web page.
2. Once a student has met the criteria for reclassification as English proficient, a district must notify the student's parent of the student's reclassification as English proficient and obtain parental approval for his or her exit from the bilingual or ESL education program.[158] In alignment with the goals of dual language immersion programs, the LPAC will likely recommend that the English proficient student continue in the dual language immersion program with parental approval.

6.8.1 Effective Date of Campus/District Withdrawal

For a student who withdraws from a campus/district, the date the student withdraws is considered the effective date of change. District personnel record the effective date in the attendance accounting system, and eligible bilingual/ESL days are no longer accumulated from that date forward.

For a student who has been classified by the LPAC as English proficient at the end of the school year, the first day of the following school year is considered to be the effective date of change. District personnel

[158] 19 TAC §89.1240(b)

record the effective date in the attendance accounting system, and eligible bilingual/ESL days are no longer accumulated from that date forward, unless the student continues to participate in a two-way dual language immersion program.

6.8.2 Reclassification Procedures and Criteria for EB Students Receiving Special Education Services

Information about the process described in 19 TAC §89.1226(l–m) on reclassifying EB students served through special education and EB students with a significant cognitive disability served through special education is located on the TEA Guidance Related to ARD Committee and LPAC Collaboration web page.

6.9 Monitoring of a Student Who Has Been Reclassified

During the first two years after a former EB student has met reclassification criteria as English proficient, the LPAC must monitor the student's academic progress. During this time, the Emergent Bilingual Indicator Codes of F and S are used to reflect the first and second years of monitoring.

If the student earns a failing grade in a subject in the foundation curriculum during **any** grading period in the first two years after the student has been reclassified, the LPAC must determine, based on the student's second language acquisition needs, whether the student may require intensive instruction or should be reenrolled in a bilingual or ESL program.

In determining whether to reenroll the student, the LPAC should evaluate the following:

- the total amount of time the student was enrolled in a bilingual or ESL education program
- the student's grades each grading period in each subject in the foundation curriculum (reading/ELA, math, science, social studies)
- the type of additional interventions provided to the student
- the student's performance on each assessment instrument administered
- the number of credits the student has earned toward high school graduation, if applicable
- any disciplinary actions taken against the student

Note: After the first two years of monitoring of reclassified students, the LPAC will continue to coordinate with TSDS PEIMS for an additional two years of monitoring, as required by federal statute. During this time, the Emergent Bilingual Indicator Codes of 3 and 4 are used to reflect the third and fourth years of monitoring. Once the reclassified student has completed all four years of state and federal monitoring, he or she will be coded as Former EB/EL student, code 5 in the Emergent Bilingual Indicator, for the duration of his/her schooling in Texas.

6.10 Documentation

For a district to claim bilingual/ESL eligible days present for BEA funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating eligible bilingual/ESL days present on the Student Detail Report. Documentation requirements are listed below.

6.10.1 Home Language Survey (HLS) Requirements

When a student enrolls in a Texas public school for the very first time, the HLS is completed. This original HLS is retained in the student's record over the course of the student's educational career.

A district should not administer the HLS to a student for whom a survey has previously been completed in another Texas public school. Every effort should be made to obtain the original HLS. If the original HLS cannot be obtained, document all attempts. The LPAC will review all other applicable documentation on the identification and placement of a student as an EB student in a bilingual or ESL program and will continue language services, as applicable.

A parent signature is required on the HLS for students in pre-K through grade eight. For students in grades nine through 12, the HLS can be signed by the student or by his/her parent. Electronic parent signatures are permissible.

6.10.2 Other Required Documentation

The student's record must contain documentation of all actions impacting the EB student. This documentation must include the following:[159]

1. the identification of the student as EB
2. the designation of the student's level of language proficiency
3. the recommendation of program placement
4. parental approval of entry or placement into the program
5. parental denial, if applicable
6. the dates of entry into, and placement within, the program
7. documentation of state assessment participation decisions, any designated supports provided, and the justification for these decisions[160]
8. additional linguistic accommodations provided to the student
9. documentation of the student's eligibility to use the special provision for the end-of-course exam for English I/ESOL I, if applicable
10. the date of reclassification as English proficient by the LPAC and parental notification of reclassification and approval of the student's exit from the program, if applicable
11. the results of monitoring the student's academic success, including two years after students have been reclassified
12. TELPAS writing collections kept for two years

The documentation described in items 1–12 must be forwarded in the same manner as other student records to another school district in which the student enrolls.[161] Student record documentation also should be forwarded if the student enrolls at another campus within the same district.

Note: The LPAC records retention schedule is cessation of services (ending at reclassification) plus five years (including the two years of monitoring).

---

[159] 19 TAC §89.1220(l)
[160] in accordance with 19 TAC Chapter 101, Subchapter AA, Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments
[161] 19 TAC §89.1220(l)

6.10.3 Quality Control

A district must record the appropriate bilingual, ESL, or ALP program type code[162] for a student in the attendance accounting system as soon as the student meets all eligibility requirements. All documentation must be on file before the indicator is recorded. The sooner documentation is on file, the sooner funds may be earned for serving the student.

At the beginning of each semester and at the end of each six-week or nine-week reporting period, the appropriate LPAC members should verify the Student Detail Report to ensure that a student's coding is correct.

6.11 Resources

For further detailed guidance, examples, and resources, see the FAQ for LPAC and Emergent Bilingual Students/English Learners located on the TEA Bilingual and English as Second Language Education Programs webpage. This resource is updated frequently by the TEA English Learner Support Division. Additional resources for program implementation can be found on the English Learner Portal at http://www.txel.org/.

[162] To find the appropriate code to use, consult the program type code tables available at the following link: https://tealprod.tea.state.tx.us/TWEDS/100/0/0/0/CodeTable.. Search for the C175 code table for bilingual program type codes and the C176 code table for ESL program type codes.

Section 7 Prekindergarten (Pre-K)

This section addresses unique attendance accounting provisions for pre-K. They must be applied in conjunction with the general rules in Section 1 Overview, Section 2 Audit Requirements, and Section 3 General Attendance Requirements. If students are served by multiple programs, review and apply the provisions of each applicable program.

Important: See Section 3 General Attendance Requirements for general attendance requirements that apply to all program areas, including pre-K.

Any school district may offer pre-K classes, but your district must offer pre-K classes if it identifies 15 or more eligible children who are at least four years of age on or before September 1 of the current school year.[163] The commissioner of education may exempt a district from this requirement if the district would be required to construct classroom facilities to provide pre-K classes.[164]

7.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel to whom all pre-K coding questions should be directed.

Name: _____

Phone Number: _____

7.2 Eligibility

To be eligible for enrollment in a pre-K class, a child must be three or four years of age on September 1 of the current school year and must meet one of the following requirements:[165]

- be unable to speak and comprehend the English language
- be educationally disadvantaged[166] (eligible to participate in the National School Lunch Program [NSLP]; see 7.2.3 Pre-K Eligibility Based on Being Educationally Disadvantaged (Eligible for the NSLP))
- be homeless[167]

[163] TEC, §29.153(a-1)
[164] TEC, §29.153(d)
[165] TEC, §29.153(b)
[166] The TEC, §5.001(4), defines "educationally disadvantaged" as "eligible to participate in the national free or reduced-price lunch program."
[167] If the student is eligible for pre-K because the student is homeless, the student must fit the definition of homeless as defined by 42 USC, §11434a. (See 7.2.4 Pre-K Eligibility Based on Homelessness.)

- be the child[168] of an active duty member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who is ordered to active duty by proper authority
- be the child[169] of a member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who was injured or killed while serving on active duty
- has ever been in the conservatorship of the Texas DFPS (foster care) following an adversary hearing
- has been in foster care in another state or territory, if the child resides in this state
- is the child[170] of a person eligible for the Star of Texas Award such as:
    - a peace officer under Texas Government Code, §3106.002
    - a firefighter under Texas Government Code, §3106.003
    - an emergency medical first responder under Texas Government Code, §3106.004

A student is eligible for pre-K if the student was eligible to enroll in pre-K but did not attend during the previous school year under the TEC, §29.153(b), and the child has not yet enrolled in kindergarten, or if the child's parent or guardian elects for the child to repeat pre-K in accordance with the TEC, §28.02124.

Once a student is determined to be eligible for pre-K, the student remains eligible for the remainder of the current school year in the district in which he or she resides or is otherwise entitled to attend for Foundation School Program benefits, with the exception described in 7.2.2 Pre-K Eligibility Based on a Student's Identification as an English Learner (EL)/Emergent Bilingual (EB).

For example, a student who qualifies for pre-K because the student is eligible to participate in the NSLP (is educationally disadvantaged) is eligible for pre-K the entire school year even if the family's annual income increases above the subsistence level during the school year.

A district must verify a student's eligibility for pre-K in order to receive funding in the pre-K program. Districts must have the verification document as well as any required documentation on file for their records.

7.2.1 Pre-K Eligibility and Age

A child who is three years old is eligible for pre-K only if your district operates a three-year-old pre-K program. A child who is eligible and enrolls in a pre-K class at the age of three remains eligible for enrollment in a pre-K class for the following school year. If a child is automatically eligible for a four-year old pre-K program due to being eligible and enrolled in a three-year-old pre-K program, a district should still ensure a child is appropriately coded as economically disadvantaged or identified as an EL/EB. A child who is five years of age on September 1 of the current school year is eligible for enrollment in a pre-K class if the child's parent or guardian elects for the child to repeat pre-K in accordance with the TEC, §28.02124, or if the child would have been eligible to enroll in pre-K during the previous school year under the TEC, §29.153(b), and the child has not yet enrolled in kindergarten.

---

[168] "Child" includes a stepchild. The stepchild is eligible for pre-K enrollment whether or not the child resides in the same household as the stepparent.
[169] "Child" includes a stepchild. The stepchild is eligible for pre-K enrollment whether or not the child resides in the same household as the stepparent.
[170] HB 357

Students under five years of age who do not meet eligibility requirements but are still served in the pre-K program should be coded ineligible half day (ADA eligibility code 5). Your district should ensure that serving students who are not eligible for the program does not interfere with serving students who are eligible for the program.

Note: Both three-year-olds and four-year-olds may be served in the same pre-K class.

7.2.2 Pre-K Eligibility Based on a Student's Identification as an English Learner (EL)/Emergent Bilingual (EB)

Appropriate pre-K staff members determine that a student is eligible for pre-K based on not speaking and comprehending the English language by identifying the child as EL/EB following the process outlined in Section 6 Bilingual/English as a Second Language (ESL).

Note: As a result of Senate Bill 2066 in the 2021 legislative session, the term "emergent bilingual student" replaced the term of "limited English proficient (LEP) student" used in the TEC, Chapter 29, Subchapter B. The term "English learner (EL)," as used in 19 TAC Chapter 89, Subchapter BB, changes as well. These terms describe the same group of Texas students. These students are in the process of acquiring English and have another language as their primary or home language. As TSDS PEIMS is revised to reflect these changes, the terms "emergent bilingual (EB)" and "English learner (EL)" may be bridged as EB/EL, and the data element names may still indicate the use of LEP during the transition. It is important to note that the term English learner is still used in federal regulations and guidance.

If a student who qualifies for pre-K on the basis of identification as an English learner/emergent bilingual, is receiving required services through the bilingual/ESL program, and then moves out of the district, the student would be qualified to attend pre-K in the new district provided that the documentation described in 7.2.2.1 Documentation Required is made available to the new district.[171] This requirement also applies to pre-K EL/EB three-year-olds who are promoted to the pre-K EL/EB four-year-old program.

If a student who qualifies for pre-K on the basis of being identified as EL/EB, is not receiving required services through the bilingual/ESL program because of a parental denial, and then moves out of the district, the student remains eligible for pre-K if the student enrolls in the new district provided that the documentation described in 7.2.2.1 Documentation Required is made available to the new district.

Many districts preregister pre-K students to determine and plan for the size of the next school year's pre-K program. Districts may begin this process on or after April 1 of each year. Once a child is determined to be eligible, they remain eligible without reverification prior to the next school year. However, your district must have all the documentation described in 7.2.2.1 Documentation Required on file before claiming a student as eligible for pre-K funding on the basis of the student's being identified as EL/EB. A child remains eligible for pre-K if the parent denies bilingual/ESL support as long as they maintain the documentation required in 7.2.2.1 Documentation Required. If preregistration has not occurred, starting on the first day of school, a district has up to four calendar weeks[172] to complete this documentation. However, as stated before, a district may not claim a student as eligible for pre-K funding until this documentation is on file (see 6.10.1 Home Language Survey (HLS) Requirements).

[171] See 19 TAC §89.1225(i).
[172] 19 TAC §89.1225(g)

7.2.2.1 Documentation Required

If the student is eligible for pre-K based on the identification as an English learner/emergent bilingual, the following documentation must be on file.

- HLS. The HLS is administered in English and the home language. For students of other language groups, the HLS is translated into the home language whenever possible. The survey contains the following questions:[173]
    - "What language is used in the child's home most of the time?"
    - "What language does the child use most of the time?"
- Proof that the student's score on the state's English oral language proficiency test is below the level designated for indicating English proficiency.
- Documentation of the LPAC's identification of the student as an English learner/emergent bilingual.

7.2.3 Pre-K Eligibility Based on Being Educationally Disadvantaged (Eligible for the NSLP)

Any student considered educationally disadvantaged is eligible to receive free pre-K. The TEC, §5.001(4), defines "educationally disadvantaged" as "eligible to participate in the national free or reduced-price lunch program." If a student is eligible for pre-K because the student is educationally disadvantaged (eligible to participate in the NSLP), your district must verify and document that the student is eligible to participate in the NSLP, either because the student's family income level meets requirements for participation in the NSLP or because of automatic eligibility for the NSLP.

For a student to qualify for the NSLP, either:

1. **the student is automatically eligible**

   Children who are automatically eligible for the NSLP under criteria in federal law (42 USC, §1758) include the following:
   - a child who is a member of a household receiving benefits from the Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families program, State Medicaid program, or Food Distribution Program on Indian Reservations
   - a child who is enrolled as a participant in Head Start or Even Start
   - a child who is considered a migratory child
   - a child who is considered homeless
   - a child who is considered a runaway
   - a child who is a foster child

   For exact definitions of the terms used in the previous paragraph and complete information on pre-existing bases for automatic NSLP eligibility, see 42 USC, §1758. For information on appropriate documentation of automatic eligibility, see either the United States (US) Department of Agriculture's *Eligibility Manual for School Meals*, available at https://www.fns.usda.gov/eligibility-manual-school-meals, or the Texas Department of Agriculture's (TDA) *NSLP Handbook: Administrator's Reference Manual*, available at

[173] 19 TAC §89.1215(b)

http://www.squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicyamp;ARM.aspx. For additional information concerning the NSLP at the state level, contact the TDA.

or

2. **the student's family must provide your school district with current income level documentation showing that the income level meets requirements for the student's participation in the NSLP.**

   Many districts preregister pre-K students to determine and plan for the size of the next school year's pre-K program. Since income level documentation must be current for a student to qualify for pre-K based on eligibility for the NSLP, your district must verify income level documentation on or after April 1 of each school year. When verifying income, districts should correlate the eligible school year with the qualifying NSLP year. Qualifying a student for pre-K on the basis of the student's meeting the NSLP income eligibility requirements does not automatically qualify the student for the NSLP. To qualify a student for the NSLP, your district must provide documentation to the TDA in accordance with the TDA's requirements.

If a student qualifies for pre-K on the basis of being eligible to participate in the NSLP, and the student then moves to a new district, the new district should review the previous district's determination for accuracy. If the new district finds that the determination was accurate, the student does not need to requalify for the pre-K program in the new district. If the new district finds that an error was made, the student must requalify for the pre-K program in the new district.

7.2.4 Pre-K Eligibility Based on Homelessness

A student is eligible on the basis of homelessness if your district's local McKinney-Vento Liaison identifies the student as homeless, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child.

As a result of the 86th Texas Legislature, SB 668, relating to data collection, reporting, and notice requirements for certain entities, established a uniform definition of "homeless children and youth" now in alignment with the criteria found in 42 USC, §11434a, within the TEC. The term "homeless child," as used in the prekindergarten statute, the TEC, §29.153(b)(3), is also defined by 42 USC, §11434a.

Many districts preregister pre-K students to determine and plan for the size of the next school year's pre-K program. However, homeless students must be verified annually.

7.2.5 Pre-K Eligibility Based on a Parent's Membership in the Armed Forces

The following definitions apply when determining a student's pre-K eligibility based on the membership of a parent[174] in the armed forces:

Those who qualify as a member of the armed forces include:

[174] "Parent" includes a stepparent. A stepchild is eligible for pre-K enrollment whether or not the child resides in the same household as the stepparent.

- active duty uniformed members (parents or official guardians) of the US Army, Navy, Marine Corps, Air Force, or Coast Guard who have eligible children residing in Texas

- activated or mobilized uniformed members of the Texas National Guard (army or air guard), or activated or mobilized members of the reserve components of the US Army, Navy, Marine Corps, Air Force, or Coast Guard who have eligible children residing in Texas

- uniformed service members who are missing in action (MIA)

Also, for purposes of eligibility for enrollment in a pre-K program, a child is considered to be the child of a member of the armed forces if either of the following conditions is met:

- the child is the biological or adopted child of the member of the armed forces

- the child is a stepchild of the member of the armed forces

If a student qualifies for pre-K on the basis of being a child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, the student remains eligible for enrollment if the child's parent leaves the armed forces or is no longer on active duty after the student begins a pre-K class.

7.2.5.1 Documentation Required

If the student is eligible for pre-K because the student is the child of a member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, who is on active duty or has been injured or killed while on active duty, one of the following forms of documentation must be on file:

- Documentation that a district employee verified the student's US DoD photo identification for children of active duty service members. The documentation must include the printed name and signature of the person who verified the identification and the date that it was verified.

    - If the student has not been issued such an ID, then documentation must be on file that a district employee verified the military member's DoD photo identification, or other DoD-issued documentation indicating that the person is an active duty member of the military, and verified documentation showing that the student is a child of the military member. The documentation to be kept on file must include the printed name and signature of the person who verified the DoD and other documentation, the date that it was verified, and a photocopy of the documentation showing that the student is a child of the military member.

      Important: Your district should not make a copy of DoD identification.

- A statement of service from the installation adjutant general director of human resources for children of active members, mobilized reservists, or members of the Texas National Guard. This office uses military personnel systems and documentation to verify that the service member is in fact on active duty in Texas or a Texas mobilized reservist. For Texas National Guard members (army or air guard), the Texas National Guard's Office of the Adjutant General may provide

documentation or an official letter from a commander (at or above the lieutenant colonel or, for the navy, at the commander level) confirming active or mobilized status, which is acceptable documentation.

- For children of service members who died or were killed, a copy of the death certificate using the service-appropriate DoD form or a DoD form that indicates death as the reason for the separation from service.
    - If the DoD form is not available, the family can ask the casualty assistance office of the closest casualty area command in Texas to provide a memorandum signed by the casualty office stating that the service member was killed in action or died while serving.
- A copy of Purple Heart orders or citation for children of service members, mobilized reservists, or guardsmen who were wounded or injured in combat.
    - A copy of the line of duty determination documentation for children of service members, mobilized reservists, or guardsmen who were injured while serving active duty but were *not* wounded or injured in combat.
    - If this documentation is not available, a copy of an official letter from a commander (at or above the lieutenant colonel or, for the navy, at the commander level) that states that the service member was wounded or injured while on active duty is acceptable.
    - A copy of a letter from the US Department of Veterans Affairs indicating that the service member has a service-connected disability and is eligible for disability compensation is also acceptable.
- Documentation that a service member is MIA for children of service members who are MIA.
- Many districts preregister pre-K students to determine and plan for the size of the next school year's pre-K program. Districts may begin this process on or after April 1 of each year. Once a child is determined to be eligible, they remain eligible without reverification prior to the next school year.

7.2.6 Pre-K Eligibility Based on a Child's Having Been in Foster Care

Students who are in or who have ever been in the conservatorship of the Texas DFPS (that is, in foster care) following an adversary hearing or were in foster care in another state or territory but now reside in Texas are eligible for free pre-K. This includes not only students who are in or who have ever been in DFPS conservatorship but also students who have been adopted or returned to their parents after having been in DFPS conservatorship.

If a student qualifies for pre-K on the basis of having ever been in foster care, the student remains eligible for enrollment after the student begins a pre-K class even if that student is no longer in foster care.

At least annually, the DFPS and Child Protective Services mail verification letters of pre-K eligibility to the parents and caregivers of eligible children. These letters serve as proof of eligibility. However, if a parent

or caregiver does not receive this letter, he or she may obtain evidence of a child's eligibility for pre-K services by contacting a DFPS education specialist. More information about DFPS education specialists can be found at https://tea.texas.gov/FosterCareStudentSuccess/CPS/. The DFPS education specialist will write and sign a letter addressed to the school district attesting to the student's eligibility for free pre-K based on having been in foster care. The parent or guardian presents this signed letter to the appropriate district personnel.

Many districts preregister pre-K students to determine and plan for the size of the next school year's pre-K program. Districts may begin this process on or after April 1 of each year. Once a child is determined to be eligible, they remain eligible without reverification prior to the next school year.

7.2.7 Pre-K Eligibility Based on a Parent's Star of Texas Award

A student is eligible on the basis that his or her parent or guardian has received the Star of Texas Award for peace officers, firefighters, and emergency medical first responders. To be eligible, the parent must have been awarded between 2004 and the current year of the awards ceremony.

7.2.7.1 Documentation Required

The Office of the Governor, Criminal Justice Division honors recipients annually in September. The resolution (certificate) awarded to an individual serves as proof of eligibility to enroll these children in free pre-K if they are age eligible. A list of past honorees may be viewed on the Criminal Justice Division—Past Honorees webpage. Honorees may also provide a letter from their local representative as documentation for eligibility. If an individual has a pre-K-aged child and has been nominated but not notified as an honoree prior to the current school year, that individual may make a request that the Early Childhood Education Division determine eligibility based on the nomination submitted for review to the Criminal Justice Division.[175]

Many districts preregister pre-K students to determine and plan for the size of the next school year's pre-K program. Districts may begin this process on or after April 1 of each year. Once a child is determined to be eligible, they remain eligible without reverification prior to the next school year.

7.3 Enrollment Procedures

Obtain proof that the student enrolling is three or four years old as of September 1 of the current school year unless the child's parent or guardian elects for the child to repeat pre-K in accordance with the TEC, §28.02124, or if the child would have been eligible to enroll in pre-K during the previous school year under the TEC, §29.153(b), and the child has not yet enrolled in kindergarten. Any of the following documents is acceptable for proof of identity and age:

- birth certificate
- statement of the child's date of birth issued by the division of the Texas Department of State Health Services responsible for vital statistics for school admission purposes[176]
- passport

[175] Office of the Governor Past Star of Texas Awards

[176] As provided for by the Texas Health and Safety Code, §191.0046. A child's parent or guardian may request this statement free of charge from the division of the Texas Department of State Health Services responsible for vital statistics. To request this statement, the parent or guardian should contact Registrar@dshs.texas.gov and request an application for School Certificate (VS 140-3). Please note, this statement of birth is not considered a legal substitute for a certified copy of a birth certificate and may only be used for school purposes.

- school ID card, records, or report card
- military ID
- hospital birth record
- adoption records
- church baptismal record
- any other legal document that establishes identity and age

Appropriate pre-K staff members then determine that the student is eligible for pre-K based on one of the seven criteria in 7.2 Eligibility.

7.4 Withdrawal Procedures

See 3.4 Withdrawal Procedures on general attendance requirements.

7.5 Eligible Days Present and ADA Eligibility

Pre-K classes for eligible students four years old and older must operate on a full-day basis unless the district has applied for and received a waiver. Pre-K classes for eligible three-year-olds and ineligible three- and four-year-olds may be operated as a half-day program. In general, students who meet eligibility requirements for the pre-K program should be coded as eligible for half-day attendance (ADA eligibility code 2) and not as eligible for full-day attendance (ADA eligibility code 1). Students in pre-K are also eligible for special programs such as special education and bilingual/ESL, provided they meet the requirements for these programs. Those programs' requirements are provided in Section 4 Special Education and Special 6 Bilingual/English as a Second Language (ESL).

The following table shows the ADA eligibility codes to use for students served in a pre-K classroom. (For the pre-K program type codes to use for pre-K students, see the C185 code table in the TEDS, available at http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/.)

Note: The two-through-four-hour rule includes recess, breakfast, and lunch. For funding purposes, instructional time includes recess, breakfast, and lunch.

ADA Eligibility Coding for Students Served in a Pre-K Classroom		
	Student Age	**ADA Eligibility Code**
A student eligible for pre-K[1] served in the pre-K classroom by a pre-K teacher for ½ day	3 or 4+	2 half-day
A student eligible for pre-K[1] served in the pre-K classroom by a pre-K teacher for the full day	3 or 4+	2 half-day
A student ineligible for pre-K[2] served in the pre-K classroom by a pre-K teacher for ½ day	3 or 4+	5 ineligible half-day
A student ineligible for pre-K[2] served in the pre-K classroom by a pre-K teacher for the full day	3 or 4+	4 ineligible full-day
A student eligible for pre-K[1] and special education (ECSE) served in the pre-K classroom by a pre-K teacher for ½ day and served in a special education setting for ½ day[3]	3 or 4+	1 eligible full-day

[1]According to 7.2 Eligibility.

[2]Ineligible pre-K students may be served in the pre-K classroom only if space is available and other eligible pre-K students are not denied enrollment.

[3]This circumstance is just one example of a circumstance in which a student eligible for ECSE services is served in a pre-K classroom. For more information on coding of pre-K students who are eligible for special education services, see 7.5.1 Students Who Are Eligible for Special Education and Are Served in a Pre-K Classroom and 4.9.3 ECSE Services and Pre-K Programs.

For every student eligible for the program, district personnel must record the total number of eligible days present for each six-week reporting period in the Student Detail Report. For every student who is served in the program but did not meet the eligibility requirements, district personnel must record the total number of ineligible half-days present for each six-week reporting period in the Student Detail Report. Also, for every student eligible for both pre-K and special education services, district personnel must record the total number of eligible days present for each six-week reporting period in the Student Detail Report.

To claim pre-K eligible days present for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student shown as accumulating pre-K eligible days present on the Student Detail Report. You can find specific documentation requirements in 7.2 Eligibility and 7.3 Enrollment Procedures.

The information required in the Student Detail Report for students in the pre-K program is the same as for students in all other grade levels. Refer to 2.3.1 Student Detail Reports for a list of required information.

At the end of each six-week reporting period, district personnel must generate a Campus Summary Report (Section 2 Audit Requirements). The report must provide a summary of the total eligible days present and ineligible days present for the pre-K grade level. A separate Campus Summary Report will

exist for each instructional track for each campus in your district, but only those campuses with pre-K programs will report pre-K eligible and ineligible days present.

At the end of each six-week reporting period, district personnel must generate a District Summary Report (Section 2 Audit Requirements). The report must provide a summary of the total eligible days present and ineligible days present for the pre-K grade level from all Campus Summary Reports for each track in your district.

7.5.1 Students Who Are Eligible for Special Education and Are Served in a Pre-K Classroom

A student who is eligible for **both** special education and pre-K and is served in a pre-K classroom is eligible for full-day attendance (ADA eligibility code 1) if the student is scheduled for and receives at least four hours of instruction and services (that is, receives at least two hours of special education services in addition to the two hours of pre-K program instruction). The student is eligible for half-day attendance (ADA eligibility code 2) if the student is scheduled for and receives at least two hours but fewer than four hours of instruction or services. The student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student.

When a student who is eligible for special education **but is not eligible for pre-K** is served in a pre-K classroom, the student's instructional setting code and ADA eligibility should be determined based on the information in Coding Chart 1: ECSE Services and Pre-K in 4.9.3 ECSE Services and Pre-K Programs. The student's grade level should be reported as EE.

When a student who is eligible for special education but not eligible for pre-K is served in a pre-K classroom, a special education teacher must be in the classroom for the student's entire instructional day for ADA and weighted funding to be generated.

See 4.9.3 ECSE Services and Pre-K Programs for more information.

7.6 Examples

7.6.1 Example 1

A student is served in the pre-K program but does not meet any of the pre-K eligibility requirements.

Based on the two-through-four-hour rule, the ADA eligibility code for the student is 4 - Ineligible Full-Day, if served for at least four hours, or 5 - Ineligible Half-Day, if served for at least two hours and the grade level is pre-K.

7.6.1 Example 2

Your school district has two pre-K classes. One class is held in the morning, and the other class is held in the afternoon. A student is served in both classes for the entire day. The student meets the eligibility requirements for the pre-K program.

*The ADA eligibility code for this student is **2 - Eligible for Half-Day Attendance**, and the grade level is pre-K. The maximum attendance a student may receive in the pre-K program is half day unless the pre-K student receives special education services and receives instruction for at least four hours per day.*

Note: In a case like this, in which one pre-K class is held in the morning and one pre-K class is held in the afternoon, attendance should be taken at a set time in the morning for the morning class and a set time in the afternoon for the afternoon class. The time attendance is taken must be consistent throughout the entire school year.

7.6.1 Example 3

A student is served in a special education setting for half of the day and in pre-K for the other half of the day. The student meets the eligibility requirements for the pre-K program.

*The ADA eligibility code for this student is **1 - Eligible for Full-Day Attendance,** and the grade level is pre-K. The instructional setting code for this student is 43 (Self-Contained, Mild/Moderate/Severe, Regular Campus - at least 50 percent but no more than 60 percent). See 4.7 Instructional Setting Codes for instructional setting coding guidelines.*

7.6.1 Example 4

A student is served in a special education setting for half of the day and in pre-K for the other half of the day. The student **does not** meet the eligibility requirements for the pre-K program.

*The ADA eligibility code for this student is **2 - Eligible for Half-Day Attendance**, and the grade level is EE. The instructional setting code for this student is 43 (Self-Contained, Mild/Moderate/Severe, Regular Campus - at least 50 percent and no more than 60 percent). See 4.7 Instructional Setting Codes for instructional setting coding guidelines.*

7.6.1 Example 5

A student is served in the pre-K program for half of the day. The student meets the eligibility requirements for the pre-K program. The student is also served by a speech therapist for one hour a week.

*The ADA eligibility code for this student is **2 - Eligible for Half-Day Attendance**, and the grade level is pre-K. The instructional setting code for this student is 00, and the speech therapy indicator code is 1. See 4.7 Instructional Setting Codes for instructional setting coding guidelines.*

7.6.1 Example 6

A student is served in the pre-K program for half of the day. The student **does not** meet the eligibility requirements for the pre-K program. The student is only served by a speech therapist for one hour a week.

*The ADA eligibility code for this student is **5 - Ineligible Half-Day**, and the grade level is EE. The instructional setting code for this student is 00, and the speech therapy indicator code is 1, even though the student will not earn eligible days present for special education. If the same student is served by a speech therapist for one hour a day, the coding is the same. See 4.7 Instructional Setting Codes for instructional setting coding guidelines.*

7.6.1 Example 7

A student is served in the pre-K program for the day. The student is eligible for the pre-K program because he is identified as an English learner/emergent bilingual. The district in which the student attends pre-K has a certified bilingual teacher teaching the pre-K class.

*The ADA eligibility code for this student is **2- Eligible for Half-Day Attendance**, and the bilingual/ESL indicator code is 1. This student accumulates bilingual/ESL days present and half-day eligible days present.*

7.6.1 Example 8

A student qualifies for pre-K on the basis of being eligible to participate in the NSLP because the student's family income level meets requirements for participation in the NSLP. The student moves to a new district. The student's previous district provides the student's new district with a copy of the records used to determine the student's eligibility. The new district reviews the records and finds that the previous district's determination that the student is eligible for participation in the NSLP and thus for pre-K is correct.

The student does not need to requalify for the pre-K program in the new school district for the current school year.

*If the new district had reviewed the records and found that the previous district made an error in its eligibility determination, the student **would** need to requalify for the pre-K program.*

7.6.1 Example 9

A pre-K-age student whose parents are divorced resides in your district with her custodial parent. The student's noncustodial parent serves in the US military and is stationed at a base in another state.

*The student is eligible for pre-K, and her ADA eligibility code is **2 - Eligible for Half-Day Attendance**.*

If a student has a parent in the US military, he or she is eligible for pre-K regardless of whether the student's parents are married or where the military parent resides.

This page has been left blank intentionally.

Section 8 Gifted/Talented

This section addresses unique attendance accounting provisions for the gifted/talented program. They must be applied in conjunction with the general rules in Section 1 Overview, Section 2 Audit Requirements, and Section 3 General Attendance Requirements. If students are served by multiple programs, review and apply the provisions of each applicable program.

Important: See Section 3 General Attendance Requirements for general attendance requirements that apply to all program areas, including the gifted/talented program.

8.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel to whom all gifted/talented coding questions should be directed.

	Gifted/Talented Contact	PEIMS Coding Contact
Name:		
Title:		
Phone Number:		
Email address:		

8.2 Eligibility

Final selection of students to be served in the gifted/talented program must be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students.[177]

Your district must identify a kindergarten student for participation in the gifted/talented program **and serve** him or her in the program **before March 1** of the current school year, unless the student has moved to your district from another district where he or she was previously served.

The gifted/talented indicator code must reflect the student's services in the gifted/talented program for each six-week reporting period. If a student stops being served during a reporting period, he or she is

[177] 19 TAC §89.1(4)

shown with a 0 indicator code in the subsequent period unless the gifted/talented program services are resumed for the student during that subsequent period.[178]

Your district should include all students identified and served in the gifted/talented program as part of its gifted/talented enrollment.

8.3 Enrollment Procedures

1. Appropriate gifted/talented program staff members determine that a student requires educational experiences beyond those normally provided by the regular school program.

2. Attendance personnel record the gifted/talented indicator code in the attendance accounting system.

8.4 Withdrawal Procedures

A student is withdrawn from the gifted/talented program if:

- the student withdraws from your district,
- your district decides the student must be withdrawn from the program according to the local board-approved exit policy, or
- the student's parent requests that the student no longer be served in the program.

Attendance personnel remove the gifted/talented indicator code from the attendance accounting system and record the effective date of withdrawal.

8.5 Policies for Selection of Students to Participate in the Gifted/Talented Program

"Gifted/talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

- exhibits high performance capability in an intellectual, creative, or artistic area;
- possesses an unusual capacity for leadership; or
- excels in a specific academic field.[179]

Your school district must develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. These policies must include the following:

[178] TSDS PEIMS Data Standards
[179] TEC, §29.121

- provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the TEC, §29.121

- assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students

- data and procedures designed to ensure that students from all populations in your district have access to assessment and, if identified, services for the gifted/talented program

- provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement[180]

8.6 Coding of Gifted/Talented Students

Your district should code a student who is receiving services through a state-approved gifted/talented program with a gifted/talented indicator code of 1 in the Student Detail Report.

Your district should count a student who is served on more than one campus in your district **only once** for gifted/talented funds.

Your district must code a furloughed student who is taking leave from receiving services through a state-approved gifted/talented program with a gifted/talented indicator code of 0 in the Student Detail Report.

8.7 Documentation

Note: The gifted/talented program should be included in the campus and district improvement plans.

To claim gifted/talented enrollment for funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student with a gifted/talented indicator code of 1 on the Student Detail Report.

Your district must keep a class roster of all students who are served in the gifted/talented program in each school year on file. Your district may include a student in the gifted/talented enrollment if the student is **identified and served** in the program.

8.8 Quality Control

Controls must be in place to ensure that your district includes a student in only one campus gifted/talented count. If a student changes campuses during a six-week reporting period or attends

[180] 19 TAC §89.1(1–3, 5)

another campus to receive gifted/talented instruction, your district should count the student's participation in the program only once.

At the beginning of each school year and at the end of each six-week reporting period, the appropriate staff members should verify the Student Detail Report to ensure that the coding of gifted/talented students is correct.

8.9 Examples

8.9.1 Example 1

A third grade student is served through the gifted/talented program at Sunshine Elementary for the entire school year.

The gifted/talented indicator code of 1 is entered for this student for the entire school year in the attendance accounting system.

8.9.1 Example 2

A seventh grade student is served through the gifted/talented program at Moonlight Middle School for the first and second six-week reporting periods. During the fourth week of the third six-week reporting period, the student's parent requests that the child not be served in the gifted/talented program any longer.

The gifted/talented indicator code of 1 is entered for this student for the first, second, and third six-week reporting periods in the attendance accounting system. There should not be a gifted/talented indicator in the fourth six-week reporting period for this student.

8.9.1 Example 3

A second grade student attends Sunshine Elementary from the beginning of school until the second week of the fourth six-week reporting period. During that second week, the student moves to Raindrop Elementary. The student is served through the gifted/talented program at both schools.

The gifted/talented indicator code of 1 is entered for this student in the first, second, and third six-week reporting periods in Sunshine Elementary's attendance accounting system. The gifted/talented indicator code of 1 is entered for this student in the fourth six-week reporting period in Raindrop Elementary's attendance accounting system. Because the student was served through the gifted/talented program at both schools during the fourth six-week reporting period, district staff members should ensure that the student is reported in only one campus's gifted/talented enrollment.

8.9.1 Example 4

A first grade student is tested and identified for gifted/talented services in April. The student will not be served through the gifted/talented program until the following school year.

The gifted/talented indicator code of 0 is entered for this student for the entire school year. Only students who have been identified and served during the school year are eligible.

Section 9 Pregnancy-Related Services (PRS)

PRS are support services, including CEHI, that a student receives during the pregnancy prenatal and postpartum periods to help her adjust academically, mentally, and physically and stay in school. These services are delivered to a student when:

- the student is pregnant and attending classes on a district campus,
- a valid medical necessity for confinement during the pregnancy prenatal period prevents the student from attending classes on a district campus, or
- a valid medical necessity for confinement during the pregnancy postpartum period prevents the student from attending classes on a district campus.

Your district may choose to offer a PRS program. **If your district chooses to offer a PRS program, the district must offer CEHI services as part of that program.** Your district may offer CEHI only or both CEHI and other support services. However, your district must not code any student as PRS in the attendance accounting system unless CEHI is one of the services provided by the district's PRS program.

Note: Students may also be eligible for Section 504 services (regardless of your LEA having a PRS program) due to a suspected disability relating to pregnancy such as having gestational diabetes. In this case, a referral to Section 504 would be required.

A district receives 2.41 PRS weighted funding while PRS, consisting of support services and CEHI, are being provided to the student. Documentation by campus officials, licensed medical practitioners, and certified teachers is required to claim PRS eligible days present for funding (see 9.15 Documentation).

CEHI is the mandatory component districts offer in a PRS program. CEHI provides academic services to the student at home or hospital bedside when a valid medical necessity for confinement during the pregnancy prenatal or postpartum periods prevents the student from attending classes on a district campus. CEHI must consist of face-to-face instruction by a certified teacher of the district.[181] A substitute teacher may provide CEHI; however, the substitute must be a certified teacher. The CEHI teacher must maintain a log to document the actual amount of prenatal and postpartum CEHI each student receives.

When students are provided CEHI, your district will receive the 2.41 PRS weighted funding. Students who do not come to school and who do not receive CEHI or special education homebound services **must** be counted absent in accordance with the charts provided in this section.

Your district may code students as PRS in the attendance accounting system only if CEHI is one of the service components provided by the district's PRS program.

For information on remote home instruction, see either 12.3.3 Remote Homebound Instruction—Regular Education Students or 12.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services, as applicable.

[181] For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school's charter requires that courses be taught by certified teachers.

"Remote instruction" for the PRS program means that CEHI is provided to a student through a technology that allows for real-time, two-way interaction between a student and teacher who are in different physical locations. Examples of such technology are interactive video conferencing and a robot that allows for virtual interaction between student and teacher. The technology must allow for both two-way audio and two-way video interaction. All other Section 9 PRS requirements are required. See the definition of "remote instruction" in 12.3 Remote Instruction That Is Not Delivered through the TXVSN. For information on remote home instruction, including applying for a waiver to provide remote instruction see either 12.3.3 Remote Homebound Instruction—Regular Education Students or 12.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services, as applicable.

Support services are optional components of a PRS program that may be provided to the student during the prenatal period of the pregnancy while the student is attending school. In addition, support services may be provided during the prenatal or postpartum periods of pregnancy while the student is confined at home or hospital bedside and receiving CEHI. In all cases, support services are supplemental in nature and should not take priority over or interfere with the academic services the student receives. The following are examples of support services that a district may choose to offer:

- counseling services, including the initial session when the student discloses the pregnancy
- health services, including services from the school nurse and certified athletic trainer
- transportation for the student, the student's child(ren), or both to school, child care facility, community service agencies, health services, etc.
- instruction (inside or outside the classroom) related to parenting knowledge and skills, including child development, home and family living, and appropriate job readiness training
- child care for the student's child(ren)
- schedule modifications (see 9.16 Quality Control)
- case management and service coordination (assistance in obtaining services from government agencies and community service organizations)

If your district's PRS program provides and documents both support services and CEHI, a PRS-eligible student will generate the additional 2.41 PRS funding allotment when the student:

- is in the pregnancy prenatal period, attending regular classes, and receiving PRS support services, or
- is confined to the home in the pregnancy prenatal or postpartum periods and is receiving CEHI.

District staff members should code a student as PRS in the attendance accounting system on the date the student begins receiving services.

Note: The phrase "coded PRS" is used throughout this section. To code a student as PRS means to identify a student within TSDS PEIMS as meeting eligibility requirements for PRS (student is pregnant or in the postpartum period) and receiving services on the 40110 Student Program Extension, 42400 Basic Reporting Period Attendance Extension, and/or 42401 Special Programs Reporting Period Attendance Extension. A student who is pregnant should be coded with an at-risk indicator code on the 40100 Student Extension and 40110 Student Program Extension.

Important: See Section 3 General Attendance Requirements for general attendance requirements that apply to all program areas, including PRS.

9.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel to whom all PRS coding questions should be directed.

Name: _____

Phone Number:_____

9.2 Eligibility and Eligible Days Present

Eligibility for Services: Any school-age student who is in the prenatal or postpartum period of pregnancy is eligible for **services** under the PRS program. This includes students who are pregnant and students who deliver a live, aborted, or stillborn baby; suffer a miscarriage or death of a newborn; or place a baby up for adoption.

Eligibility for Funding: Students who are eligible for ADA and PRS program services are eligible for **funding** under the PRS program beginning on the date services begin.

End of Eligibility: Eligibility for PRS ends when the student returns from postpartum confinement to resume her regular classes at a school campus or the first day of the seventh week, whichever comes first. For a student requiring extended confinement, eligibility for PRS ends when the student returns from postpartum confinement to resume her regular classes or the first day of the 11th week, whichever comes first (see 9.9.3 CEHI during Break-in-Service Confinement for a limited exception).

9.2.1 Absences

During the prenatal period, a student is absent if she does not come to school. During the prenatal period, the student is also absent if the student is receiving CEHI and CEHI is not provided. During the postpartum period, a student is absent if CEHI is not provided.

A student may be recorded absent on the effective date of a program change (date of enrollment in or withdrawal from the PRS program). However, as with all other students, PRS students cannot earn eligible days present on days they are absent.

9.2.2 PRS Eligibility and Participation in Other State-Funded Programs

PRS students may simultaneously participate in other state-funded programs (special education, CTE, bilingual or ESL education), provided all eligibility requirements of the other programs are met (see Section 4 Special Education, Section 5 Career and Technical Education (CTE), and Section 6 Bilingual/English as a Second Language (ESL)). During CEHI, a student may remain coded and continue to generate special program ADA as long as the student continues to receive services at home as

designated by the individual program requirements. (See 9.10 Confinement and Earning Eligible Days Present and 9.17.4 Example 4.)

9.2.3 PRS and the Life Skills Program for Student Parents

The Life Skills Program for Student Parents (previously called the Pregnancy Education and Parenting [PEP] Program) will not be funded for the 2022–2023 school year.

9.2.4 Eligibility Timeline

The following chart illustrates a student's eligibility for PRS and PRS funding during the prenatal and postpartum periods of pregnancy.

Date	Activity	Is student eligible for PRS funding?	Should student be provided CEHI?
9/1	District receives notification of pregnancy and completes intake documentation.	Yes, if PRS support services are initiated at this time.	No, only PRS support services.
11/10	Licensed medical practitioner (LMP) recommends two-week confinement at home.	Yes.	Yes.
11/24	Student returns to school and continues PRS.	Yes.	No, only PRS support services.
1/3	LMP recommends five-week confinement at home due to complications.	Yes.	Yes.
2/1	Student returns to school and continues PRS.	Yes.	No, only PRS support services.
3/1	Student delivers baby; six-week postpartum confinement period begins. Week three is the district's spring break.	Yes.	Yes, but only for weeks one and two and weeks four to six. CEHI is not required for week three because it is a district holiday. However, week three counts as one week of postpartum confinement for the student.
4/15	LMP recommends additional two-week confinement at home.	Yes.	Yes.

Date	Activity	Is student eligible for PRS funding?	Should student be provided CEHI?
5/1 to Last Day of School Year	LMP recommends that student remain at home until end of school (five additional weeks).	Yes, but only for the first two weeks. After 10 weeks of postpartum confinement, the student is no longer eligible for funding and must be counted absent if she does not return to school.	Yes, but only for the first two weeks. After 10 weeks of postpartum confinement, the student is no longer eligible for CEHI. For options after PRS eligibility ends, see 3.7 General Education Homebound (GEH) Program.

9.2.5 Eligible Days Present

Students who are being served in the PRS program and eligible for funding, according to the requirements of this section, must be identified as PRS in the attendance accounting system. The total number of PRS eligible days present must be recorded for each six-week reporting period in the Student Detail Report (see Section 2 Audit Requirements) for every student served through the program. Entry dates into and withdrawal dates from the program, if applicable, for each student receiving PRS must also be documented in the Student Detail Report.

At the end of each six-week reporting period, a campus must generate a Campus Summary Report (see Section 2 Audit Requirements). The report must include a summary of the total PRS eligible days present for every student in the program by grade level. Your district must have a separate Campus Summary Report for each instructional track for each campus in the district. Each campus report must include the total PRS eligible days present for all grades as well as PRS ADA for the campus.

District personnel then add the information from all Campus Summary Reports for each track in the district to comprise a District Summary Report for each track. This report must include PRS eligible days present for each grade level in your district, total PRS eligible days present for all grades, and district PRS ADA.

For additional information on eligible days present, see 9.10 Confinement and Earning Eligible Days Present and 9.12.2 SPED, PRS, and Earning Eligible Days Present.

9.3 Enrollment Procedures

Any school-age student may be enrolled in the PRS program if she is eligible for ADA and in the prenatal or postpartum period of pregnancy.

The student's eligibility to receive PRS is verified by either of the following:

- a campus official

- a medical practitioner[182] licensed[183] to practice in the United States

The date the student begins receiving PRS is considered the date of enrollment in the PRS program.

9.4 Withdrawal Procedures

A student is no longer eligible for PRS and must be withdrawn from the program on the date one of the following occurs:

- The student no longer receives services through the PRS program.
- The student returns early from postpartum confinement to attend her regular classes on a school campus.
- The student reaches the first day of the seventh week after her pregnancy ended and a licensed medical practitioner has not authorized an extension of postpartum confinement.
- If the student's postpartum confinement was extended, the student reaches the first day of the 11th week after her pregnancy ended.
- If the student has been allowed to use the break-in-service option, the student reaches the first day of the school week that follows 10 weeks of postpartum confinement.

If your district determines that a student was never pregnant, it must remove all PRS coding for the student from the attendance accounting system even if the district provided the student PRS.

9.5 PRS and District and Campus Improvement Plans

District and campus improvement plans must do the following:

- Include a description of your district's PRS program.
- Describe the specific services available to a student through the PRS program.
- Summarize the use of the compensatory education allotment for PRS in the strategies when the PRS program is used to serve prenatal and postpartum students.

9.6 Student Detail Reports

Student Detail Reports must contain a PRS indicator code for all students who are being served in the PRS program and who are eligible for state funding (see 9.2 Eligibility and Eligible Days Present).

[182] The term "medical practitioner" includes a physician, an advanced nurse practitioner, and a midwife licensed under the Texas Occupations Code, Chapter 203.

[183] Throughout Section 9, "licensed" means licensed to practice in the United States. Access the Texas Medical Board's searchable database of licensed physicians at https://public.tmb.state.tx.us/HCP_Search/SearchInput.aspx.

9.7 On-Campus PRS Support Services

A student may be served with PRS support services while she is pregnant and attending classes on a district campus. If your district serves prenatal students with on-campus support services, it will receive the 2.41 PRS weighted funding. Your district should code students in the attendance accounting system as receiving PRS while they are being served on campus (see the Section 9 introduction). Though on-campus support services are optional, they may be necessary for the academic, mental, or physical health of the student to ensure that she does not drop out of school.

A campus official must record the date of the initial contact with the pregnant student and document that on-campus services are being provided.

The services must address the needs of the student with regular, routine support services. Infrequent or sporadic occurrences of support services do not qualify your district for PRS funding.

9.8 CEHI during Prenatal Confinement

If your district serves students with CEHI during a prenatal confinement, it will receive the 2.41 PRS weighted funding. Though providing support services to a student who is receiving CEHI during prenatal confinement is optional, these services may be necessary for the academic, mental, or physical health of the student to ensure that she does not drop out of school.

Documentation for each event of prenatal confinement must be obtained from a licensed medical practitioner to verify that a medical necessity for confinement has been determined to exist.

There is no limit to the length of time or number of times CEHI may be provided to a student during the prenatal period. The length of time and number of times the student is provided CEHI services is dependent on the licensed medical practitioner's documentation.

9.9 CEHI during Postpartum Confinement

If your district offers a PRS program and an eligible student has not refused program services, your district must provide the student with postpartum CEHI either until the student chooses to return to school or until the end of the sixth week from the beginning date, whichever comes first. The student is not required to provide a medical note indicating a need for confinement to be eligible for or receive postpartum CEHI through the sixth week from the beginning date. Provision of CEHI during postpartum confinement may be extended for four additional weeks subject to the documentation requirement in 9.15 Documentation. However, under no circumstances will a student remain eligible for PRS funding after the 10th week of postpartum confinement ends.

A student is no longer eligible for the additional 2.41 weighted allotment under the PRS program when she returns to her regular classes at a school campus, with the exception of a student who is dividing the postpartum confinement into two periods under the break-in-service option (see 9.9.3 CEHI during Break-in-Service Confinement).

9.9.1 Beginning and Ending of CEHI during Postpartum Confinement

The district must

- select one type of beginning date for the district (the day pregnancy ends or the day after pregnancy ends) and

- consistently use the same type of beginning date for all students throughout the school year.

A campus official must record the date a student's pregnancy ended.

Eligibility for CEHI during the postpartum confinement period starts on the district beginning date (day pregnancy ends or day after) and ends on the last day of the sixth week after the beginning date. However, if the postpartum confinement period is extended, eligibility for CEHI ends on the last day of the 10th week after the beginning date (see 9.9.2 CEHI during Extended Confinement; see 9.9.3 CEHI during Break-in-Service Confinement for a limited exception).

9.9.2 CEHI during Extended Confinement

Eligibility for CEHI during postpartum confinement may be extended for an additional four consecutive weeks if there are complications with the student's or infant's health. Eligibility for CEHI during extended postpartum confinement starts on the first day of the seventh week after the beginning date and ends on the first day of the 11th week after the beginning date.

9.9.3 CEHI during Break-in-Service Confinement

Your district may allow a student to divide up to 10 weeks of postpartum confinement CEHI into two periods in instances in which the infant remains hospitalized after delivery. This option is known as break-in-service CEHI. It allows the student to receive CEHI during an initial period of postpartum confinement while recovering from delivery (student recovery period), return to school until the baby is released from the hospital, and then receive CEHI during the remainder of the eligible postpartum confinement time while caring for the baby (baby recovery period). If the baby is hospitalized again, the student may receive an additional period of CEHI when the baby is released if the student has not already received 10 weeks of postpartum confinement CEHI.

A student who requires break-in-service confinement remains eligible to receive CEHI until she has been confined for a total of 10 weeks or the school year ends, whichever comes first. For a baby recovery period, a note from a medical practitioner stating the infant's need for hospital confinement. However, the student is not required to provide a medical note indicating a need for extended postpartum confinement to be eligible for or receive break-in-service CEHI beyond the sixth week of postpartum confinement.

The following chart shows the beginning and ending dates for CEHI eligibility for a student who requires break-in-service confinement.

	Begins On	Ends On
Eligibility for CEHI During Student Recovery Period (first period of confinement)	your district's beginning date (day pregnancy ends or day after)	the date the student returns full time to school to await the baby's release from the hospital **or** the last day of the sixth week (or 10th week if extended confinement is required) after the beginning date, whichever comes first

	Begins On	Ends On
Eligibility for CEHI During Baby Recovery Period (second period of confinement)	the date the infant is released from the hospital*	the date on which the student has been confined for a total of 10 weeks (including the student recovery and baby recovery periods) during the postpartum period or the end of the school year, whichever comes first (a student who has received 10 weeks of CEHI during the student recovery period is not eligible to receive any more CEHI)

***** A campus official must record the date the infant is released from the hospital.

When the student returns to the school between recovery periods, district personnel should not code her as PRS.

9.9.4 Additional Information on CEHI and Confinement

Your district must provide CEHI to a student during the confinement period to receive funding. However, your district is not required to provide CEHI to confined students on days designated as school breaks, holidays, teacher work days, etc. Additionally, school breaks, holidays, teacher work days, etc., do not extend the amount of time a student may receive postpartum CEHI. Your district must count these days when determining the amount of time a student is eligible for CEHI (see 9.17 Examples for examples). A district may apply for a waiver to provide CEHI on campus in a small group of four or less students when a student in postpartum recovery is transitioning back to school in accordance with the terms of the approved waiver. See the PRS Waiver Application in TEAL for waiver requests.[184]

9.10 Confinement and Earning Eligible Days Present

A student who receives CEHI while on prenatal or postpartum confinement earns eligible days present based on the number of hours she is served at home or hospital bedside by a certified teacher.[185] Use the following chart to determine a student's eligible days present.

PRS Confinement Service Requirements

Amount of Time Provided CEHI per Week (Week Is Sunday Through Saturday)	PRS Eligible Days Present Earned per Week
0 hours	0 days present PRS
1 hour	1 day present PRS
2 hours	2 days present PRS
3 hours	3 days present PRS
4 hours	4 days present PRS, 0 days absent (if the week is a 4-day week) 5 days present PRS, 0 days absent (if the week is a 5-day week)

[184] Information on the PRS waiver can be found at https://tea.texas.gov/StateWaivers/.

[185] For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school's charter requires that courses be taught by certified teachers.

Amount of Time Provided CEHI per Week (Week Is Sunday Through Saturday)	PRS Eligible Days Present Earned per Week
More than 4 hours	4 days present PRS, 0 days absent (if the week is a 4-day week) 5 days present PRS, 0 days absent (if the week is a 5-day week)

CEHI requirements and eligible days present are determined each week. The week for CEHI purposes is from Sunday through Saturday. CEHI service hours must not be accumulated and carried forward from one week to the next, and service hours must not be applied to a previous week.

A student who is provided CEHI services retains the same ADA eligibility code she had before receiving CEHI services, regardless of how many hours she will receive CEHI.

Over the period of her confinement, a student receiving CEHI services must be provided instruction in all core academic subject area courses in which she is enrolled. In addition, over the period of confinement, the student should be provided instruction in all other courses in which she is enrolled, if possible.

9.11 Returning to Campus for Support Services or Testing

A student who has been confined to the home by a medical practitioner during their prenatal or postpartum period may be allowed to return to campus and remain coded PRS to receive **temporary, limited** support services (see the introduction to Section 9 Pregnancy-Related Services (PRS) for a list of examples of support services) or take required state assessments.

The time spent on campus receiving temporary, limited support services or taking required state assessments must not count as any part of the number of hours served as CEHI for eligible days present.

For a PRS student who only receives the normal six weeks of CEHI, no medical release is required to return to campus for testing during this period because a medical practitioner's note is not required. A medical release is required only during the prenatal and extended postpartum periods.

9.12 PRS and Special Education Services (SPED)

Students must not be referred for special education services just because they become pregnant. Students who must be confined to the home or hospital bedside for pregnancy-related issues are to be provided CEHI and other PRS components through a PRS program.

If your district has a PRS program, it must provide access to the services offered through the PRS program to students who already receive special education and related services and who become pregnant. A pregnant special education student's ARD committee and PRS program staff members must collaboratively address the student's service needs.

9.12.1 ARD Committee Meetings

If your district's PRS program provides on-campus support services to pregnant students, an ARD committee meeting should be held promptly after your district learns of a student's pregnancy to determine the appropriate services for the student. A pregnant student's ARD committee must meet as necessary to address any changes in the student's needs.

During the periods of confinement to the home or hospital bedside, special education services must be provided in the homebound instructional setting.

A student receiving special education services who qualifies for PRS may also receive homebound instruction on campus if the district has an approved on campus instruction waiver (see 9.9.4 Additional Information on CEHI and Confinement). The ARD committee would change the student's coding to reflect homebound setting even though the student would be served on campus. The student would be considered as "transitioning" back to school (see 4.7.2.7 Transition from Homebound to the Classroom).

A district must serve a student eligible for special education with special education homebound services and PRS during any periods of confinement regardless of the anticipated period of confinement. That is, the student must be served even when the period of confinement is expected to be fewer than four consecutive weeks or fewer than four weeks total for the school year.

Furthermore, the period of homebound postpartum services for a special education student may exceed 10 weeks if determined necessary by the ARD committee. However, the PRS components are limited to a maximum of 10 weeks of reimbursable service, and the PRS indicator code may no longer be used after the 10th week has ended.

In addition to the homebound instructional services provided to the student through the special education program, the PRS program must provide at least two hours a week of PRS support services for two to five days attendance credit and at least one hour for one day attendance credit. The additional hours provided through the PRS program may include any of the support services such as counseling, support to instructional services, and parenting instruction.

A certified teacher, nurse, counselor, or social worker must provide the additional hours of PRS support services for a student who receives special education services and must maintain logs documenting the actual amount of services each student receives.

9.12.2 SPED, PRS, and Earning Eligible Days Present

Use the following chart to determine eligible days present when a student receives homebound services through **both** the special education and the PRS programs.

Amount of Time Served per Week (SPED and PRS Combined) (Week Is Sunday Through Saturday)		**SPED and PRS Eligible Days Present Earned per Week**
SPED Homebound	**PRS**	
1 hour	1 hour	1 day present SPED and PRS
2 hours	2 hours	2 days present SPED and PRS
3 hours	2 hours	3 days present SPED and PRS
4 hours	2 hours	4 days present SPED and PRS (if the week is a 4-day week) 5 days present SPED and PRS (if the week is a 5-day week)

Amount of Time Served per Week (SPED and PRS Combined) (Week Is Sunday Through Saturday)		SPED and PRS Eligible Days Present Earned per Week
SPED Homebound	**PRS**	
More than 4 hours	2 hours	4 days present SPED and PRS (if the week is a 4-day week) 5 days present SPED and PRS (if the week is a 5-day week)

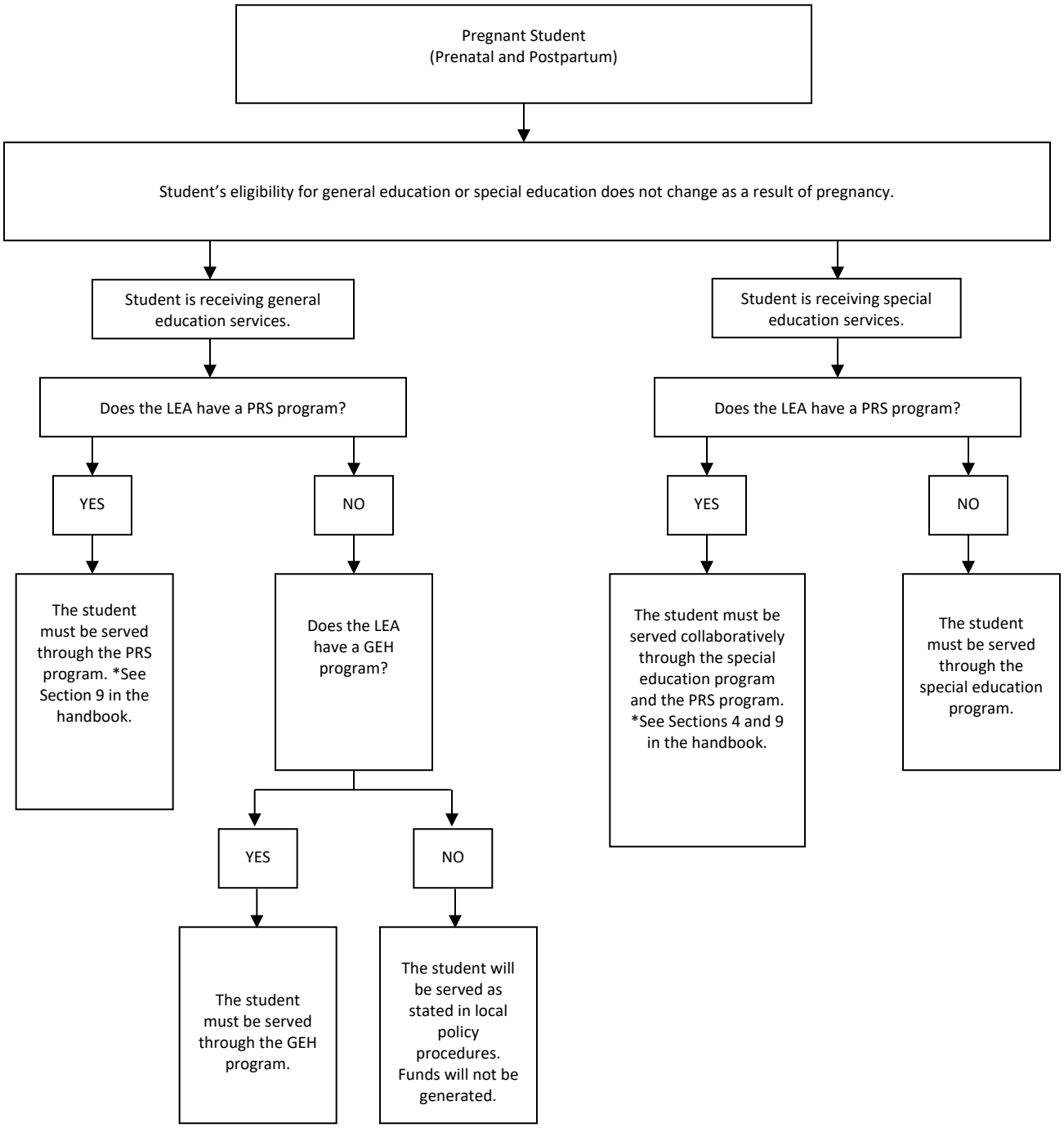
Eligible days present are determined each week, and a week is from Sunday through Saturday. Service hours must not be accumulated and carried forward from one week to the next, and service hours must not be applied to a previous week.

A student who is provided SPED and PRS during confinement retains the same ADA eligibility code she had before receiving the services, regardless of how many hours the student will be provided the services.

If a student is not provided special education homebound services during a week, the student must be counted absent for the entire week even if she was provided PRS during the week. If a student is provided special education homebound services during a week but not PRS, the student may be counted present according to the requirements of the chart in 4.7.2.5 Homebound Funding and Homebound Documentation Requirements. However, the student is not eligible to generate PRS weighted funding for the week.

See 9.17.8 Example 8 for an example of what must occur when a special education student requires special education homebound services and PRS.

Determination Chart for PRS



9.13 PRS and Career and Technical Education (CTE)

For a student to earn CTE contact hours while also being provided CEHI, the student must continue to receive the same amount and type of CTE service that she was receiving before she began receiving CEHI. The CTE instruction that the student receives at home or hospital bedside must be **in addition** to the four hours necessary for CEHI. The CEHI teacher providing the additional hours for the CTE courses must maintain a log to verify all contact hours with students. (See 9.17.4 Example 4, 5.2.1 Eligibility of Students for Funding, and 5.2.4 Earning CTE Contact Hours in a Non-Campus-Based Setting.)

9.14 Test Administration at Home during CEHI

Students confined to the home or hospital bedside may earn eligible days present as stated in the chart above when CEHI instructors administer routine quizzes, daily or weekly classroom exams, etc., that are part of the instructional requirements of a class.

A student being administered standardized, six-weeks, semester, or final exams or required state assessments while at home is limited to earning one day present for a minimum of one hour or more of testing in one calendar day. When it takes the student more than one hour to complete the exam, the additional contact hours must not be credited as attendance. (See 9.17.14 Example 14.)

If the administration of tests requires less than one hour, then the CEHI instructor must complete the hour with instruction for the student to earn the one day present. For example, if a student is administered a final exam and it takes her 30 minutes to complete the exam, the student must receive an additional 30 minutes of CEHI to earn one day present.

A student receiving CEHI who returns to her campus to take required state assessments may need to have a medical release from a licensed medical practitioner to do so. (See 9.11 Returning to Campus for Support Services or Testing.)

9.15 Documentation

For your district to claim PRS eligible days present for funding, all required documentation supporting a student's eligibility must be on file. Documentation requirements are as follows:

- affirmation by a campus official or by a licensed medical practitioner verifying the student's eligibility to receive PRS (see 9.3 Enrollment Procedures)
- intake documentation by a campus official recording the date of initial contact with a student regarding the student's pregnancy (see 9.7 On-Campus PRS Support Services)
- for each period of prenatal confinement, documentation from a licensed medical practitioner stating a medical necessity for confinement that requires the student to remain at home or in the hospital and specifying the anticipated length of the prenatal confinement (see 9.8 CEHI during Prenatal Confinement)
- documentation by a campus official of the date when the student's pregnancy ended (see 9.9 CEHI during Postpartum Confinement)

- when the break-in-service option is used, documentation by a licensed medical professional stating that the infant needs to remain in the hospital and information collected by a campus official that states the infant's hospitalization period(s), including the date(s) the infant was released from the hospital (see 9.9 CEHI during Postpartum Confinement)

- for each student whose postpartum period was extended, documentation from a licensed medical practitioner stating a medical necessity for confinement that requires the student to remain at home or in the hospital and specifying the anticipated length of the extended confinement (see 9.9 CEHI during Postpartum Confinement)

- when the prenatal or extended postpartum CEHI student confined to the home or hospital returns to campus to receive temporary, limited support services or take required state assessments, documentation by a licensed medical practitioner granting permission for the student to be on campus for the temporary, limited services (see 9.11 Returning to Campus for Support Services or Testing)

- when a student who receives special education services is served through the PRS program, **both** PRS and special education documentation (see 9.12 PRS and Special Education Services (SPED))

- the teacher's log of the actual amount of CEHI each student received for each week the student received CEHI (applies to both prenatal and postpartum periods)

  The minimum documentation required in the logs maintained by a CEHI teacher is:

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

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

Note: Discharge papers and other official forms completed and issued by a hospital, clinic, licensed medical practitioner's office, etc., may be copied and used to support medical notes to identify the medical necessity for confinement or to identify an infant's hospitalization period.

9.16 Quality Control

District personnel should identify a student as receiving PRS in the attendance accounting system as soon as services under the PRS program begin. All documentation must be obtained expeditiously and retained for audit purposes so that eligibility requirements are met.

When serving a student who receives special education services, your district is not required to maintain the special education and PRS records in the same file; however, your district will be required to provide documentation from both programs for audit purposes.

During the prenatal period, a student should no longer be identified as receiving PRS if the services stop for any reason.

During the postpartum period, a student should no longer be identified as receiving PRS when the student returns to her regular classes at her campus or at the end of the allowable postpartum period, whichever comes first.

At the beginning of each school year and at the end of each six-week reporting period, the appropriate PRS program staff members should verify the Student Detail Report to ensure that initial coding of PRS students is correct.

Schedule modifications are an eligible service under the PRS program. However, these modifications must adhere to general attendance rules in order for students to remain eligible for ADA (Section 3 General Attendance Requirements). These requirements include attendance for at least two hours but fewer than four hours each day to be eligible for half-day ADA or at least four hours each day to be eligible for full-day ADA.

No student may be coded PRS unless CEHI is one of the services provided by your district. If CEHI is offered but not provided to a student, your district must maintain documentation explaining why the student was not provided CEHI.

When a student is enrolled in the PRS program, districts should inform the student of the services that are offered and the options that are available, such as the CEHI break in service option, in order to support quality district and student service planning.

9.17 Examples

9.17.1 Example 1

A district decides to implement a PRS program but will offer only CEHI. A student informs the counselor that she is pregnant on October 1. The student receives no services while she is attending her regular classes on her campus. When she delivers on February 15, the district begins providing CEHI. The first day the CEHI teacher sees the student is on Monday, February 19. CEHI continues for the student's six-week postpartum period, and the student returns to school on March 30.

The student is coded with a PRS indicator on February 19. This date is her entrance date into the PRS program. Her exit date is March 30.

9.17.1 Example 2

On August 16, the first day of school, a student who was preregistered for grade 11 informs the high school counselor that she is pregnant. The district completes all the required documentation and begins providing PRS on August 23.

The student is coded with a PRS indicator in the Student Detail Report when PRS begins, August 23. This is the date she begins accumulating PRS eligible days present.

9.17.1 Example 3

A student begins experiencing difficulties associated with her pregnancy three weeks after beginning service under the PRS program. The licensed medical practitioner expects her to be confined to her home for two consecutive weeks. The CEHI teacher sees the student three hours the first week and five hours the second week. As expected, the student returns to school full time after the end of the second week.

The student remains coded PRS during the entire confinement period. The student may accumulate only three days present for the first week. For the second week, however, the student accumulates five days present since the teacher sees her at least four hours that week.

9.17.1 Example 4

A student who is receiving PRS is taking a one-hour CTE course (code V1). She begins CEHI and is expected to be confined for five consecutive weeks. Your district provides the four hours of CEHI instruction but chooses not to provide the additional CTE hours while the student is confined.

Since the student receives CEHI, she remains coded PRS during the entire confinement period. Since the district is not providing the additional hours for CTE, the CTE indicator is removed. The student, however, is not withdrawn from the CTE class. She remains enrolled in the class and is assisted in her class assignments by the CEHI teacher. During this time period, the student is not reported eligible for CTE contact hours on the 42401 Special Programs Reporting Period Attendance Extension; however, the student may be reported on the 41169 Student CTE Program Association Extension.

9.17.1 Example 5

A student receives CEHI for the entire six-week postpartum period. Before the end of the six-week postpartum period, the student's licensed medical practitioner determines that an additional two weeks of confinement are required.

The student remains coded PRS for all eight weeks of the postpartum confinement period and accumulates eligible days present each week based on the amount of instruction she receives at home from the CEHI teacher. Your district must continue to provide CEHI during the entire confinement period and, for audit purposes, must obtain a written statement from the licensed medical practitioner that prescribes the extended postpartum confinement period.

9.17.1 Example 6

A student is scheduled to receive CEHI for the entire six-week postpartum period. However, she returns to her regular classes on her campus on the first day of the fourth week.

Since the student receives CEHI while at home, she remains coded PRS during the entire confinement period and accumulates eligible days present each week based on the amount of instruction she receives at home from the CEHI teacher. On the first day of the fourth week, your district must withdraw the student from the PRS program since she has returned to school.

9.17.1 Example 7

A student receives CEHI for the entire six-week postpartum period. She receives at least four hours of instruction at home from a CEHI teacher during each of the first five weeks. Each of these weeks contains five days of instruction. During the sixth week, which contains only four days of instruction because of a holiday, the student receives two hours of instruction at home.

Since the student receives CEHI while at home, she remains coded PRS during the entire six-week postpartum period. The student accumulates five eligible days present each week for the first five weeks because the teacher provides at least four hours of instruction each week. During the sixth week, the student accumulates two eligible days present because she receives only two hours of instruction.

9.17.1 Example 8

A student who receives special education services becomes pregnant. During her prenatal period, the student is confined to bed rest as a result of a valid medical condition. The student delivers the baby during the period of confinement to bed rest, and services are continued until the six-week postpartum period is completed.

On your district's obtaining the medical note confirming the need for bed rest, the following should occur:

- District personnel change the student's instructional setting code to 01 (homebound).
- The special education staff and the PRS staff work collaboratively to implement the services specified in the student's IEP.
- District personnel document special education attendance based on the Homebound Funding Chart (see 4.7.2.5 Homebound Funding and Homebound Documentation Requirements).
- In addition to the homebound services provided through the special education program, the PRS program must provide at least two hours a week of PRS for two to five days of attendance credit and at least one hour a week for one day of attendance credit.

During the prenatal and postpartum periods, the student's ARD committee must meet as appropriate to review and revise the student's IEP to address the student's needs.

9.17.1 Example 9

A student delivers her baby on August 2. Your school district's first day of school is August 15.

While districts are not obligated to provide PRS to students outside the normal school year, the student's six-week postpartum eligibility for CEHI extends into the school year. Therefore, the student is eligible for CEHI through September 13. Her first day of school enrollment and attendance is the date of the initial visit to the student's home by the CEHI teacher.

9.17.1 Example 10

Your district has a PRS program. However, a student does not receive CEHI during her postpartum period because of an extenuating circumstance (for example, the student or baby is in a hospital in a different town or the parents refuse services).

Since PRS rules require that CEHI be provided, your district must maintain documentation explaining the reasons for not providing CEHI to the student.

9.17.1 Example 11

A pregnant student is coded PRS during the school year and provided support services while she is attending her regular classes. She delivers in June after the end of the school year. CEHI is never provided to this student.

Districts are not required to provide services outside the regular school year. Therefore, this student may remain coded PRS, but there is not a requirement to provide her CEHI during the summer break.

9.17.1 Example 12

A student delivers her baby on March 1, and a one-week spring break holiday falls within the student's six-week postpartum period.

Districts are not required to provide services during school breaks. The one-week school break does not extend the amount of time that the student may be provided CEHI. A maximum of five weeks is funded for PRS since the district is closed for one of the weeks in the student's six-week postpartum period.

9.17.1 Example 13

The CEHI teacher administers a six-weeks exam that takes the student 30 minutes to complete.

The teacher must provide an additional 30 minutes of CEHI for the student to earn one eligible day present.

9.17.1 Example 14

A CEHI teacher administers a required state math assessment to a student on a Tuesday. It takes the student two hours to complete the math assessment. The teacher returns on Wednesday and administers a required state social studies assessment. It also takes the student two hours to complete this assessment.

The student earns only one eligible day present for Tuesday and only one eligible day present for Wednesday. The CEHI teacher must schedule two more hours of CEHI during the week for the student to earn an entire week of attendance credit. The additional CEHI may be provided on any day of the same week, Sunday to Saturday, including the same calendar day that an assessment is administered. In all cases, the CEHI must be in addition to the time the student is tested.

9.17.1 Example 15

A student who has been receiving PRS support services delivers her baby on October 31 and returns home from the hospital while the baby remains hospitalized. The student asks to use the break-in-service option. The student receives postpartum CEHI for three weeks after delivery (student recovery period) and then returns to school. At the beginning of the 14th week after delivery (February 7), the baby is released from the hospital, and the student returns to confinement to use her seven remaining consecutive weeks of CEHI eligibility to care for the baby (baby recovery period). Because the district's one-week spring break falls within the seven-week period, the student receives only six weeks of CEHI before returning to school.

The student remains coded PRS during the entire first confinement period (student recovery period) and earns PRS eligible days present according to the number of hours of CEHI she is provided. While the student attends school between the two confinement periods, she is no longer coded PRS. The student is

coded PRS again beginning on the date she is first provided CEHI during the second confinement period and remains coded PRS until she returns to school. During the second confinement period, the student again earns PRS eligible days present according to the number of hours of CEHI she is provided.

The one-week school break does not extend the amount of time that the student may be provided CEHI. A maximum of six weeks is funded for PRS during the second period of confinement since the district is closed for one of the weeks in the student's seven-week period of confinement.

Section 10 Alternative Education Programs (AEPs) and Disciplinary Removals

Students are sometimes educated during nontraditional hours or days of the week or in alternative settings within the district, such as in AEPs, JJAEPs, DAEPs, in-school suspension programs, and education programs for incarcerated youth. This section addresses attendance accounting matters related to students in these types of programs.

Important: Although your district may determine that an AEP is required to better serve the needs of a particular student, he or she must meet all the eligibility requirements of the FSP (see 3.2 Membership and Eligibility for Attendance and Foundation School Program (FSP) Funding) and the AEP for that student to be eligible for funding.

Also, regardless of the setting in which a student is served, that student's attendance must be reported according to the traditional rules of the standardized attendance accounting system required by the Texas Education Data Standards.[186] The rules and regulations of the FSP documented in this handbook apply regardless of the AEP that is implemented.

Important: See Section 3 General Attendance Requirements for general attendance requirements that apply to all program areas, including AEPs.

Important for open-enrollment charter schools: Many of Section 10's requirements are based on statutory requirements in the TEC, Chapter 37. Open-enrollment charter schools are subject to fewer provisions of the TEC, Chapter 37. Please consult Section 10's footnotes and the applicable sections of the TEC to determine whether a particular requirement applies to open-enrollment charter schools. Also, note that per the TEC, §12.131, each charter school is required to adopt a student code of conduct for the charter school or for each charter school campus.

[186] TEC, §48.008

10.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel to whom all AEP and discipline questions should be directed.

Name:_____

Phone Number:_____

10.2 General Eligibility Requirements

The attendance of students served in an AEP is subject to requirements associated with the specific AEP.

Generally, a student in an AEP is eligible for ADA funding in the district in which the student resides or is otherwise entitled to attend for FSP purposes (see 3.3 Enrollment Procedures and Requirements).

10.2.1 "Double-Counting" of ADA for Students in AEPs

A student must not be counted more than once for ADA purposes because he or she attends both the regular school program and an AEP. However, your district should take into consideration the total amount of time a student is served each day in the district when determining the student's ADA eligibility code.

10.2.2 AEPs and Special Program Eligibility

Students who are served in AEPs are eligible for special program (special education, CTE, bilingual/ESL education, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

10.2.3 DAEP or JJAEP Placement for Students 21 Years of Age or Older

A student who is 21 (or older) and admitted to a Texas public school to complete high school graduation requirements is **not** eligible for placement in a DAEP or JJAEP if he or she engages in the same type of misconduct that would require such placement for a student under the age of 21. In this instance, your district must revoke admission of the student.[187] The leaver code reported on the TSDS PEIMS 40203 School Leaver Extension is 98.

10.2.4 Eligibility and Teacher Certification

Generally, all students reported as eligible to generate ADA must be served by teachers certified by the State Board for Educator Certification or be served under a contract negotiated by the local district. Your district can get more information on contracting for education services by contacting the applicable program division at TEA.

[187] TEC, §25.001(b)(1)

10.3 School Calendar Requirements and Waivers of These Requirements

A district or charter school's AEPs are eligible to earn full ADA if the district or charter school provides at least 43,200 minutes of instruction.[188]

The commissioner of education may waive requirements established by the TEC, State Board of Education rule, or commissioner rule to the extent allowed under the TEC, §7.056.[189] All rules and regulations of student eligibility and attendance reporting are applicable unless specifically waived.

Many times, waiving certain laws or rules associated with education indirectly affects other areas of education. Before applying for a waiver, your district or charter school should evaluate how the reporting of attendance and the funding of students will be affected if the waiver is granted.

10.3.1 Requirements Specific to JJAEPs

A JJAEP must operate at least seven hours per day (420 minutes) and at least 180 days per year unless the JJAEP has applied to the Texas Juvenile Justice Department (TJJD) for a waiver of the 180-day requirement. Any waiver granted under this provision must not exceed the highest number of school days waived by the commissioner during the same school year for a regular school district program.[190]

10.4 Attendance Accounting Documentation

Basic attendance accounting records for students served in an AEP must meet the same standards established in this handbook for the regular school program (see Section 2 Audit Requirements and Section 3 General Attendance Requirements).

10.5 AEPs for Students in Residential Facilities

The programs covered under this category include, but are not limited to, programs for students in juvenile detention centers; detention centers and correctional facilities that are registered with the TJJD; residential care and treatment facilities operated under contract to a public agency, such as the TJJD; residential treatment facilities operated for purposes such as treatment of substance and alcohol abuse; private residential treatment centers (PRTCs); and residential care and treatment facilities operated by a state supported living center, a state agency, or the federal government.

Students residing in the kinds of facilities listed in the previous paragraph or in any other residential facility[191] are eligible for and are entitled to enroll in and receive the education services available from the school district in which the facility is located.[192] While some residential facilities provide an education program for their residents, most of these facilities call on the district of residence (district in

[188] TEC, §48.005
[189] TEC, §7.056
[190] TEC, §37.011(f)
[191] Per the TEC, §5.001(8), "residential facility" means "(A) a facility operated by a state agency or political subdivision, including a child placement agency, that provides 24-hour custody or care of a person 22 years of age or younger, if the person resides in the facility for detention, treatment, foster care, or any noneducational purpose; and (B) any person or entity that contracts with or is funded, licensed, certified, or regulated by a state agency or political subdivision to provide custody or care for a person under Paragraph (A)."
[192] TEC, §25.001(b)(7)

which the residential facility is located) to provide instructional services to students residing in the facility. When a student aged three to 22 years is placed in a residential facility, the facility must notify the district in which the facility is located by the third day after the date of placement, unless the student has been placed in the facility by an agency or political subdivision that funds, licenses, certifies, contracts with, or regulates the facility.[193] A district should contact residential facilities in the district to coordinate implementation of this notice provision.

AEPs for students in residential facilities are subject to the FSP rules and regulations documented in this handbook, which apply regardless of the nontraditional education program that is implemented.

See 3.3.6.2 Students from Outside Your District Who Will Be in Your District for 10 Days or Fewer for information on attendance accounting and students from outside your district who will be residing in a detention facility or other facility in your district for 10 days or fewer.

10.6 Disciplinary Removals and Programs

This subsection provides information on attendance accounting as it relates to specific kinds of disciplinary removals and programs. Refer to the TEC, Chapter 37, for statutory requirements related to discipline. Refer to the Texas Education Data Standards for information on how your district should handle disciplinary removals and report disciplinary-removal information. The Data Standards can be accessed at http://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/.

10.6.1 Students Required to Attend a JJAEP

A JJAEP is not eligible to receive FSP funding and does not report student attendance to TEA. The school district in which the student is enrolled immediately preceding the student's JJAEP placement determines ADA eligibility coding for JJAEP students by using the following chart and referring to 3.2.1 ADA Eligibility Coding.

ADA Eligibility of Students Served by a JJAEP

The student is being served by a JJAEP on the basis of:	Population of County in Which District Is Located	Is the student eligible for ADA?
a **mandatory expulsion**.	greater than 125,000	no, unless specifically authorized in writing by TEA (ADA code 0, 4, or 5, unless otherwise authorized)[194]
a **mandatory expulsion**.	less than 125,000	yes (ADA code 0, 1, or 2), unless the county has created a JJAEP approved by TJJD,[195] then use ADA code 0, 4, or 5
an expulsion **other than** a mandatory expulsion.	population of any size	yes (ADA code 0, 1, or 2)
being assigned to attend the JJAEP by a court (student was **not** expelled).	population of any size	yes (ADA code 0, 1, or 2)

[193] TEC, §29.012. The TEC, §29.012, does not apply to a residential treatment facility for juveniles established under the Texas Human Resources Code, §221.056.
[194] Funding is provided to the JJAEP by the TJJD. TEC, §37.011(h).
[195] If the JJAEP is approved by the TJJD, funding is provided by the TJJD. General Appropriations Act, Article V, TJJD Rider 13.

The student is being served by a JJAEP on the basis of:	Population of County in Which District Is Located	Is the student eligible for ADA?
being placed in the JJAEP under the TEC, §37.309(b).	population of any size	yes (ADA code 0, 1, or 2)

If a student who is required to attend a JJAEP does not appear, the student should be reported as absent at the campus at which he or she was enrolled before assignment to the JJAEP. On the date that the student does appear to attend the JJAEP, your district reports the student as present at the JJAEP campus. Your district **must not** withdraw a student required to attend a JJAEP.

10.6.2 Disciplinary Removals of Students with Disabilities

The education services provided to a special education student removed to a disciplinary placement are to be provided following the requirements of the two-through-four-hour rule (see 3.2 Membership and Eligibility for Attendance and Foundation School Program (FSP) Funding and 3.2.1 ADA Eligibility Coding). Where services provided do not meet the requirements of the two-through-four-hour rule, the student's ADA eligibility code is 0 - Enrolled, Not in Membership.

A student must not be removed to a homebound setting (instructional setting code 01). Your district must determine the student's instructional setting code based on the percentage of time the student is removed from the general education setting. While in a DAEP, a special education student must receive all current IEP designated services.

(For information regarding funding and expulsion to a JJAEP, see the chart in the preceding subsection.)

10.6.3 Out-of-School Suspension (OSS)

A principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under the TEC, §37.001, as conduct for which a student may be suspended.[196] A student in a grade level below grade three or who is homeless may not be given an out - of-school suspension (OSS) unless engagement of a conduct that relates to the TEC, §37.005, occurs.

An OSS must not exceed three school days. Your district **must count a suspended student absent** if the student does not meet ADA requirements for attendance accounting purposes.

Note: A partial day of OSS is counted as a full day when reported in TSDS PEIMS.

10.7 Examples

10.7.1 Example 1

Your district operates a DAEP for behavior management on a separate campus. Your district has moved a student to this alternative campus because of severe discipline problems. The student attends the alternative campus from 8:15 a.m. to 3:30 p.m.

Your district would code this student with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

[196] TEC, §37.005(a)

10.7.1 Example 2

A student commits an expellable offense while on school property. Your district calls the police, and the student is arrested. The juvenile court finds that the student engaged in delinquent conduct and places the student in the county JJAEP for the remainder of the school year.

Your district should contact TEA to establish a separate campus for the district's JJAEP students and enroll students at this JJAEP campus as the students are placed at the JJAEP facility.

After a student fulfills the JJAEP placement requirements, your district should withdraw the student from the JJAEP campus and enroll the student at an appropriate campus in accordance with local policy.

10.7.1 Example 3

A student is suspended for three days because the student violated your district's student code of conduct.

Your district should code the student as absent while he or she is suspended for three days.

Section 11 Nontraditional Programs

This section addresses attendance accounting as it relates to nontraditional programs such as the OFSDP and the OFYP.

11.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel to whom all nontraditional program questions should be directed.

Name:_____

Phone Number:_____

11.2 General Requirements

Students are sometimes educated during nontraditional hours or days of the week or in nontraditional programs within the district, such as in OFSDPs or off-campus by providers other than the district, such as colleges or universities. Although your district may determine that a nontraditional education program is required to better serve the needs of a particular student, for that student to be eligible for funding, he or she must meet all the eligibility requirements of the FSP and the nontraditional program (see 3.2 Membership and Eligibility for Attendance and Foundation School Program (FSP) Funding and this section's requirements).

The attendance of students served in a nontraditional program is subject to requirements associated with that program. Eligibility information appears later in this section. Generally, students in a nontraditional program will be eligible for ADA funding in the district in which they reside or are otherwise entitled to attend for FSP purposes (see 3.3 Enrollment Procedures and Requirements).

Regardless of the nontraditional way in which a student is served, that student's attendance must be reported according to the rules of the applicable nontraditional program.

The school calendar for nontraditional programs must follow the same regulations as those stated for the regular school, unless program rules or a waiver alters this requirement. Generally, a school calendar must provide for 75,600 minutes of instruction, including intermissions and recesses (see 3.8 Calendar).[197]

A student must not be double counted for ADA while attending both a regular school program and a nontraditional program.

Unless otherwise specified, the rules and regulations of the FSP documented in this handbook apply regardless of the nontraditional program that is implemented.

[197] TEC, §25.081

Students who are served in nontraditional programs are eligible for special program (special education, CTE, bilingual/ESL education, etc.) funding provided all requirements of the special programs are met, including service by certified special program teachers.

11.3 College Credit Programs

Your district may offer several different types of college credit programs. The following chart provides information on these programs.

College Credit Programs

College Credit Option	Definition	College Credit (at Texas PS[198] Institutions)	Eligibility for Foundation School Funds	District Expense	Student Expense	Other Considerations
Advanced Placement (AP) TEC, §§28.052–28.058, 19 TAC §74.29	College Board–approved courses designed to prepare students to be successful on AP exams	Determined by PS institution; dependent on student's score on AP exam(s); awarded on registration in PS institution	Eligible	District may choose to purchase a College Board membership, to acquire additional teacher training, to take responsibility for exam fees beyond what the state provides, etc.	Any exam fees not provided by the state or district. **Note:** Unless it is offered for free, a student must not be required to take an exam.	Districts must not use the AP trademark or AP PEIMS codes (service IDs) to designate courses unless they have completed the AP course audit process and received approval from the College Board. Districts must not use the Pre-AP trademark to designate advanced courses unless they are under contract with the College Board.
International Baccalaureate (IB) TEC, §§28.052–28.058, 19 TAC §74.29	IBO[199]-approved courses taught in an authorized IB school	Determined by PS institution; dependent on student's score on IB exam(s); awarded on registration in PS institution; guaranteed to equal at least 24 credit hours with completed IB diploma at Texas public PS institutions	Eligible	IBO-required fees, training, and materials	Any exam fees not provided by the state or district. **Note:** Unless it is offered for free, a student must not be required to take an exam.	Districts must not use the IB trademark or IB PEIMS codes (service IDs) to designate courses unless they are authorized by the IBO.

[198] postsecondary
[199] International Baccalaureate Organization

College Credit Option	Definition	College Credit (at Texas PS[198] Institutions)	Eligibility for Foundation School Funds	District Expense	Student Expense	Other Considerations
Dual Credit **19 TAC §4.54, §§4.81–4.85, and §74.25**	An opportunity for a student to earn HS credit for a college course offered at or in conjunction with a PS institution that provides advanced academic instruction beyond, or in greater depth than, the TEKS[5] for the equivalent HS course	Courses taken as part of the Academic Course Guide Manual (ACGM) are awarded immediately by the PS institution offering the course when a passing grade is earned; recognized by the school district and PS institution based on articulation agreement. Courses taken as part of the Workforce Education Course Manual (WECM) as determined by PS institution; awarded on the student's meeting the requirements of the PS institution	Eligible regardless of whether course and textbook are available free to the student[200]	District may choose to pay part or all of students' tuition, purchase required textbooks, or both.	Any tuition or textbook expenses not waived or not provided by the institution or district. **Note:** If the tuition or fees are provided free of student expense, the student must not be required to reimburse the tuition or fees based on performance.	If a student has already earned HS credit for a course, the student may not earn credit for that course again unless explicitly permitted in the TEKS for the course. While dual credit for local credit courses is allowed in accordance with THECB requirements, the most beneficial dual credit opportunities will allow students to earn state credits toward HS graduation.

[200] TEC, §28.009(a-2)

College Credit Option	Definition	College Credit (at Texas PS[198] Institutions)	Eligibility for Foundation School Funds	District Expense	Student Expense	Other Considerations
Early College High School TEC, §29.908, and 19 TAC §§4.151 and §102.1091	A HS model that provides students at risk of not graduating (or those who wish to accelerate their instruction) with a blended HS and college curriculum (Students earn a HS diploma and are eligible to earn up to 60 college credit hours tuition-free.)	Courses taken as part of the Academic Course Guide Manual (ACGM) are awarded immediately by the PS institution offering the course when a passing grade is earned; recognized by the school district and PS institution based on articulation agreement. Courses taken as part of the Workforce Education Course Manual (WECM) as determined by PS institution; awarded on the student's meeting the requirements of the PS institution	Eligible	The district or charter in which the student is enrolled must pay for tuition, fees, and required textbooks, to the extent those charges are not waived by the institution of higher education.	No cost to student; a student enrolled in a college course for HS graduation credit must **not** be required to pay for tuition, fees, required textbooks, or other expenses.[201]	To operate an ECHS, districts must receive ECHS designation from TEA. ECHS students have up to five years to complete high school.

[201] per 19 TAC §102.1091(d)(3)

College Credit Option	Definition	College Credit (at Texas PS[198] Institutions)	Eligibility for Foundation School Funds	District Expense	Student Expense	Other Considerations
Pathways in Technology Early College High School TEC §§29.551–29.557, 19 TAC §102.1095	A HS model that provides students at risk of not graduating (or those wishing to accelerate their instruction) with a blended HS and college curriculum and the opportunity to earn college credit and technical certifications. (Students earn a HS diploma and are eligible to earn up to 60 college credit hours and/or a technical certification, tuition-free.)	Courses taken as part of the Academic Course Guide Manual (ACGM) are awarded immediately by the PS institution offering the course when a passing grade is earned; recognized by the school district and PS institution based on articulation agreement. Courses taken as part of the Workforce Education Course Manual (WECM) as determined by PS institution; awarded on the student's meeting the requirements of the PS institution	Eligible	The district or charter in which the student is enrolled must pay for tuition, fees, and required textbooks, to the extent those charges are not waived by the institution of higher education.	No cost to student; a student enrolled in a college course for HS graduation credit must **not** be required to pay for tuition, fees, required textbooks, or any other expenses.	To operate a P-TECH, districts must receive P-TECH designation from TEA. P-TECH students have up to six years to complete high school.
Locally Articulated Credit (Public Law 109-270, 2006)	An opportunity for a student to earn HS credit for a college course offered at or in conjunction with a PS institution that provides advanced academic instruction beyond or in greater depth than the TEKS[5] for the equivalent HS course	Determined by PS institution; awarded on the student's meeting the requirements of the PS institution	Eligible	College and HS faculty meet once a year to discuss course content. The course must meet the TEKS and WECM[202] course outcomes.	Local decision based on articulation agreement	Teacher requirements are based on the agreement between the school district and the local college and are written into the articulation agreement.

[202] workforce education course manual

11.3.1 Dual Credit (High School and College or University) Programs

A public junior college, college, or university may offer a course in which a high school student may enroll and for which the student may receive both high school and college credit.

Funding eligibility for a student taking a dual credit course will include time instructed in the dual credit course. Your district may count the time that students spend in dual credit courses for state funding purposes even if students are required to pay tuition, fees, or textbook costs for those courses.[203] Note that TAC rules for ECHS and P-TECH programs[204] prohibit requiring a student enrolled in an ECHS course for high school graduation credit to pay for tuition, fees, or required textbooks.

For your district or charter school to receive FSP funding for a student taking a college course, the district or charter school must have documentation of an agreement between the district or charter school and the college and meet other requirements for dual credit courses.[205]

For statutory requirements related to college credit programs, see the TEC, §28.009 and §28.010.

11.3.1.1 Student Eligibility for Dual Credit Courses[206]

A high school student is eligible to enroll in dual credit courses if the student demonstrates college readiness by achieving the minimum passing standard(s) on a qualifying assessment instrument.

Student Eligibility Requirements Specific to Academic Dual Credit Courses

A high school student is eligible to enroll in academic dual credit courses if the student:

- demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative as set forth in 19 TAC §4.57 (relating to College Ready Standards) on relevant section(s) of an assessment instrument approved by the Texas Higher Education Coordinating Board as set forth in 19 TAC §4.56 (relating to Assessment Instrument); or

- demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth in 19 TAC §4.54 (relating to Exemptions, Exceptions, and Waivers).

[203] TEC, §28.009(a-2)
[204] 19 TAC §§102.1091–1095
[205] specified in 19 TAC Part 1, Chapter 4, Subchapter D, and in 19 TAC Part 2, Chapter 74, Subchapter C
[206] 19 TAC §4.85

Minimum Passing Standards to Demonstrate Dual Credit Eligibility

Dual credit eligibility **is** not a college readiness benchmark but allows qualifying students to enroll in a college-level course (by subject area[s]).

		To Qualify for Math Courses		To Qualify for English Courses*					
	Assessment	**Math/ Algebra**	**Composite**	**ELA/Reading Skills**	**Objective Writing/ Sentence Skills**	**Writing/ Essay**	**Evidenced Based Reading & Writing (EBRW)**	**Combined (E+R)**	**Composite**
Academic Courses	**TSIA (prior to 1/11/2021)**	350		351	=>340 with Essay 4-8 OR <340 and Diagnostic Levels 4-6 with Essay 5-8				
	TSIA 2.0 (after 1/11/2021)	=>950 OR < 950 and Diagnostic Level 6		=>945 with Essay 5-8 OR < 945 and Diagnostic Level 5 or 6 with Essay 5-8					
	ACT prior to February 15, 2023	19	23	19					23
	ACT on or after February 15, 2023	22						40	
	SAT	530					480		
	PSAT/ NMSQT[207]	510					460		
	PLAN	19	23	19					23
	ACT ASPIRE	431		435					
	STAAR EOC English III			4000					
	STAAR EOC Algebra I and passing score in Algebra II Course	4000							

**Students must meet both subject and composite score standards where both are listed.*

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with TAC rules. Also, an institution is not required to offer dual credit courses for high school students.

Student Eligibility Requirements Specific to Workforce Education Dual Credit Courses

A high school student is eligible to enroll in workforce education dual credit courses contained in a postsecondary Level 1 certificate program, or a program leading to a credential of less than a Level 1 certificate, at a public junior college or public technical institute and is not be required to provide demonstration of college readiness or dual credit enrollment eligibility.

[207] Preliminary SAT/National Merit Scholarship Qualifying Test

A high school student is eligible to enroll in workforce education dual credit courses contained in a postsecondary Level 2 certificate or applied associate degree program under the conditions stated in 19 TAC §4.85.

11.3.1.2 Reporting Dual Credit Attendance in TSDS PEIMS When the Higher Education Calendar Is Shorter Than the School District Calendar

In some instances, a student may be taking dual credit courses through an institution of higher education whose calendar is shorter than your school district's calendar. If this is the case, report the student's attendance in TSDS PEIMS with a different track, to reflect the shorter calendar. Reporting the student with a separate track will prevent any reduction in state funding. Before your district may report such attendance, it must first apply for and receive a waiver as described in 3.8.1.8 Waivers Related to Students Taking Dual Credit Courses at Institutions of Higher Education (IHEs) with Calendars of Fewer than 75,600 Minutes.

11.3.1.3 Required Documentation

In some instances, students taking dual credit courses may not receive any of their instruction on the regular high school campus. It is the responsibility of your district to ensure that attendance is being taken in accordance with the requirements of this handbook.

11.3.2 College and Career Readiness School Models: Student Eligibility Requirements

A student enrolled in a TEA-designated ECHS or P-TECH program may enroll in dual credit courses if the student demonstrates college readiness by achieving the minimum passing standard(s) on a qualifying assessment instrument or has demonstrated dual credit eligibility, as shown in the chart on the preceding page.

11.4 Gateway to College (GTC) and Similar Programs

A Gateway to College (GTC) program is a program that your school district or charter school may develop through a memorandum of understanding with the GTC nonprofit organization or a similar organization in which eligible students are enrolled in the district or charter school and attend classes (either full time or part time) at an institution of higher education for the purpose of earning a high school diploma and earning college credits. GTC programs target high school dropouts and students at risk of dropping out. A charter school developing a GTC program must submit an expansion amendment request and be granted the expansion by the commissioner before enrolling students at institutions of higher education for the purpose of earning a high school diploma. An expansion amendment is not required for students who report daily to a high school campus and leave for part of the day to take dual credit courses at a college.

The courses offered through a GTC program may be either high school or dual credit courses if specified in the memorandum of understanding. However, for instruction provided through the GTC program to count as instruction for the purposes of the two-through-four-hour rule and FSP funding eligibility, courses must meet the curriculum requirements specified in the TEC, Chapter 28. A developmental education course does not count as instruction for the purposes of the two-through-four-hour rule and is not eligible for FSP funding unless the course meets the curriculum requirements specified in the TEC, Chapter 28, and the student can receive high school credit for the course. You can find a list of courses

that are considered developmental courses in the latest THECB *Academic Course Guide Manual*, available at http://reports.thecb.state.tx.us/approot/acgm/acgmguide.htm.

For a student participating in a GTC program to be eligible for FSP funding, the student must meet all the eligibility requirements of the FSP (see Section 3 General Attendance Requirements), including requirements related to half day and full day funding eligibility. Students participating in a GTC program and identified under federal title programs must receive appropriate instructional services as required by those federal programs.

The methods for taking attendance and the basic attendance accounting records for students served through a GTC program must meet the same standards and requirements established in this handbook for the regular school program (see Section 2 Audit Requirements and Section 3 General Attendance Requirements). A district or charter school reporting GTC program attendance must adhere to the requirements established in Section 2 Audit Requirements and Section 3 General Attendance Requirements for the regular school program, including requirements to retain records related to student attendance for five years for audit purposes. Official attendance must be taken at the point in time selected by the school district or charter school. The district or charter school may specify more than one official attendance-taking time to accommodate flexible scheduling at the IHE; however, each student must be assigned to only one official attendance-taking time. The school district or charter school must communicate with the IHE daily to receive official attendance information.

The GTC program's calendar must meet the calendar requirements in 3.8 Calendar.

The district or charter school has final responsibility for ensuring that all eligibility and attendance requirements are met.

11.5 Additional Days School Year (ADSY)

In June 2019, the passage of House Bill 3 (HB3) by the 86th Texas Legislature added half-day formula funding for school systems that add instructional days to any of their elementary schools starting in the 2020–2021 school year (TEC, §48.0051). Districts will generate half-day funding for each instructional day after their 180th instructional day up to their 210th instructional day. ADSY funding is available at the campus level. To be eligible for ADSY funding, a campus must meet the following requirements:

- Serve any grade level of pre-K-5th grade students.
- Have a school calendar with at least 180 instructional days and add up to 30 additional days.
- Have a school calendar with at least 75,600 operational minutes.
- Have a certified teacher deliver at least two hours of instruction on designated ADSY days.
- Designate ADSY days as non-compulsory separate from the traditional instructional calendar.

11.5.1 ADSY Program Design

Districts may implement an ADSY program that utilizes anywhere from one to 30 additional days and with design flexibility as long as it meets the requirements above. For example, a district may host ADSY days for a jump-start program prior to the start of school, a traditional summer program, an intersessional program placed throughout the year, or a full year redesign. ADSY days may occur at any point throughout the academic year. However, districts are not able to combine two ADSY days into one so that they can have a 15 "full instructional day" program.

Professional development waivers do not count towards the required 180 days of instruction. Beginning in the 2023–2024 school year, participating campuses are eligible for up to five days of ADSY waivers for missed instructional days throughout the year due to weather, health, or safety reasons. These waiver days are for the purpose of ensuring compliance with the 180 days of instruction requirement and are distinct from the Missed School Day waiver. LEAs that wish to request one or more ADSY waiver days must submit that request through the TEA waiver system under the ADSY waiver. LEAs will need to submit evidence of a board-approved 180-day calendar via a survey that will open in fall of each year in order to be eligible for the ADSY waivers. If an LEA applies for and receives a missed school day waiver, the day(s) will count towards the 180-day total under the TEC, §48.0051(c). Depending on the situation, an LEA may need to apply to both the ADSY waiver and the Missed School Day waiver.

11.5.2 ADSY Reporting and Funding

Each campus participating in ADSY must indicate their intent in the TSDS PEIMS Summer submission (due in June) along with their calendar reporting to ensure the campus meets the 180 day requirement. Additionally, each campus, student, and teacher participating in ADSY must be reported in the TSDS PEIMS Extended Year submission (due late August) for a campus to receive reimbursement. Attendance rates during ADSY days are reported separately from regular year attendance and do not impact overall ADA for the associated campus.

If a student attends additional instructional days through the ADSY program, the school in which the student is enrolled is held accountable to the 180-day requirement, even if the student is attending a different campus for the additional days. Additionally, the funding for the additional days will go the campus in which the student is officially enrolled, even if the services are offered at a different location.

11.5.3 Additional ADSY Information

More information on ADSY can be found on the ADSY web page, including an FAQ addressing common questions for ADSY design, implementation, and logistics.

11.6 Optional Flexible School Day Program (OFSDP)

The OFSDP[208] is a program that your district may offer to provide flexible hours and days of attendance for students who have dropped out of school or are at risk of dropping out; are participating in a TEA-designated ECHS, P-TECH, or ICIA; are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education; or as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the students have been enrolled. One goal of the program is to target those students who are unable to attend school in a traditional setting. This could include students who must seek employment to support their families, must provide child care during traditional school hours, or are involved in a TEA-designated ECHS, P-TECH, or ICIA that is designed to complement a traditional college schedule. Under these circumstances, the students might be able to attend school only during evening hours or for a couple of hours during the day. Another goal of the program is to offer students who are at risk of being denied credit for classes because of failure to meet attendance requirements the opportunity to recover that credit.

[208] See the TEC, §29.0822.

Students participating in an OFSDP may attend on a fixed or flexible schedule that does not meet the traditional 75,600 minutes, five-days-per-week requirement. Typical OFSDP instructional arrangements include the following:

- weekend or night classes
- extended day classes
- classes offered throughout the year
- flexible schedules
- credit recovery classes (Your district may offer these classes during the summer recess for students who have not earned a full ADA during the school year. A student cannot earn more than the equivalent of one ADA in a year.)
- a dropout recovery program in which courses are conducted online

Districts must not charge tuition for participation in an OFSDP, including for participation in classes offered during the summer recess.

11.6.1 Student Eligibility

A student in any grade level is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if the student is:

- at risk of dropping out of school, as defined by the TEC, §29.081,
- attending a campus implementing an approved innovative campus plan,
- attending a TEA-designated ECHS (as defined by the TEC, §29.908), P-TECH, or ICIA,
- attending a community-based dropout recovery education program, as defined by the TEC, §29.081(e-1) or (e-2), or
- not meeting attendance requirements under the TEC, §25.092, resulting in denied credit for one or more classes in which the student has been enrolled.

There must be an agreement in writing to the student's participation:

- by the student, if the student if over 18 years of age; or
- by the student and the student’s parent, or person standing in parental relation to the student, if the student is less than 18 years of age and not emancipated by marriage or court order.

Districts may also implement a study program for seniors who have completed the required course work but need additional tutoring to assist them in passing required state assessments so they may graduate and obtain their high school diploma.

11.6.2 OFSDP Attendance and Funding

The OFSDP is **not a competitive grant program**. The OFSDP program provides an alternative method of attendance accounting. A student must receive a minimum of 45 minutes of instruction on any given day to accrue eligible OFSDP minutes for the day. For each four hours or 240 minutes of eligible instruction a student receives, the student earns one eligible day present. Eligible days present are then converted to ADA for funding purposes.

OFSDP requires a teacher of record to record the actual number of student instructional minutes on any given day. The teacher must verify and sign the attendance records. Districts may use paperless methods as long as:

- attendance procedures are described in their OFSDP application (including that the classroom teacher verifies the attendance data and the district maintains documentation required for audit purposes) and
- attendance practices and records are in compliance with 2.2.3 Paperless Attendance Accounting Systems.

The maximum number of instructional minutes allowed each school day is 600 minutes or 10 hours.

Instructional time for the OFSDP is funded at the same rate under the FSP formulas as attendance for ADA in the traditional program. However, a single course cannot accrue more than 10,800 minutes and a full-time equivalent student is expected to have a total of 43,200 minutes of instruction per year to generate one ADA.

For an eligible OFSDP student attending summer school OFSDP courses for credit recovery, funding is limited to only funding for the attendance necessary for the student to recover class credit.

For funding purposes, OFSDP attendance for a student for a 12 consecutive month school year cannot exceed the equivalent of one student in ADA with perfect attendance.

11.6.3 Participation in the OFSDP and the Regular Attendance Program

A student may receive instruction and earn minutes of attendance in both classes held during the regular school day and classes specifically designed for the OFSDP. However, the student must not be simultaneously enrolled in the OFSDP and the traditional attendance program, in terms of how the student's attendance is reported in the attendance accounting system. In other words, a student must not:

- accumulate minutes through the OFSDP and the regular attendance program on the same day,
- have the same attendance time or minutes reported simultaneously through the OFSDP and the regular attendance program, or
- have the same attendance time or minutes reported simultaneously through TSDS PEIMS.

However, it is acceptable for a student to earn both traditional attendance and OFSDP attendance if the student's enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. A student's attendance program (OFSDP or regular) **must not** be changed in the middle of a six-week reporting period. **Note:** The sum of traditional ADA earned and OFSDP ADA earned **must not exceed one ADA total**.

One exception to the prohibition on changing the type of record used during a reporting period would be for a student's initial enrollment in the OFSDP. Another would be for an OFSDP student who begins receiving PRS CEHI services in the middle of a six-week reporting period. The student's attendance would be reported with a 42400 Basic Reporting Period Attendance Extension (according to the CEHI funding chart in 9.10 Confinement and Earning Eligible Days Present) and an ADA eligibility code of 1 at the time the student began receiving CEHI services, even if that date occurred within the six-week reporting period. Once the student stopped receiving CEHI services and returned to school to participate in the OFSDP, the student's attendance would be reported with a 42401 Special Programs Reporting Period Attendance Extension and an ADA eligibility code of 7, even if the transition occurred in the middle of a six-week reporting period.

11.6.4 Attendance Accounting and FSP Funding for OFSDP Participation through an Online Dropout Recovery Education Program

Eligible students may participate in courses offered through an approved online dropout recovery education program if they are enrolled in a Texas public school district or charter school with an approved OFSDP. These students are eligible to generate FSP funding.

Enrollment in courses for grades nine through 12 taken through an online dropout recovery education program at a district with an approved OFSDP may apply toward ADA eligibility status. For an online dropout recovery education program course for grades nine through 12 to count toward ADA eligibility status, the student must successfully complete the course regardless of if the student is physically present at the school or not while taking the online course. Successful completion is defined as earning credit for the online semester course.

For an eligible OFSDP student completing OFSDP courses for credit recovery through an online dropout recovery education program, funding is limited to the attendance necessary for the student to recover class credit. For funding purposes, OFSDP attendance for a student for a 12 consecutive month school year cannot exceed the equivalent of one student in ADA with perfect attendance.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in one or more online dropout recovery education program courses for grades nine through 12 (that is, for purposes of determining whether the student is eligible for half-day or full-day attendance), the student is considered scheduled for and receiving instruction for 60 minutes each day for each virtual course taken through the online dropout recovery education program. In other words, each online dropout recovery education program course is considered 60 minutes of daily classroom time for purposes of the two-through-four-hour rule. (See 3.2.2 Funding Eligibility for more information on ADA eligibility.)

TEA determines a student's ultimate ADA eligibility status for a semester based on the student successfully completing each online dropout recovery education program semester course in which the student was enrolled, using course completion data reported by the district. If the student did not successfully complete an online dropout recovery education program course, TEA adjusts the student's ADA eligibility status accordingly. Resulting adjustments to the district's FSP funding are made in the following school year.

11.6.5 Application Process

To participate in the OFSDP, your district must submit an annual application notifying TEA that it plans to participate. The application requires the following information: implementation plan description, staff plans, schedules, and student attendance accounting security procedures and documentation.

11.6.6 FSP Funding Eligibility for Students 21 through 25 Years of Age

Note that a student who is at least 21 years of age and under 26 years of age and admitted by your school district to complete the requirements for a high school diploma is eligible to generate ADA and FSP funding, including OFSDP funding.

A student receiving special education services who is 21 years of age on September 1 of a school year is eligible for services, including OFSDP services, through the end of that school year or until graduation, whichever comes first. In addition, a student with a disability who graduated by meeting the

requirements of 19 TAC §89.1070(b) as determined by an ARD committee and who is still in need of special education services[209] may be served through age 21 inclusive.[210] A student who is at least 22 years of age and under 26 years of age on September 1 admitted for the purpose of completing the requirements for a high school diploma is **not** eligible for special education weighted state funding, but is eligible for other weighted state funding.

11.6.7 Reporting Requirements

Your district must report OFSDP attendance data through TSDS PEIMS.

It is acceptable to create and report both a 42400 Basic Reporting Period Attendance Extension and a 42401 Special Programs Reporting Period Attendance Extension for a student if the student's enrollment status changes from a traditional program to the OFSDP or if the status changes back to a traditional program from the OFSDP. **Note:** If a student is participating in both classes that are a part of the traditional attendance program and classes that are a part of the OFSDP simultaneously, **all attendance must be reported through the OFSDP 42401 Special Programs Reporting Period Attendance Extension**.

11.6.8 Estimating OFSDP Funding

Your school district may estimate the FSP funding to be generated by the OFSDP by entering the OFSDP ADA and FTE data into the latest estimate of state aid template available at the TEA Foundation School Program web page at http://tea.texas.gov/Finance_and_Grants/State_Funding/Foundation_School_Program/Foundation__School_Program/.

11.6.9 OFSDP Withdrawal Policy

Your school district may adopt a local policy for determining when a student enrolled in an OFSDP may be withdrawn for nonattendance.

11.6.10 More Information

More information about the OFSDP, including the program application and applicable commissioner's rules, is available on the TEA OFSDP web page at http://tea.texas.gov/index2.aspx?id=25769817595.

11.7 Optional Flexible Year Program (OFYP)

The OFYP is for students who did not or are likely not to perform successfully on the required state assessments or who would not otherwise be promoted to the next grade level.

To provide additional school days for an OFYP, with the approval of the commissioner, your school district may:

- provide for at least 71,400 minutes for students who are not at risk and at least 75,600 minutes, including intermissions and recesses, for students who are at risk during the regular school year; and
- use for instructional purposes no more than five days that would otherwise be used for staff development or teacher preparation.

[209] as determined by the ARD committee per 19 TAC §89.1070(f)
[210] 34 CFR, §300.102(a)(3)

11.7.1 Applying to Participate in the OFYP

To participate in the OFYP, your school district must submit an application. The application is available on the TEA OFYP web page at http://tea.texas.gov/Finance_and_Grants/State_Funding/Additional_Finance_Resources/Optional__Flexible_Year_Program/.

11.7.2 Scheduling of OFYP School Days

TEA strongly encourages districts providing OFYPs to provide the additional school days for eligible students throughout the school year instead of only at the end of the school year. This practice helps ensure eligible students' successful program completion.

TEA also strongly encourages each district, upon OFYP approval, to notify parents and students that the district has been approved to provide an OFYP and include details of how the district plans to implement the program in this notice (that is, whether the district will schedule its OFYP school days throughout the year or at the end of the year).

An OFYP school day must not be scheduled on the same day as any of the following:

- an early release day
- one of your district's scheduled makeup days
- a day before the fourth Monday in August (this last bullet applies to school districts only; it does not apply to open-enrollment charter schools)

11.7.3 Reporting OFYP Attendance

Students who are participating in an OFYP should be reported on a separate instructional track from students who are not participating in an OFYP. If a student participates in the OFYP, the student should not be reported on multiple calendar tracks within a six-week reporting period.

11.7.4 Additional Information

A district approved to provide an OFYP has discretion over whether to allow OFYP-ineligible students to attend school on OFYP school days. If the district decides to allow OFYP-ineligible students to attend school on those days, the ineligible students would not be eligible to generate ADA (FSP funding) for the days. The district should not record attendance for the OFYP-ineligible students who attend school on OFYP school days, except for those students described by the following paragraph.

A student who receives special education services and whose IEP requires that the student be provided instruction, services, or both for a specified number of school days must be provided instruction and services for that number of school days regardless of whether the student is eligible for the OFYP. If an OFYP-ineligible student who receives special education services is attending school on OFYP school days because of IEP requirements, the student's reported instructional track must include those days and attendance must be taken for the student for those days.

11.8 High School Equivalency Program (HSEP)

The HSEP provides an alternative for high school students aged 16 years and older who are at risk of not graduating to earn a TxCHSE instead of a high school diploma. The purpose of the program is to prepare eligible students to take a high school equivalency examination.

11.8.1 HSEP Eligibility Requirements

A student is eligible to participate in an HSEP if:

- the student has been ordered by a court under Family Code, §65.103, or by the TJJD to:
  - participate in a preparatory class for the high school equivalency examination; or
  - take the high school equivalency examination administered under the TEC, §7.111; or
- the following conditions are satisfied:
  - the student is at least 16 years of age at the beginning of the school year or semester;
  - the student is at risk of dropping out of school, as defined by the TEC, §29.081(d);
  - the student and the student's parent, or person standing in parental relation to the student, agree in writing to the student's participation; and
  - at least two school years have elapsed since the student first enrolled in grade nine and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the district or school.[211]

11.8.2 HSEP Attendance Accounting and Funding

The HSEP provides alternatives to the traditional attendance program and provides flexible attendance schedules. Students in the program are still subject to minimum attendance requirements (TEC, §25.092).

District personnel must maintain a separate log of program instructional contact time for each student participating in the HSEP.

A student is counted as in attendance based on the actual number of daily contact minutes the student receives instruction in the HSEP, traditional classes that count toward graduation requirements, or both. A student must receive instruction in the HSEP or the HSEP in combination with traditional coursework at least 45 minutes on a given day for instructional contact time to be recorded. If actual instructional contact time in the HSEP or the HSEP in combination with traditional coursework does not equal at least 45 minutes on a given day, your district must record zero minutes of instructional contact time for that day. The maximum number of instructional contact minutes allowed each school day, including any instructional time accounted for in traditional courses toward graduation requirements, is 600 minutes.

HSEP attendance is reported using the 42401 Special Programs Reporting Period Attendance Extension. For students in grades nine through 12 who are ADA eligible, create at least one record for TSDS PEIMS reporting for each student who attends at least 45 minutes in the HSEP within the indicated reporting period.

A district must report all minutes of instruction attended by a student for each six-week reporting period. However, no student may generate more than one ADA for FSP funding purposes for a school year within a district or campus. If a student participates in both the HSEP and the traditional attendance program, the student must not generate more than one ADA for FSP funding purposes for a six-week reporting period within a district or campus.

Note: Attendance reporting for students attending an HSEP in a shared services arrangement is the responsibility of the student's home district.

[211] TEC, §29.087(d); 19 TAC §89.1403

For additional rules and instructions related to the HSEP, visit the TEA HSEP web page at http://tea.texas.gov/HSEP/.

11.9 Interstate Compact on Educational Opportunity for Military Children

Texas is a member state of the Interstate Compact on Educational Opportunity for Military Children. The compact is an agreement among member states to abide by a common set of requirements related to education of military children.[212]

This subsection provides information on some important compact definitions and requirements related to attendance accounting.

11.9.1 Some Important Compact Definitions

The following definitions apply for purposes of compact requirements:

Active duty means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders.[213]

Child of a military family means a school-age child, enrolled in kindergarten through 12th grade, in the household of an active duty member.

Education(al) records means those official records, files, and data directly related to a student and maintained by the school or LEA.[214]

Member state means a state that has enacted the compact.

Sending state means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

Uniformed services means the Army, Navy, Air Force, Marine Corps, Coast Guard, the National Oceanic and Atmospheric Administration (NOAA) Commissioned Corps, and the Public Health Services Commissioned Corps.

The US NOAA is an agency of the US Department of Commerce (DOC). The US NOAA Commissioned Corps[215] is made up of approximately 300 science and technology professionals who serve in leadership and command positions in the NOAA and DOC and in the armed forces during wartime or national emergencies.

The US Public Health Services Commissioned Corps[216] is made up of approximately 6,000 public health professionals who help administer national public health promotion and disease prevention programs

[212] The Texas Legislature enacted the compact through the TEC, §162.002.
[213] pursuant to 10 USC, §1209 and §1211
[214] See Article II of the compact in the TEC, §162.002, for the full definition.
[215] The US National Oceanic and Atmospheric Administration Commissioned Corps website is http://www.noaa.gov/.
[216] The US Public Health Service Commissioned Corps website is https://usphs.gov/.

through federal programs and agencies. Corps members include doctors, nurses, pharmacists, therapists, researchers, and engineers.

11.9.2 Notable Compact Provisions and Requirements

The following are notable compact provisions and requirements.

11.9.2.1 Entitlement to Continue at Grade Level

A child of a military family who moves to your district from another member state is entitled to continue enrollment at the same grade level, including kindergarten, in which the student was enrolled in the sending state regardless of the child's age. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the following:

1. official military orders showing that the military member was assigned to the state or commuting area of the state in which the child was enrolled and attended school. If the child was residing with a legal guardian and not the military member during the previous enrollment, the following must be provided:
    - a copy of the family care plan, or
    - proof of guardianship, as specified in the compact, or
    - any information sufficient for your district to establish eligibility under the compact;
2. an official letter or transcript from the proper school authority showing the child's attendance record, academic information, and grade placement;
3. documented evidence of appropriate immunization; and
4. evidence of date of birth.

A child of a military family who moves to your district from another member state and satisfactorily completed a particular grade level in a public school in the sending state is entitled to enroll in the next highest grade level. The child must be admitted and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the items specified in the previous paragraph.

A child of a military family who is under the age of five on September 1 and moved to Texas from another member state where the child completed prekindergarten in a public school is eligible for enrollment in kindergarten and will be considered to meet minimum age eligibility requirements to generate ADA on presentation of the items specified in the previous paragraph.

11.9.2.2 Certain Absences Excused for Compulsory Attendance Purposes

Under the compact, your school district's superintendent may excuse for compulsory attendance purposes a student's absence to visit with a parent or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from deployment to a combat zone or combat support posting.

Note that other Texas law[217] already allows for a teacher, principal, or superintendent of the school in which a student is enrolled to excuse for compulsory attendance purposes the temporary absence of the student for any reason acceptable to the teacher, principal, or superintendent, as described in 3.6.4 Excused Absences for Compulsory Attendance Purposes. That same statute also permits a student to be counted as present for FSP funding purposes if the student is absent to visit with a parent, stepparent, or legal guardian who is an active duty member of the uniformed services and has been called to duty

[217] TEC, §25.087

for, is on leave from, or is immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides. Your district is required to excuse up to five days for this purpose in a school year. An excused absence for this purpose must be taken no earlier than 60 days before the date of deployment or no later than 30 days after the date of return from deployment.[218]

[218] TEC, §25.087(b-4)

Section 12 Virtual, Remote, and Electronic Instruction

This section addresses attendance accounting as it relates to virtual instruction, remote instruction, and self-paced computer courses.

12.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel to whom all questions related to virtual, remote, and self-paced electronic instruction should be directed.

Name:_____

Phone Number:_____

12.2 Texas Virtual School Network (TXVSN)

The state virtual school network includes the TXVSN catalog of supplemental online courses for grades nine through 12 and the full-time virtual TXVSN Online Schools (OLS) program for grades three through 12. The TXVSN provides students throughout the state with access to online courses that address all of the TEKS and meet national standards for quality online courses. The network was established by Senate Bill 1788, passed by the 80th Texas Legislature, 2007. The TEC, Chapter 30A, which established the TXVSN, does not affect the provision of distance learning courses offered under other law. The TXVSN creates an additional distance learning option for districts.

Courses approved through the TXVSN review process first became available for grades nine through 12 through the TXVSN course catalog in January 2009.

TXVSN online courses may be provided through the TXVSN course catalog by a TXVSN course provider. This is defined as a school district or open-enrollment charter school that meets certain eligibility requirements. Courses also may be provided by a Texas public or private institution of higher education,[219] a regional education service center, or a nonprofit or private entity that meets certain eligibility requirements. A full-time virtual TXVSN OLS program may be provided only by a Texas public school district or open-enrollment charter school that meets certain eligibility requirements, has notified TEA of its intent to participate in the OLS program, and was in operation on January 1, 2013. For a list of the TXVSN online schools officially recognized by the agency, see the TXVSN OLS Campuses page at https://www.txvsn.org/OLS-Campuses. For more information about the TXVSN OLS, see the TEA Texas Virtual School Network - Online Schools Program web page at https://tea.texas.gov/Academics/Learning_Support_and_Programs/Texas_Virtual_School_Network/Texas_Virtual_School_Network_-_Online_Schools_Program/.

[219] as defined by 20 USC, §1001

For more information on the TXVSN and to view the list of available courses in the TXVSN course catalog, visit the TXVSN website at http://www.txvsn.org/. For additional commissioner of education rules concerning the TXVSN, see 19 TAC §§70.1001–70.1035.

The information and provisions in this subsection apply specifically to the TXVSN and TXVSN courses. They do not apply to any other form of electronically delivered instruction. See 12.3 Remote Instruction That Is Not Delivered through the TXVSN for information on remote instruction. See 12.4 On-Campus Online Courses Not Provided through the TXVSN for requirements related to time spent in on-campus online courses not provided through the TXVSN. See 12.5 Self-Paced Computer Course for requirements related to time spent in self-paced computer courses.

12.2.1 Student Eligibility for the TXVSN

A student who is enrolled in a school district or open-enrollment charter school in this state may take one or more electronic courses through the TXVSN, provided the student meets eligibility criteria.

A student is eligible to enroll in a course provided by the TXVSN only if the student meets the following three criteria.

1. the student, on September 1 of the school year:
    a. is younger than 21 years of age or
    b. is younger than 26 years of age and entitled to the benefits of the FSP under the TEC, §48.003

2. the student has not graduated from high school

3. the student:
    a. is otherwise eligible to enroll in a public school in this state or
    b. meets the following requirements:
        i. is a dependent of a member of the United States military
        ii. was previously enrolled in high school in this state
        iii. no longer resides in this state as a result of a military deployment or transfer

12.2.1.1 Student Eligibility for Full-Time Enrollment in TXVSN Courses or Program

Full-time enrollment means enrollment in four or more TXVSN high school-level courses or enrollment in a grade three through eight TXVSN OLS program offered by an officially recognized TXVSN online school.

A student is eligible for full-time enrollment in TXVSN courses or in a TXVSN OLS program only if the student

- meets criteria #1 and #2 in 12.2.1 Student Eligibility for the TXVSN
- is otherwise eligible to enroll in a public school in this state; and
- also meets one of the following four criteria.

1. The student was enrolled in a public school in this state in the preceding school year.

2. The student is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding school year.

3. The student has been placed in substitute care[220] in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year.

4. The student meets the following requirements:
    i. is a dependent of a member of the United States military
    ii. was previously enrolled in high school in this state
    iii. no longer resides in this state as a result of a military deployment or transfer

12.2.1.2 Student Eligibility and Documentation

For a student whose eligibility to enroll full-time in TXVSN courses or in a TXVSN OLS program is based on having been placed in substitute care, a court order related to the placement is acceptable documentation of eligibility. A copy of documentation showing that the Texas DFPS or an authorized agency placed the student in substitute care is also acceptable.

For a student whose eligibility to enroll in TXVSN courses is based on being a dependent of a member of the United States military who has been deployed or transferred to this state or is no longer residing in Texas because of a military deployment or transfer, the following must be on file.

- Documentation that a district employee has verified the student's DoD photo identification for children of active duty service members. The documentation must include the printed name and signature of the person who verified the identification and the date that it was verified. **Important:** Your district should **not** make a copy of the identification.

  If the student has not been issued such an ID, then documentation must be on file that a district employee verified the military member's DoD photo identification or other DoD-issued documentation indicating that the person is an active-duty member of the military and verified documentation showing that the student is a dependent of the military member. The documentation to be kept on file must include the printed name and signature of the person who verified the DoD and other documentation, the date that it was verified, and a photocopy of the documentation showing that the student is a dependent of the military member. **Important:** Your district should **not** make a copy of the DoD identification.

[220] Per the Texas Family Code, §263.001(a)(4), "substitute care" means the placement of a child who is in the conservatorship of the Texas DFPS or an authorized agency in care outside the child's home. The term includes foster care, institutional care, adoption, placement with a relative of the child, or commitment to the TJJD.

and

- DoD-issued orders or other DoD-issued documentation showing that the military member has been deployed or transferred outside of Texas.

12.2.2 TXVSN FSP Funding and Attendance Accounting

If an eligible student participates in a course offered through the TXVSN course catalog or in an officially recognized TXVSN OLS program and meets the requirements for enrollment in a Texas school district or charter school, the student is eligible to generate FSP funding in the same manner as a student who receives instruction in a traditional classroom generates FSP funding.[221] A student is eligible to generate FSP funding for participation in a TXVSN course or program regardless of whether the student is physically present at school while participating in the course or program.

12.2.2.1 Courses for Grades Nine through 12

Enrollment in courses for grades nine through 12 taken through the TXVSN may apply toward ADA eligibility status. For a TXVSN course for grades nine through 12 to count toward ADA eligibility status, the student must successfully complete the course regardless of whether or not the student is physically present at the school when taking the online course. Successful completion is defined as completion of the TXVSN semester course and demonstrated academic proficiency with a passing grade sufficient to earn credit for the online semester course. Course credit for high school graduation may be earned only if the student received a grade that is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for each course.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in one or more TXVSN courses for grades nine through 12 (that is, for purposes of determining whether the student is eligible for half-day or full-day attendance), the student is considered to be scheduled for and receiving instruction for 60 minutes each day for each virtual course taken through the TXVSN. In other words, each TXVSN course is considered to be 60 minutes of daily classroom time for purposes of the two-through-four-hour rule. (See 3.2.2 Funding Eligibility for more information on ADA eligibility.) A total of no more than three semester courses taken through the TXVSN course catalog may be used in determining a student's ADA eligibility for any one semester with a maximum of six total semester courses in a school year.[222] Students enrolled in online courses offered by an officially recognized TXVSN online school are not subject to the three-course maximum. For a student enrolled in an officially recognized TXVSN online school, no more than four total semester courses taken through the TXVSN may be used in determining a student's ADA eligibility for any one semester, with a maximum of eight TXVSN semester courses within a school year.

An exception applies to a student who lacks up to eight semester courses to meet his or her graduation plan, is in the final semester of the school year, and did not generate FSP funding in the first semester of that school year. That student may earn funding for a maximum of six semester courses through the TXVSN course catalog in the second semester of the school year. If the student is enrolled in an officially recognized TXVSN online school, he or she may earn funding for a maximum of eight TXVSN semester courses in the second semester of the school year. Each course is considered to be 60 minutes of daily classroom instruction for purposes of the two-through-four-hour rule.

[221] TEC, §30A.153(a)
[222] TEC, §30A.153(a-1)

For purposes of recording a student's daily attendance, a student enrolled full-time in TXVSN courses for grades nine through 12 (enrolled in four or more TXVSN courses) is considered to have been present (in attendance) for each day of instruction in the reporting period. The daily attendance of a student who is not enrolled full-time in TXVSN courses for grades nine through 12 is determined by whether that student was present or absent at the official attendance-taking time, or, if the student is not scheduled to be on campus at the official attendance-taking time, whether the student was present or absent at the alternative attendance-taking time set for that student. See 3.6.2 Time of Day for Attendance Taking and 3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations.

TEA determines a student's ultimate ADA eligibility status for a semester based on whether the student successfully completed the TXVSN online semester course in which the student was enrolled, using course completion data reported by the district. If the student did not successfully complete a TXVSN course, TEA adjusts the student's ADA eligibility status accordingly. Resulting adjustments to the district's FSP funding are made in the following school year.

12.2.2.2 Programs for Grades Three through Eight

Enrollment in a grade three through eight full-time virtual TXVSN OLS program that is offered by an officially recognized TXVSN online school may apply toward ADA eligibility status. For enrollment in the grade-level program to count toward ADA eligibility status, the student must successfully complete the program. Successful completion is defined as completion of the TXVSN education program and demonstrated academic proficiency with passing grades sufficient for promotion to the next grade level. If a student does not complete the entire TXVSN education program at the grade level in which the student is enrolled and demonstrate academic proficiency sufficient for promotion to the next grade level, the district will have any FSP funding for that student reduced to zero dollars.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in a grade three through eight TXVSN OLS program offered by an officially recognized TXVSN online school, the student is considered to be scheduled for and receiving instruction for four or more hours each day. Thus, the ADA eligibility code of the student is reported as 1 - Eligible for Full-Day Attendance.

For purposes of recording the student's daily attendance, a student enrolled in a grade three through eight TXVSN OLS program that is offered by an officially recognized TXVSN online school is considered to have been present (in attendance) for each day of instruction in the reporting period.

TEA determines a student's ultimate ADA eligibility status for the instructional year based on whether the student successfully completed the TXVSN education program, using course completion data reported by the district. If the student did not successfully complete the TXVSN education program, TEA adjusts the student's ADA eligibility status accordingly. Resulting adjustments to state funding are made in the following school year.

12.2.2.3 Enrollment in a TXVSN Course or Program and Receipt of Special Program Services

A student's enrollment in one or more TXVSN courses or in a TXVSN OLS program offered by an officially recognized TXVSN online school does not necessarily preclude your district from serving the student in other special programs, such as special education, CTE, bilingual/ESL education, or PRS. Nor does it necessarily preclude your district from receiving weighted funding for serving the student in those programs, provided all program requirements are met. See the applicable sections of the handbook for specific program requirements. The determination of whether a TXVSN course or program will meet the

needs of a student with a disability must be made by that student's ARD committee in a manner consistent with state and federal law.[223]

12.2.3 Additional TXVSN Requirements and Information

A student taking a course offered through the TXVSN course catalog or an officially recognized TXVSN OLS program is considered to be enrolled in a TXVSN course or OLS program when he or she begins receiving instruction and actively engages in instructional activities in a TXVSN subject area or course.

A student taking a course offered through the TXVSN course catalog or an officially recognized TXVSN OLS program is considered to be, and must be reported as, withdrawn from the TXVSN course or OLS program when the student is no longer actively participating in the TXVSN course or program.

A student who has begun enrollment in an electronic course and transfers from one educational setting to another is entitled to continue enrollment in the course.

Your school district or open-enrollment charter school must **not** require a student to enroll in an electronic course.

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may[224] enroll in electronic courses through the TXVSN.[225] A student to whom this paragraph applies:

- must not in any semester enroll in more than two electronic courses offered through the state virtual school network,
- is not considered to be a public school student and is not eligible to generate FSP funding,
- must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides,
- is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network, and
- is not entitled to any rights, privileges, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

12.2.4 Examples

Example 1

A student who is scheduled for and receiving instruction in traditional classes for 200 minutes each day and who is enrolled in one TXVSN course for grades nine through 12 is reported with an ADA eligibility

[223] TEC, §30A.007
[224] Subject to the TEC, §30A.155
[225] TEC, §30A.107(c)

code of 1 - Eligible for Full-Day Attendance because the online course is considered to be 60 minutes of daily classroom time.

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

If the student successfully completes the TXVSN course, his or her ADA eligibility status does not change. If the student does not successfully complete the TXVSN course, TEA will adjust the student's ADA eligibility status to half-day eligibility because the 60 minutes for that course will no longer be considered classroom time and the student will have fallen below the four hours (240 minutes) required for full-day eligibility.

Example 2
A student who is scheduled for and receiving instruction in traditional classes for four hours (240 minutes) each day and who is enrolled in one or more TXVSN courses for grades nine through 12 is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

Whether the student successfully completes the TXVSN course(s) does not impact the student's ADA eligibility status because the student does not need the additional 60 minutes generated by the online course to be eligible for full-day attendance.

Example 3
A student who is scheduled for and receiving instruction in traditional classes for 55 minutes each day and is enrolled in two TXVSN courses for grades nine through 12 is reported with an ADA eligibility code of 2 - Eligible for Half-Day Attendance because each TXVSN course is considered to be 60 minutes of daily classroom time.

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

If the student successfully completes both TXVSN courses, his or her ADA eligibility status does not change. If the student does not successfully complete at least one TXVSN course, TEA will adjust the student's ADA eligibility status to 0 - Enrolled, Not in Membership, and the FSP funding for the student to zero dollars because the 60 minutes for that course will no longer be considered classroom time and the student will have fallen below the two hours (120 minutes) required for half-day eligibility.

Example 4
A student who is scheduled for and receiving instruction in traditional classes for 50 minutes each day and is enrolled in four TXVSN catalog courses for grades nine through 12 is reported with an ADA eligibility code of 2 - Eligible for Half-Day Attendance because each TXVSN course is considered to be 60 minutes of daily classroom time. However, only a maximum of three TXVSN course catalog courses (180 minutes) may apply in any one semester toward ADA eligibility.

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

If the student successfully completes two or more TXVSN courses, his or her ADA eligibility status does not change. If the student does not successfully complete at least two TXVSN courses, TEA will adjust the student's ADA eligibility status to 0 - Enrolled, Not in Membership, and the FSP funding for the student to zero dollars because the 60 minutes each for two TXVSN courses will no longer be considered classroom time and the student will have fallen below the two hours (120 minutes) required for half-day eligibility.

Example 5
A student who is enrolled in a school operating on a block schedule* and is scheduled for and receiving instruction in traditional classes for three hours (180 minutes) each day and is enrolled sequentially within a single semester in two TXVSN courses for grades nine through 12 (e.g., Geometry A or U.S. Government for the first half of the semester followed by Geometry B or Economics for the second half of the semester) is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance for each half of the semester because the additional 60 minutes generated by the TXVSN course is sufficient to be eligible for full-day attendance. (180 + 60 for the TXVSN course taken during the first half of the semester = 240 minutes; 180 + 60 for the TXVSN course taken during the second half of the semester = 240 minutes.)

The student's daily attendance is determined by whether the student is present or absent at the official attendance-taking time or at the alternative attendance-taking time set for that student.

If the student successfully completes both TXVSN courses, his or her ADA eligibility status does not change for either half of the semester. If the student does not successfully complete at least one of the TXVSN courses, TEA will adjust the student's ADA eligibility to status to 2 - Eligible for Half-Day Attendance for that half of the semester because the 60 minutes for that course will no longer be considered classroom time and the student will have fallen below the four hours (240 minutes) required for full-day eligibility for that part of the semester.

*The accelerated block schedule allows a student to complete both semesters of a two-semester course within a single semester by completing semester A of the course during the first half of the semester and then semester B of the course during the second half of the semester.

Example 6
A student who is enrolled full time in grades nine through 12 full-time TXVSN OLS program operated by an official, TEA-recognized TXVSN online school and is taking four or more TXVSN courses is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

The student is considered present (in attendance) for each day of instruction in the reporting period.

If the student successfully completes at least four courses, his or her ADA eligibility status does not change. If the student successfully completes only two or three of the courses, TEA will adjust the student's ADA eligibility status to half-day eligibility because the 60 minutes for each course not successfully completed will no longer be considered classroom time and the student will have fallen below the four hours (240 minutes) required for full-day eligibility. If the student does not successfully complete at least two of the courses (that is, the student successfully completes only one or none of the courses), TEA will adjust the student's ADA eligibility status to 0 - Enrolled, Not in Membership, and the FSP funding for the student to zero dollars because the 60 minutes for each course not successfully

completed will no longer be considered classroom time and the student will have fallen below the two hours (120 minutes) required for half-day eligibility.

Example 7
A student enrolled full time in grades three through eight TXVSN OLS program operated by an official, TEA-recognized TXVSN online school is reported with an ADA eligibility code of 1 - Eligible for Full-Day Attendance.

The student is considered to be present (in attendance) for each day of instruction in the reporting period.

If the student successfully completes the TXVSN grade-level education program and demonstrates academic proficiency with passing grades sufficient to be promoted to the next grade level, his or her ADA eligibility code does not change. If the student does not demonstrate academic proficiency with passing grades sufficient for promotion, TEA will adjust the student's ADA eligibility status to 0 - Enrolled, Not in Membership, and the FSP funding for the student to zero dollars.

Example 8
A student who is not scheduled for traditional classes, is not receiving instruction in traditional classes, is eligible for full-time enrollment in TXVSN courses, and is enrolled in five or more TXVSN courses for grades nine through 12 offered by a district or charter school that is ***not*** an officially recognized TXVSN online school is reported with an ADA eligibility code of 2 - Eligible for Half-Day Attendance because only a maximum of three TXVSN course catalog courses (180 minutes) may apply toward ADA eligibility in any one semester. The student is considered present (in attendance) for each day of instruction in the reporting period.

If the student successfully completes at least two TXVSN courses in a semester, his or her ADA eligibility status does not change. If the student does not successfully complete at least two of the courses, TEA will adjust the student's ADA eligibility status to 0 - Enrolled, Not in Membership, and adjust the FSP funding for the student to zero dollars because the 60 minutes each for two TXVSN courses will no longer be considered classroom time and the student will have fallen below the two hours (120 minutes) required for half-day eligibility.

12.3 Remote Instruction That Is Not Delivered through the TXVSN

This subsection addresses remote instruction other than virtual instruction provided through the TXVSN. For requirements related to the TXVSN, see 12.2 Texas Virtual School Network (TXVSN).

Under current agency rules and policies, remote instruction that is not delivered through the TXVSN is **not** eligible for state funding and generation of ADA, except for classes taken through distance learning while a student is in attendance at a regular school campus. However, this subsection describes procedures for submitting requests for waivers of those rules and policies, and information on how the agency will evaluate those requests. **In addition to submitting a waiver request, any charter school wishing to provide remote instruction for students (other than distance learning while a student is in attendance at a regular school campus) must submit a nonexpansion amendment request to the commissioner of education and receive commissioner approval before submitting the waiver request**

for possible implementation of remote instruction. Changing the instructional program would be a substantive amendment request in accordance with 19 TAC §100.1033(c).

For the purposes of this subsection, remote instruction means instruction provided through a technology that allows for real-time, two-way interaction between a student and teacher who are in different physical locations. Examples of such technology might be interactive video conferencing, live audio/video streaming, or a robot that allows for virtual interaction between student and teacher. The technology must allow for both real-time, two-way audio and real-time, two-way video interaction. The instruction cannot be concurrent, which means remote students must not be taught by a teacher who is also teaching in-person students at the same time.

12.3.1 Remote Conferencing—Regular Education Students

In this subsubsection, remote conferencing means remote instruction in which a student at an off-campus location is able to virtually participate in classes provided by a teacher on the student's campus.

If your school district provides instruction through remote conferencing to a regular education student, your district may count that instruction as classroom time for FSP funding purposes and count the student in attendance for FSP funding purposes, provided certain requirements are met.

These two requirements must be met:

- The student is unable to attend school because of a temporary medical or psychological condition.[226]
- The total amount of remote conferencing instruction does not exceed more than 20 instructional days over the entirety of the school year.

In addition, one of the following requirements also must be met:

- The student's temporary medical or psychological condition is documented by a physician licensed to practice in the United States. The documentation must include a statement from the physician that the student is to remain confined to their home or to a hospital.
- The student has a positive test result for a communicable condition listed in 25 TAC §97.7.
- The student has been identified as having been in close contact with COVID-19.

If the documented temporary medical or psychological condition persists longer than 20 instructional days over the entirety of the school year or a 504 committee determines that remote instruction is needed for more than 20 days, a waiver request must be submitted for an extension of remote conferencing beyond the allowable cumulative 20 instructional day period. The waiver request must include an explanation of the circumstances. (For example, a child was in close contact with COVID-19

[226] Pregnancy, in and of itself, is not considered a medical condition. See 12.3.3 Remote Homebound Instruction—Regular Education Students for information on remote PRS compensatory education home instruction.

more than twice over the course of the year, and the family opted to follow the stay-at-home recommendations each time).

Waivers will be granted on a case-by-case basis. A waiver will not be granted if the student is unable to attend school for a reason other than a medical condition, such as confinement at home for disciplinary reasons. Supporting documentation submitted with the waiver must also be submitted for each student on a case-by-case basis but must not contain identifiable information. This documentation must be retained by the LEA locally for audit purposes.

Students participating through remote conferencing will generate attendance in the following ways:

- Students in grades pre-K to five must receive the equivalent of four hours of instruction with at least two hours of synchronous instruction each school day. This instruction does not need to be consecutive.
- Students in grades six to 12 must receive at least four hours of instruction through synchronous instruction each school day. This instruction does not need to be consecutive.

Additionally, attendance will be generated based on whether the student is virtually "present" at the official attendance-taking time. The student's attendance must be marked Remote Synchronous - Present in the LEA's local student management system. Instruction must be provided synchronously, which means two-way, real-time/live virtual instruction between teachers and students. The instruction cannot be concurrent, which means remote students must not be taught by a teacher who is also teaching in-person students at the same time. **Note**: A student who is served through remote conferencing and who is at a grade level at which state standardized assessments are to be administered is **not** eligible to generate attendance on state standardized assessment days.

Remote conferencing students will **not** be considered to be receiving homebound program instruction and will not be eligible to generate eligible days present through the GEH program. If a student is eligible to be served through the GEH program, your district should evaluate whether it is more appropriate to serve the student through that program or through remote conferencing. If your district opts to serve the student through the GEH program, then the student would generate attendance (eligible days present) according to the GEH funding method. A student must not generate attendance through both remote conferencing and the GEH program simultaneously. See 3.7 General Education Homebound (GEH) Program for GEH requirements. See 12.3.3 Remote Homebound Instruction—Regular Education Students for requirements specific to remote GEH instruction.

A district can submit a request for a general "Other" waiver using TEA's automated waiver application system, which is available in TEAL. When submitting a waiver request, one or both requirements must be cited in item 3 of the General Waivers section. (Item 3 reads: Cite the sections(s) of Texas Education Code or the Texas Administrative Code that the district or campus wishes to waive.) If the student is not on campus and receiving face-to-face instruction at the official attendance-taking time, cite 19 TAC §129.1025.

A student served through remote conferencing may be eligible to generate weighted funding for programs such as CTE or bilingual/ESL education, provided requirements for the applicable program(s) are met. See the applicable sections of this handbook for specific program requirements. In submitting a waiver request to extend remote conferencing instruction beyond the allowable 20 instructional days over the entirety of the school year, explain how any applicable program requirements will be satisfied if

your district intends to claim weighted funding. Funding for days extended beyond the 20 days may be claimed beginning on the date the waiver is approved.

12.3.2 Remote Conferencing—Students Receiving Special Education and Related Services

In this subsubsection, remote conferencing means remote instruction 1) in which a student at an off-campus location is able to virtually participate in classes provided by a teacher on the student's campus or 2) in which a student at an on- or off-campus location receives instruction or special education and related services from an appropriately credentialed individual who is at a different location. An example of a situation described by item 2 is one in which a student in a campus classroom receives speech therapy via remote instruction from an appropriately credentialed individual who is not on the student's campus. The instruction cannot be concurrent, which means remote students must not be taught by a teacher who is also teaching in-person students at the same time.

If your school district provides instruction through remote conferencing to a student who is eligible for special education and related services for all or part of the school day, your district may count that instruction as classroom time for FSP funding purposes, including in the calculation of contact hours. To do so, the following conditions must be met:

- The student's ARD committee must have determined, in a manner consistent with state and federal law,[227] that the remote instruction to be provided is required for the provision of a FAPE.
- The ARD committee must have documented that determination in the student's individualized education program.
- The total amount of remote conferencing instruction does not exceed more than 20 instructional days over the entirety of the school year.

Note: If a student's ARD committee determines that instruction through remote conferencing is required for the provision of FAPE, that determination does not necessarily mean that the student's instructional setting code will change with the provision of the instruction through remote conferencing. The student's instructional setting code may stay the same if the actual instruction and services the student is receiving will remain the same and all that will change is the means of delivery of that instruction. In determining what instructional setting code to use for the student, the ARD committee should consider the type of instruction and services being provided instead of the physical location of the student. Please also note that any change resulting in a change in placement for a student served by special education requires the ARD committee to meet to address the change in placement and document it in the student's IEP, generally within 10 school days.

If the ARD committee determines that remote conferencing should be needed for longer than 20 instructional days over the entirety of the school year, a waiver request must be submitted for an extension of remote conferencing beyond the allowable cumulative 20 instructional day period. The waiver request must include an explanation of the circumstances. Waivers will be granted on a case-by-

[227] including provisions related to LRE and FAPE requirements

case basis. A waiver will not be granted if the student is unable to attend school for a reason other than a medical or psychological condition, such as confinement at home for disciplinary reasons.

Students participating through remote conferencing will generate attendance in the following ways:

- Students in grades pre-K to five must receive the equivalent of four hours of instruction with at least two hours of synchronous instruction each school day. This instruction does not need to be consecutive.
- Students in grades six to 12 must receive at least four hours of instruction through synchronous instruction each school day. This instruction does not need to be consecutive.

Additionally, attendance will be generated if the student is virtually "present" at the official attendance-taking time if the student is scheduled to be off-campus at that time. The student's attendance must be marked Remote Synchronous — Present in the LEA's local student management system. **Note**: A student who is served through remote conferencing and who is at a grade level at which state standardized assessments are to be administered will **not** be eligible to generate attendance on state standardized assessment days.

Both on-campus instructional time and remote conferencing instructional time can be included when calculating two-through-four-hour rule eligibility provided the remote instruction is provided synchronously, which means two-way, real-time/live virtual instruction between teachers and students. The instruction cannot be concurrent, which means remote students must not be taught by a teacher who is also teaching in-person students at the same time.

Please note that the remote conferencing instruction described in this subsubsection is different from remote special education homebound program instruction. For general requirements related to special education homebound instruction, see 4.7.2 Code 01 - Homebound. For requirements specific to remote special education homebound instruction, see 12.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services. If a student is eligible to be placed in the special education homebound instructional setting, it is the responsibility of the student's ARD committee to determine whether it is more appropriate to place the student in that setting or in another setting that is provided via remote conferencing.

A district can submit a request for a general "Other" waiver using TEA's automated waiver application system, which is available in TEAL. When submitting a waiver request, one or both requirements must be cited in item 3 of the General Waivers section. (Item 3 reads: Cite the sections(s) of Texas Education Code of the Texas Administrative Code that the district or campus wishes to wave.) If the student is not on campus and receiving face-to-face instruction at the official attendance-taking time, cite 19 TAC §129.1025.

A student served through remote conferencing may be eligible to generate weighted funding for programs such as CTE or bilingual/ESL education, provided requirements for the applicable program(s) are met. See the applicable sections of this handbook for specific program requirements. In submitting a waiver request to extend remote conferencing instruction beyond the allowable 20 instructional days over the entirety of the school year, explain how any applicable program requirements will be satisfied if your district intends to claim weighted funding. If the waiver is approved, funding for days extended beyond the 20 days may be retroactively claimed beginning on the 21st day and proof of an approved waiver must be available for audit.

12.3.3 Remote Homebound Instruction—Regular Education Students

In this subsubsection, remote homebound instruction means remote instruction in which a student receives individualized instruction through the GEH program or CEHI program and in which all requirements of the program are met except for in-person instruction from the homebound teacher. See 3.7 General Education Homebound (GEH) Program for GEH program requirements. See Section 9 Pregnancy-Related Services (PRS) for CEHI program requirements.

If your school district provides remote homebound instruction to an eligible regular education student, your district may, **with the approval of a waiver request**, count the student in attendance for FSP funding purposes provided that all requirements of the homebound program are met except for face-to-face instruction from the homebound teacher.

If a waiver is granted, the affected student will generate attendance (eligible days present) according to the homebound funding provisions in 3.7.3 GEH Funding Chart or 9.10 Confinement and Earning Eligible Days Present, as applicable. If the waiver is granted, funding may be claimed beginning on the date remote homebound services began.

Your district can submit a request for a general "Other" waiver using TEA's automated waiver application system, which is available in TEAL. When submitting a waiver request, cite one of the following applicable requirement(s) in item 3 of the General Waivers section:

- the requirement that a homebound teacher serves a student in person at the student's home or hospital bedside in order for FSP funding to be generated, as required by 3.7.3 GEH Funding Chart or
- 9.10 Confinement and Earning Eligible Days Present of the handbook, which is adopted annually through 19 TAC §129.1025.

These waivers will only be granted in extremely severe medical or psychological circumstances, and a waiver must be submitted for each individual student.

12.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services

In this subsubsection, remote homebound instruction means remote instruction in which a student receiving special education and related services with an instructional setting code of 01 - Homebound receives individualized instruction through special education homebound instruction and in which all requirements related to special education homebound instruction are met except for in-person instruction from the homebound teacher. See 4.7.2 Code 01 - Homebound for special education homebound requirements.

A student's ARD committee is responsible for determining, in a manner consistent with state and federal law, whether remote homebound instruction meets the needs of the student.

If your school district provides remote homebound instruction to a student receiving special education and related services, your district may, **with the approval of a waiver request**, count the student in attendance for FSP funding purposes, including weighted funding purposes, provided that the following requirements are met:

- The student's ARD committee must have determined, in a manner consistent with state and federal law,[228] that the remote homebound instruction to be provided meets the needs of the student.
- The ARD committee must have documented that determination in the student's IEP.
- All requirements related to the provision of special education homebound instruction must be met except for face-to-face instruction from the homebound teacher.

If a waiver is granted, the affected student will generate attendance (eligible days present) according to the homebound funding provisions in 4.7.2.5 Homebound Funding and Homebound Documentation Requirements. If the waiver is approved, funding may be claimed beginning on the date the ARD committee determined that remote homebound services began.

Your district can submit a request for a general "Other" waiver using TEA's automated waiver application system, which is available in TEAL. When submitting a waiver request, cite the following requirement in item 3 of the General Waivers section: the requirement that a homebound teacher serve a student in person at the student's home or hospital bedside in order for FSP funding to be generated, as required by 4.7.2.5 Homebound Funding and Homebound Documentation Requirements of the handbook, which is adopted annually through 19 TAC §129.1025. These waivers will only be granted in extremely severe medical or psychological circumstances, and a waiver must be submitted for each individual student.

12.3.5 Distance Learning

In 12.3 Remote Instruction That Is Not Delivered through the TXVSN, including this subsubsection, distance learning means remote instruction in which a student physically located at his or her home campus participates in a class provided at another campus in the same district or in another district at which students and a teacher are physically present. Distance learning does not include instruction provided through the TXVSN. For requirements related to the TXVSN, see 12.2 Texas Virtual School Network (TXVSN).

(To reiterate, remote instruction means instruction provided through a technology that allows for **real-time, two-way audio and two-way video interaction** between a student and teacher who are in different physical locations.)

A class taken through distance learning does not require a waiver to count as attendance if it is taken as part of a schedule that includes regular attendance in classroom instruction at the student's home campus.

[228] including provisions related to LRE and FAPE requirements

Time spent in distance learning courses may be eligible for weighted funding for programs such as CTE or bilingual/ESL education, provided requirements for the applicable program(s) are met. See the applicable sections of this handbook for specific program requirements.

12.4 On-Campus Online Courses Not Provided through the TXVSN

This subsection addresses time spent in an online course **that is provided on a student's campus and is not provided through the TXVSN**. For information on funding eligibility of courses provided through the TXVSN, see 12.2 Texas Virtual School Network (TXVSN). For information on remote instruction, including distance learning in which a student physically located at his or her home campus participates in a class provided at another campus, see 12.3 Remote Instruction That Is Not Delivered through the TXVSN. Time that a student spends in an online course that is not provided through the TXVSN and that your district provides to the student on the student's campus may be considered classroom time for FSP funding purposes (that is, for purposes of the two-through-four-hour rule) provided that the following conditions are met:

- For the duration of the course, a certified[229] teacher for the appropriate grade level must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with a traditional course, the student must be regularly scheduled for and attending the online course; that is, the course must not be designed to operate on a "drop-in" basis.

Time spent in a CTE course provided on a student's campus may be considered for purposes of computing a student's CTE contact hours provided that the following conditions are met:

- For the duration of the course, a teacher who is appropriately qualified/certified to teach the course, as defined in 19 TAC Chapter 231,[230] must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with any other CTE course, the student must be regularly scheduled for and attending the online course; that is, the course must not be designed to operate on a "drop-in" basis.
- All other requirements specified in Section 5 Career and Technical Education (CTE) must be met.

12.5 Self-Paced Computer Courses

Time spent in a self-paced computer course may be considered classroom time for FSP funding purposes (that is, this time may be counted as classroom time for purposes of the two-through-four-hour rule) provided that the following conditions are met:

- For the duration of the instructional period and for the duration of the course, a certified[231] teacher for the appropriate grade level must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with a traditional course, the student must be regularly scheduled for and attending the self-paced course; that is, the course must not be designed to operate on a drop-in basis.

[229] For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school's charter requires that courses be taught by certified teachers.
[230] The requirement that a teacher be appropriately qualified/certified does not apply to an open-enrollment charter school unless the school's charter states that a CTE course or online state-approved technology application course in cybersecurity included in the cybersecurity pathway must be taught by a qualified/certified CTE or technology applications teacher.
[231] For a teacher other than a special education or bilingual/ESL teacher, the requirement that a teacher be certified does not apply to an open-enrollment charter school unless the school's charter requires that courses be taught by certified teachers.

Time spent in a CTE self-paced computer course may be considered for purposes of computing a student's CTE contact hours provided that the following conditions are met:

- For the duration of the course, a teacher who is appropriately qualified/certified to teach the course, as defined in 19 TAC Chapter 231,[232] must be present in the room in which the student is taking the course to answer questions and otherwise assist the student.
- As with any other course, the student must be regularly scheduled for and attending the self-paced course; that is, the course must not be designed to operate on a drop-in basis.
- All other requirements specified in Section 5 Career and Technical Education (CTE) must be met.

This subsection addresses time spent in self-paced courses, not time spent in virtual courses, remote courses, or CTE independent study courses. For information about eligibility of virtual courses for FSP funding, see 12.2 Texas Virtual School Network (TXVSN). For information on remote instruction, including distance learning in which a student physically located at his or her home campus participates in a class provided at another campus, see 12.3 Remote Instruction That Is Not Delivered through the TXVSN. For information about CTE independent study courses, see 5.8 Project-Based Research.

12.6 Virtual Instruction (Local Remote Learning Programs under the TEC, §29.9091, or as Modified by the TEC, §48.007(c))

12.6.1 Methods of Virtual Instruction

Virtual instruction may take one of the following three forms.

The first form is remote synchronous instruction. The method of instruction involves two-way, real-time/live, virtual instruction between teachers and students when students are not on campus. In this method, the required amount of instructional time is scheduled each day, and funding is generated when attendance is recorded daily at a locally selected snapshot time. Synchronous instruction is provided through a computer or other electronic device or over the phone.

The second form is remote asynchronous instruction. This method of instruction involves instruction that does not require having the instructor and student engaged at the same time. In this method, students learn from instruction that is not necessarily being delivered in person or in real time. This type of instruction may include various forms of digital and online learning, such as prerecorded video lessons or game-based learning tasks that students complete on their own, and pre-assigned work and formative assessments made available to students.

The third form is a combination of both synchronous and asynchronous instruction.

A board-approved local policy will determine the instruction methods (i.e., synchronous, asynchronous, or a combination of both). The local policy should include the official attendance times for synchronous instruction. Additionally, if the board policy indicates approval for asynchronous method, the LEA must

[232] The requirement that a teacher be appropriately qualified/certified does not apply to an open-enrollment charter school unless the school's charter states that a CTE course must be taught by a qualified/certified CTE or technology applications teacher.

create an asynchronous instructional plan (described more fully below) and it must be publicly posted on the LEA's website.

No matter which of these methods of instruction is used, all instruction must address the required curriculum per the TEC, §28.002, and meet the needs of students in special population/intervention groups.

12.6.2 Student Eligibility for ADA Funding

12.6.2.1 Eligibility Based on the Preceding School Year

Each of the following three conditions must be met if the student was a virtual student during the preceding school year. A student is considered to have been a virtual student during the preceding year if 50 percent or more of their instructional days were attended remotely (i.e., marked either Remote Synchronous - Present or Remote Asynchronous - Present for that day) compared to the total number of instructional days offered for the school year. The three conditions are:

- The student achieved satisfactory performance or higher on each STAAR assessment taken during the preceding school year.
- The student earned a C or higher in each of the foundation curriculum courses under the TEC, §28.002, (i.e., mathematics, science, English language arts and reading, and social studies) taken virtually or remotely during the preceding school year. (Note: End-of-year course grades for all foundation curriculum courses for which a student received 50 percent or more of their instructional days via remote instruction must be considered under this criterion.)
- The student had 10 percent or fewer unexcused absences during the preceding school year in total for all instructional methods offered (i.e., on-campus, remote synchronous and remote asynchronous).

If a student was **not** a virtual student during the preceding school year (i.e., less than 50 percent of the student's instructional days were attended remotely), the student is eligible to receive ADA funding for virtual instruction for the current school year regardless of the three conditions noted above.
The restriction on funding based on the prior year criteria only applies to remote instruction funding. Students served on campus are eligible to earn average daily attendance for the current year even if that student does not meet the conditions for enrollment in a virtual course listed above.

12.6.2.2 Eligibility Based on the Current School Year

For the purposes of determining if a student continues to be eligible for ADA funding in a remote setting within the current school year, the student may no longer be counted for virtual ADA funding once the student has 10 or more unexcused absences in a six-month period in the current school year while enrolled in remote instruction. Once this threshold is reached, the student may continue to receive instruction remotely but will not generate ADA funding. If the student returns to on-campus instruction, the student will continue to be eligible to generate ADA funding.

In an instance where a student is no longer eligible for remote ADA funding and returns to on-campus instruction, eligible remote days of attendance and associated funding generated before the 10-absence threshold was reached are unaffected by the change in the student's remote instruction eligibility status. If the LEA continues to serve such a student **remotely**, then the student would be ineligible to generate ADA in a remote setting after their tenth absence and would need to have their ADA eligibility

code designated as ADA Code 9 - Enrolled, Not In Membership Due To Virtual Learning from that point forward.

12.6.2.3 Limits on Total Remote Participation ADA

Except as described by the TEC, §48.0071(c), and below, an LEA that operates a local remote learning program may not enroll in the program a number of students that exceeds 10 percent of the total number of students enrolled in the LEA during the 2021–2022 or the 2022–2023 school years. Any students enrolled for at least a portion of the year in local remote instruction count toward this cap. Additionally, any student who receives remote instruction under an alternative to local remote instruction for a majority of their instructional time during the year would count toward this cap, which would include students who meet one of the following criteria:

- The student is medically fragile.
- The student has been placed in a remote learning setting by an ARD committee.
- The student is receiving accommodations under Section 504.
- The student is served via remote conferencing as described in 12.3 Remote Instruction That Is Not Delivered through the TXVSN.
- The student is served via any other remote methods approved under this handbook, except for full-time virtual school students described in 12.2 Texas Virtual School Network (TXVSN).

Regular program and special program ADA for remote students that exceed this 10 percent limit will be reduced from an LEA's total ADA counts in proportion by which the 10 percent limit was exceeded. LEAs can serve students over the 10 percent limit. However these students will not receive ADA funding and should be coded as ADA code 9 – Enrolled, Not in Membership Due to Virtual Learning.

12.6.2.4 Exception to Limit on Total Remote Participation ADA: LEAs eligible under the TEC, §48.0071(c)

LEAs eligible to provide remote learning under the TEC, §48.0071(c), may exceed the 10 percent limit on enrollment noted above. LEAs must submit a request to the agency and be approved as eligible for this exception. The waiver request must include an explanation of how the LEA advertised that its remote learning program is for students statewide. The request must also show evidence that at least 10 percent of the prior year virtual students in the program resided outside the LEA's geographic boundaries. This section applies only to the 2021–2022 and 2022–2023 school years and expires on September 1, 2023.

12.6.3 Attendance Taking and Minutes Requirements

In order for students to earn ADA funding, LEAs must continue to comply with the two-through-four-hour rule and provide students the minimum instruction to earn half-day or full-day funding. The information below focuses on the minimum for full-day funding; divide the requirements in half in order to earn half-day funding for eligible students.

For both synchronous and asynchronous instruction, there are two requirements.

- **Daily attendance must be taken.** Each school day, LEAs will identify students who are participating in the local remote virtual option as Remote Synchronous (RS) Eligible Days Present or Remote Asynchronous (RA) Eligible Days Present, depending on the student's instructional method. Days Present will need to be identified as days present in the RS method or days

present in the RA method. Absences will not need to be distinguished between instructional methods.

- **The minimum 240 instructional minutes requirement must be met.** Both synchronous and asynchronous instruction require that at least 240 instructional minutes are offered to each student each school day in order for the student to earn a full day of funding. At least 120 instructional minutes are offered to earn a half day of funding. Students enrolled in pre-K are not eligible for ADA if served via remote instruction.

12.6.3.1 Remote Synchronous Instruction

Requirement 1: Attendance Taking

In a remote synchronous teaching and learning method, students who are logged in at the teacher's documented official attendance time are marked present for that day. Students who are not logged in at the teacher's documented official attendance time are marked absent.

For remote synchronous instruction, teachers will take and post attendance as if the student was physically present in the on-campus classroom daily. The student's camera must be turned on, and the teacher must see the student in order to mark the student present. Just as with traditional on-campus attendance, official attendance will be taken at a certain time determined by the LEA's policy. If the teacher cannot confirm that the student is physically present at the attendance taking time, the student will be marked absent under this option and generate zero funding for the day. A student who is found later to have participated synchronously or asynchronously but was not present during the official attendance taking time is still absent for funding purposes of synchronous attendance for that day.

Requirement 2: Minimum 240 Instructional Minutes

A program meets the remote synchronous method requirements for full-day funding if the daily instructional minute minimum of 240 minutes is provided through the synchronous instruction method, even if part of the day includes additional time for asynchronous activities. However, attendance **must** be taken during synchronous instruction at the official attendance time. The daily instructional minutes need not be consecutive. LEAs should maintain documentation of remote synchronous instruction provided to students through instructional schedules that show the number of minutes each day students are expected to engage in remote synchronous instruction.

Time students spend participating in work-based learning opportunities can continue to be included in the daily instructional minute calculation and can be considered a synchronous instruction method. Work-based learning opportunities include internships, externships, apprenticeships, and mentorships.

This method also allows students who are taking CTE courses to continue teacher-led instruction and generate CTE funding. Special education students who are coded mainstream can receive their regular instruction and special education services through this remote synchronous instruction method as well, unless their IEPs reflect that the services must be provided on campus.

12.6.3.2 Remote Asynchronous Instruction

This method allows LEAs the flexibility to earn daily attendance through primarily asynchronous instructional methods OR through a combination of asynchronous and synchronous instruction. LEAs should use this method to track attendance if students are not receiving the minimum number of synchronous instructional minutes required by the synchronous instruction method. In the asynchronous instruction method, the LEA ensures students have access to the required number of daily

instructional minutes by planning for and keeping documentation of the daily attendance measure, instructional schedule and materials, progress monitoring, and teacher supports the students receive in order to earn daily attendance.

Requirement 1: Attendance Taking

Measurement frequency is daily and may occur from 12:00 am to 11:59 pm every day the campus is open or in a narrower daily time window as determined by the local plan. Daily measurement options for attendance include the following:

- daily progress in the learning management system (LMS) that confirms students accessed instruction, as defined by the LEA
- daily check in via teacher-student interactions that confirms students accessed instruction, as defined by the LEA
- completion/turn-in of assignments from student to teacher (potentially via email or online)

LEAs must maintain documentation to support the daily attendance a student has earned.

The locally defined student attendance measure will establish daily attendance. A student will be considered absent if the student does not have documented engagement with the LMS and/or daily contact with the teacher and/or documentation of completion/turn in of daily assignments within the school day as defined in the local plan if it is a narrower window than the 24 hour day. A teacher or campus representative will input the student's daily attendance into the Student Information System (SIS) for the asynchronous method for any day attendance occurred based on one of the above three methods by marking the student Remote Asynchronous Eligible Days Present. There is no requirement that remote asynchronous attendance must be posted in the SIS on the same day the engagement occurs. LEAs are free to develop policies and procedures that work best on their campuses.

Note: A learning management system is any electronic system used for virtual instruction that provides data that can be used to document individual student engagement as defined in this section.

Requirement 2: Minimum 240 Instructional Minutes

A student must be offered an equivalent of four hours (240 instructional minutes) of daily instruction to be considered full-time. The instructional time must provide students access to the equivalent of instructional minutes that a student would be engaged in over a normal school year as documented in the publicly posted asynchronous plan**.** The number of instructional minutes students have access to must match or exceed 240 instructional minutes of daily minimums across all subjects for kindergarten through 12th grade. LEAs must maintain documentation of the plan for asynchronous instruction which demonstrates students have access to the minimum required number of daily instructional minutes.

Requirement 3: Publicly Posted Asynchronous Plan

The LEA must develop an asynchronous instructional plan as documentation for meeting the minimum instructional minutes and attendance requirements. The asynchronous instructional plan must include all of the following:

- the instructional schedule
- a description of how students engage in instructional materials asynchronously (or through a combination of synchronous and asynchronous instruction) that demonstrates 240 instructional minutes are being provided

- expectations for progress monitoring
- expectations for support students will receive from a teacher

Note: The above will likely vary by grade level and subject.

The LEA must post the asynchronous instructional plan publicly on the LEA's website.

Section 13 Appendix: Average Daily Attendance (ADA) and Funding

Definitions

ADA: ADA is the average attendance of students for the school year. It is calculated by dividing the number of days attended by students in a six-week period by the number of days taught in the six-week period. The results for all six-week periods in a track are then summed, divided by six, and rounded to three decimal places.

ADA =

	(Total days present in 1st six weeks)	÷ (days taught for 1st six weeks)
	(Total days present in 2nd six weeks)	÷ (days taught for 2nd six weeks)
	(Total days present in 3rd six weeks)	÷ (days taught for 3rd six weeks)
	(Total days present in 4th six weeks)	÷ (days taught for 4th six weeks)
	(Total days present in 5th six weeks)	÷ (days taught for 5th six weeks)
+	(Total days present in 6th six weeks)	÷ (days taught for 6th six weeks)
	Result	

Result ÷ 6 = ADA

ADA will be reduced in districts and charter schools that fail to meet the required number of minutes per the TEC, §25.081, based on applying the proportion of the number of minutes they were short to the calculation of ADA. Example: if the district or charter school only reports 95 percent of the required 75,600 (including intermissions and recesses) minutes, they will only receive 95 percent of funding.

ADA must be calculated separately for each track and then added together to calculate total ADA.

> **Note on ADA and HSEP Attendance:** Attendance for the HSEP is recorded in contact minutes instead of days present. For this program, 360 contact minutes (60 minutes × 6 hours), or six hours, is equivalent to one full day of attendance (one day present), and 1,080 hours (6 hours × 180 days), or 180 days, is equivalent to a full school year's attendance, or one ADA (the attendance that would be earned by one traditional-program student with perfect attendance). A student must receive at least 45 minutes of instruction in a day for contact minutes to be recorded for the day and may earn a maximum of 600 contact minutes (10 hours) in a single day.
>
> The number of days present that is equivalent to the contact minutes earned by a student for a particular six-week period is calculated as follows.

1. Sum the total contact minutes for the reporting period.

2. Divide the total contact minutes by 60 to determine the number of hours for the reporting period.
3. Divide the number of hours for the reporting period by 6 (that is, the number of hours that is equal to one day present) to determine the number of days present for the reporting period.
4. Round the number of days present down to the nearest half day.

Once the number of days present is determined, that number can be used in the regular ADA calculation shown in the table above.

Note on ADA and OFSDP Attendance: Attendance for the OFSDP is recorded in contact minutes instead of days present. For this program, 240 contact minutes (60 minutes × 4 hours), or four hours, is equivalent to one full day of attendance (one day present), and 720 hours (4 hours × 180 days), or 180 days, is equivalent to a full school year's attendance, or one ADA (the attendance that would be earned by one traditional-program student with perfect attendance). A student must receive at least 45 minutes of instruction in a day for contact minutes to be recorded for the day and may earn a maximum of 600 contact minutes (10 hours) in a single day.

The number of days present that is equivalent to the contact minutes earned by a student for a particular six-week period is calculated as follows.

1. Sum the total contact minutes for the reporting period.
2. Divide the total contact minutes by 60 to determine the number of hours for the reporting period.
3. Divide the number of hours for the reporting period by four (that is, the number of hours that is equal to one day present) to determine the number of days present for the reporting period.
4. Round the number of days present down to the nearest half day.

Days in Attendance: Days in attendance are the total number of days that a student was in attendance (present at the designated attendance-taking time or absent for a purpose described by 19 TAC §129.1025) during a specific period (for example, a 180-day school year) while that student was eligible to generate funding (in membership).

Days in Membership: Days in membership are the total number of days that a student is enrolled in classes and is regularly scheduled for at least two hours daily. (The student may still be ineligible due to eligibility issues other than the amount of time served.) A student is not in membership until the student has been present at the official roll call at least one time.

Refined ADA: Refined ADA is ADA calculated without ineligible ADA.

School Days: School days are the total number of days that classes are held in the school year. The law requires that districts and charter schools operating after January 1, 2015, have 75,600 operational minutes unless a waiver has been issued to shorten the school year. Charter schools operating before January 1, 2015, must provide 180 days of attendance with a minimum of four hours of daily instruction with any applicable waivers and complying with their charter contract terms regarding student instruction time **OR** provide 75,600 minutes of operation along with any applicable waivers. However,

state funding is reduced in proportion to the number of minutes by which a charter school's calendar falls below 75,600 minutes or 180 days of attendance (for charter schools operating before January 1, 2015).

Special Education Full-Time Equivalent (FTE): Special education FTEs are calculated by multiplying the number of eligible days present in a six-week period that students were placed into a special program instructional setting by the multiplier of the instructional setting (see 4.15.1 Contact Hours for Each Instructional Setting). Excess special education contact hours in that instructional setting for the six-week period are subtracted from calculated contact hours for the six-week period. The net contact hours are divided by the number of days in the six-week period multiplied by six. The calculated FTE for the six-week period is added to the same instructional setting's monthly FTE and divided by six. The FTE is multiplied by the special education weight appropriate for that instructional setting.

Weighted Average Daily Attendance (WADA): WADA is an adjusted student count that compensates for student and district characteristics as defined by statute. Students with special educational needs, for example, are "weighted" by a factor ranging from 1.1 to 5.0 times the "regular" program weight in order to fund their special needs.

Information on Weights

Special Education — Weight: 1.15 to 5.0
A student who receives special education and related services is assigned one of 12 special education instructional settings, each with a varying weight (from 1.15 to 5.0) that is based on the duration of the daily service provided and the location of the instruction.

For most students, weighted special education funding is based on the number of special education contact hours the students generate. Thirty contact hours per week equates to one special education "full-time equivalent (FTE)." Contact hours for a period are determined by multiplying a student's special education eligible days present for the period by the contact hour multiplier for the student's instructional setting.

An approximation of weighted funding can be determined as follows: The number of FTEs for a particular instructional setting is determined by dividing the number of contact hours for the year earned by all students assigned to that setting by 1,080 (6 hours × 180 days). A district's weighted funding for those FTEs is approximately equal to the number of FTEs multiplied by the district's adjusted basic allotment multiplied by the applicable weight for the instructional setting.

Students assigned the mainstream instructional setting do not generate special education funding based on contact hours and the portion of an FTE that those hours constitute. Instead, they generate special education funding based on ADA.

A student cannot earn more than six contact hours, earned by any combination of special education and CTE classes, per day. Hours in excess of six contact hours per day must be reported as excess special education contact hours and are not factored in to weighted funding calculations.

For more information, see 4.15 Eligible Days Present and Contact Hours.

Contact Hour Multiplier for Each Instructional Setting

Instructional Setting	Contact Hour Multiplier
Homebound	1.000
hospital class	4.500
no instructional setting (speech therapy only)	0.250
resource room	2.859
self-contained mild/moderate/severe	2.859
full-time early childhood	2.859
off home campus	4.250
vocational adjustment class	5.500
state supported living center	5.500
residential care and treatment	5.500

Weight for Each Instructional Setting

Instructional Setting	Weight
Homebound	5.0
hospital class	3.0
speech therapy	5.0
resource room	3.0
self-contained mild/moderate/severe	3.0
off home campus	2.7
vocational adjustment class	2.3
state supported living centers	2.8
nonpublic contracts	1.7
residential care and treatment	4.0
mainstream	1.1

Dyslexia—Weight: 0.1 per student
Funding is based on actual counts of students receiving services for dyslexia or related disorders. Students reported in TSDS PEIMS submission 3 with indicator E1650 and a dyslexia services code of 01, 02, or 03 are counted.

Compensatory Education—Weight: based on five tiers, 0.225, 0.2375, 0.25, 0.2625, and 0.275; 2.41 for a student receiving PRS
Compensatory education funding provides funding for programs and services designed to supplement the regular education program for students identified as at risk of dropping out of school.

Funding is based on a student who is educationally disadvantaged and resides in an economically disadvantage census block group. The weights assigned to the five tiers are from least to most severe economically disadvantaged. If insufficient data is available for any school year to evaluate the level of economically disadvantaged in a census block group, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.225 for each student who is economically disadvantaged and resides in that census block group.

PRS ADA is calculated similar to the way refined ADA is calculated. PRS days for a six-week period are divided by the number of days taught in the six-week period. The results for all six-week periods in a track are then summed and divided by six, and the result is rounded to three decimal places. The PRS ADA calculation is then multiplied by 0.2936 to calculate PRS FTE.

CTE—Weight: 1.1 to 1.47 for eligible FTE students in approved CTE programs; and $50 for each student in ADA enrolled in a TEA-designated P-TECH (grades 9-12) or NTN (grades 7-12) campus.

CTE funding pays for CTE course materials and staff salaries. CTE courses are designed to enable students to gain entry-level employment in high-skill, high-wage jobs, continue their education, or do both.

For each FTE student in ADA in an approved CTE course in grades seven through 12, a district is entitled to the following weights:

- Tier 1: 1.1 for each FTE student in CTE courses not in an approved program of study
- Tier 2: 1.28 for each FTE student in level one and level two CTE courses in an approved program of study, as identified by TEA
- Tier 3: 1.47 for each FTE student in level three and level four CTE courses in an approved program of study, as identified by TEA

Course service ID and the days eligible, days taught, and the contact hour multiplier (V1-V3) reported in TSDS PEIMS submission 3 will be used to derive contact hours and CTE FTEs. (See TSDS Web-Enabled Data Standards [TWEDS] for instructions on completing that record.)

The following chart should be used to determine which CTE V-code to assign to a CTE course.

CTE Course's Average Minutes per Day	CTE Code	Contact Hour Multiplier
45–89	V1	1
90–134	V2	2
135–180+	V3	3

Each CTE course must be reviewed separately to determine the average minutes per day students attend that course. To receive CTE weighted funding, course periods are required to be a minimum of 45 minutes in length. Three contact hours is the maximum an LEA may claim for a single course.

See 5.5.1 Special Instructions for Districts Operating Block Schedules and 5.6 Computing Contact Hours for more information.

CTE FTEs are assigned to Tier Categories (Tier 1, 2, or 3) in TSDS PEIMS based on course level assignments and service ID. (Course level provided in the CTE Lookup – Table. Link: TSDS Calculation Tech Tips [Select current year Source Data].) Tiered funding for the CTE FTEs is based on the applicable weight for each Tier Category.

P-TECH campuses must be designated by TEA and listed on the Texas Education Standards website. Campuses report the students enrolled on the TEA-designated P-TECH campus in TSDS PEIMS

submissions 1 and 3 using the TSDS PEIMS indicator E1612. NTN campuses must be designated by TEA and listed on the Texas Education Standards website. Campuses report the students enrolled on the NTN campus in TSDS PEIMS submissions 1 and 3 using the PEIMS indicator E1647.

Bilingual/ESL—Weight: 0.1 or 0.15 if the student is in a bilingual education program using a dual language immersion/one-way or two-way program model; additional 0.05 weight for programs using a dual language immersion/two-way program model for students not described by the TEC, §48.105(1).
Bilingual/ESL funding pays for bilingual/ESL program staff salaries and additional resources.

Funding is based on the number of bilingual/ESL ADA reported by the school. Bilingual/ESL ADA is calculated similar to the way refined ADA is calculated.

Gifted/Talented—Weight 0.07
Gifted/talented funding pays for gifted/talented program staff salaries and resources. Funding is based on the number of students served through the gifted/talented program.

Early Education—Weight 0.1
Funding is based on each student in ADA in kindergarten through third grade, if the student is:

- educationally disadvantaged or
- identified as an English learner/emergent bilingual, as defined by the TEC, §29.052, and is in a bilingual education or special language program under the TEC, Chapter 29, Subchapter B.

This page has been left blank intentionally.

Glossary

ADA-eligible student – A student who is coded as eligible in the attendance accounting system (coded with ADA eligibility code 1, 2, 3, 6, or 7).

admission, review, and dismissal (ARD) committee – A team established by membership requirements under 19 TAC §89.1050 at each school district, open-enrollment charter school, or special education shared services arrangement that meets to determine eligibility based on a full and individual evaluation report and to develop an individualized education program (IEP) for the child, if applicable. All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing a student's IEP.

age – For the purposes of establishing FSP eligibility, a student's age as of September 1 of the current school year. However, a child with a disability may become eligible for services from the date of birth if other special education requirements are met. If school starts before the student's birth date, the attendance is eligible for the entire school year as long as the student will be the required age on or before September 1 of the current school year.

at-risk – At risk of dropping out of school according to state criteria defined in the TEC, §29.081(d). At-risk students include the following:

- students who were not advanced from one grade level to the next for one or more school years
- students in grades seven to 12 who did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or are not maintaining such an average in two or more subjects in the foundation curriculum in the current semester
- students who did not perform satisfactorily on an assessment instrument administered to the students under the TEC, Chapter 39, Subchapter B, and have not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument
- students in pre-K, kindergarten, or grades one, two, or three who did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year
- pregnant or parenting students
- students who have been placed in an alternative education program in accordance with the TEC, §37.006, during the preceding or current school year
- students who have been expelled in accordance with the TEC, §37.007, during the preceding or current school year
- students currently on parole, probation, deferred prosecution, or other conditional release
- recovered dropouts
- Emergent bilingual (EB) students, as defined by the TEC, §29.052, interchangeable with the term English learner (EL), as used in 19 TAC Chapter 89, Subchapter BB
- students in the custody or care of the Department of Family and Protective Services or have, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official
- homeless students

- students who previously resided in the preceding school or who currently reside in a residential placement facility in the district (see the TEC, §29.081(d))
- students have a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by the Penal Code, §1.07
- student enrolled in a school district or open-enrollment charter school, or a campus of a school district or open-enrollment charter school, that is designated as a dropout recovery school under the TEC, §39.0548
- students, regardless of age, who participate in an adult education program provided under a high school diploma and industry certification charter school program under the TEC, §29.259

attendance snapshot – The moment when official attendance is determined for all students. At the moment the snapshot is taken, a student is either present or absent.

average daily attendance (ADA) – The number of students in average daily attendance. ADA is based on the number of days of instruction in the school year. The aggregate days attendance is divided by the number of days of instruction to compute ADA. ADA is used in the formula to distribute funding to Texas public school districts.

bilingual/English as a second language (ESL) eligible days – A term used to describe the days that students participating in a bilingual education or ESL program were in attendance. This includes students participating in a standard bilingual education or ESL program per 19 TAC §89.1210(c) and (d) and students participating in a temporary alternative language program (ALP) approved by TEA under a bilingual education exception or an ESL waiver (Section 6 Bilingual/English as a Second Language (ESL).

Campus Summary Report – A report that summarizes the attendance data of all students on a campus, aggregated by six-week reporting period by instructional track (if applicable) (Section 2 Audit Requirements).

career and technical education career preparation and practicum courses – Teacher and student assignment designations for instruction that develops essential knowledge and skills through a combination of classroom-based technical instruction and work-based training (career preparation courses are paid or unpaid learning experiences; practicum courses for each Career Cluster are paid or unpaid learning experiences) in CTE occupationally specific training areas. The work-based training components (paid or unpaid) may be provided through cooperative education, internships, job-shadowing, apprenticeships (US Bureau of Apprenticeship and Training [BAT] approved), clinical rotation, preceptorships, etc. The coordinated classroom instruction, work-based training, and education should provide the student with a variety of learning experiences that will give the student the broadest possible understanding of all aspects of the business or industry.

Career Cluster – One of the 14 Career Clusters around which CTE programs of study are organized. Further information can be found at http://tea.texas.gov/cte/.

center-based instruction – The instructional setting code used for a child who, along with his or her family, is provided early intervention services through ECI programs operated through the Texas Health and Human Services in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting does **not** generate contact hours or ADA.

community-based dropout recovery education program – A private or public education program to serve students who are at risk of dropping out of school. The attendance of a student in the program is eligible in the district in which the student resides or is otherwise entitled to attend for FSP fund benefits (Section 3 General Attendance Requirements).[233]

compensatory education home instruction (CEHI) – Academic services provided at home or hospital bedside to a student being served under a PRS program. A student receiving CEHI is counted present for FSP purposes based on the amount of service the student receives at home each week by a certified teacher (Section 9 Pregnancy-Related Services (PRS)).

compulsory attendance age – Any age at which a child is required to attend school. Unless specifically exempted by law, those children at least six years of age and those who have not yet reached their nineteenth birthday are required to attend school. A student enrolled in prekindergarten or kindergarten must attend school.[234]

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

direct, regularly scheduled – A term used when referring to the special education services that certified special education staff members provide directly to a student on a regularly scheduled basis as outlined in the student's IEP. Supports that certified special education staff members provide to other individuals for the student's benefit are not included in this term.

disciplinary alternative education program (DAEP) – An alternative education program that meets the following requirements: Instruction is provided in a setting other than a student's regular classroom; is located on or off of a regular school campus; provides for students who are assigned to the DAEP to be separated from students who are not assigned to the DAEP; focuses on English Language Arts, math, science, history, and self-discipline; provides for students' educational and behavioral needs; is taught by a certified teacher as defined in the TEC, §37.008(a)(7); provides supervision and counseling; separates elementary students from nonelementary students; provides educational instructional services for students who are at least six years old and have committed on offense that requires a removal from the regular education program to a DAEP; and provides educational instructional services for students who are less than 10 years old and have committed expellable offenses.[235]

District Summary Report – A report that summarizes the attendance data of all students in a district, aggregated by six-week reporting period by instructional track (if applicable) (Section 2 Audit Requirements).

early childhood special education services (ECSE) – A program that provides special education services to children with disabilities aged three through five years. These students may have any disability recognized in Texas under IDEA-B including noncategorical early childhood (see definition). Developmental delay is not a recognized disability for children over age three in Texas. A student over

[233] TEC, §29.081(e-f)
[234] TEC, §25.085(b-c)
[235] TEC, §§37.006, 37.007, and 37.008

age three with a disability is subject to the two hours of instruction per day rule for membership (Section 3 General Attendance Requirements and Section 4 Special Education).

early childhood intervention (ECI) services – Services under the Individuals with Disabilities Education Act, Part C, (IDEA-C) for children with disabilities who are under age three. Once a child is three years old, he or she is ineligible for ECI services in Texas. A referral from ECI services requires your school district to evaluate the child to determine eligibility for special education services under IDEA-B. Under no circumstances is a three-year-old child eligible to continue receiving ECI services.

early education (EE) – A grade level for students through five years of age who have not been placed in prekindergarten or kindergarten. See Section 3 General Attendance Requirements and Section 4 Special Education for EE coding requirements.

educationally disadvantaged [prekindergarten] – Term used to describe a student who is eligible to participate in the NSLP established under 42 USC, §1751, et seq.[236]

eligible days – Days that eligible students were in attendance. This figure is calculated by subtracting absences and ineligible days of attendance from days of membership. Funding is based on the number of eligible days for each student.

eligible transfer student – A nonresident student who has been legally transferred into your district. This student is eligible for ADA funds in your district. Transfers apply only to students wishing to transfer from one Texas school district to another and do not apply to students who reside in another state.

Emergent bilingual (EB) student – A student who is in the process of acquiring English and has another language as the student's home or primary language; synonymous with English learner (EL).

English proficient (EP) – A student who was previously identified as an emergent bilingual student, has met reclassification criteria, and is no longer identified as an emergent bilingual student.

enrollment (in enrollment) – Actually receiving instruction by attendance in a public school, as opposed to being registered but not yet receiving instruction.

excess contact hours – Any combination of CTE and special education services that exceeds six hours per day. Those hours exceeding six must be subtracted from the primary special education instructional setting.

For example, a student in a resource room instructional setting (codes 41 and 42) earns 2.859 contact hours per day. If that student is also enrolled in four one-hour CTE courses, the total contact hours per day equals 6.859. The excess 0.859 contact hour for each day must be subtracted from the special education contact hours.

The only time excess contact hours are subtracted from speech is when speech is the only special education service (for example, a student with six hours of CTE and speech [0.25 contact hours per day]).

[236] TEC, §5.001(4)

expulsion – Expulsion involves a due process hearing that results in a student being removed to either a noneducational setting or a disciplinary alternative educational setting. A student over the age of 10 must be expelled from school for certain offenses[237] and may be expelled for others. A student under the age of 10, when necessary, must be expelled to a district alternative education setting and receive educational services according to the TEC, §37.007(e)(2). The student is generally withdrawn from the school he or she was attending on the date that expulsion takes effect. In many circumstances, the student is then enrolled in a disciplinary alternative education setting such as a DAEP or JJAEP. If a student who has been expelled enrolls in another school district before the period of expulsion is ended, the receiving district may continue a legal expulsion or may allow the student to enroll and attend classes. (See **out-of-school suspension** later in this section.)

Foundation School Program (FSP) – The program under which Texas public school districts receive resources to provide a basic instructional program and facilities to eligible students.

general education homebound (GEH) – The instructional setting under which students receive services at home or hospital bedside from a certified teacher and are counted present for FSP purposes based on the amount of service they receive at home or hospital bedside each week. Students served under this setting do not qualify for special education eligibility. They must be confined for medical or psychological reasons only and be expected to be confined for a minimum of four weeks (which need not be consecutive).

gifted/talented (G/T) student - A child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment, and who exhibits high performance capability in an intellectual, creative, or artistic area; possesses an unusual capacity for leadership; or excels in a specific academic field.[238]

High School Equivalency Program (HSEP) – The HSEP provides an alternative for high school students 16 through 21 years of age (22 years of age if qualified for special education) who are at risk of not graduating from high school and earning a high school diploma to earn a Texas Certificate of High School Equivalency (TxCHSE). The purpose of the program is to prepare eligible students to take a high school equivalency examination.

home-based instruction – The setting for providing early intervention services through ECI programs operated through the Texas Health and Human Services Commission in the home of the client. Both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider must also receive training. This instructional setting does **not** generate contact hours or ADA.

homebound – The special education instructional setting under which students receive services at home or hospital bedside from a certified teacher and are counted present for FSP purposes based on the amount of service they receive at home or hospital bedside each week. Students served under this setting must meet all special education eligibility requirements to be counted eligible.

homeless students – As defined by 42 USC, §11434a, the term "homeless children and youths" —

[237] According to the TEC, §37.007, Expulsion for Serious Offenses
[238] TEC, §29.121

(A) means individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) includes —

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings [within the meaning of §11302(a)(2)(C) of this title];

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in §6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

individualized education program (IEP) – A program developed by an ARD committee for each student served by special education. The IEP should include the frequency, location, and duration of special education and related services the student is to receive to determine the instructional setting code.

ineligible days – Days the student was present and in membership but was ineligible for ADA funds.

in-school suspension – A suspension in which a student is removed from his or her regular education setting to an alternative setting (not DAEP).[239] As long as the student continues to come to school, the attendance in the program may be counted in computing your district's ADA.

instructional day – That portion of the school day in which instruction takes place. The instructional day includes recess and in-class breakfast. The instructional day does not include passing periods. **Note: For prekindergarten ONLY, the two-through four-hour rule includes recess, breakfast, and lunch.**

instructional track – The number of days taught for a group of students in a particular reporting period at a campus when the reporting periods are the same. It is recommended that a campus report different tracks if the number of days taught for a group of students is different in a reporting period. A separate track applies when different sessions are only offered to a group of students who have a different start time and/or different end time.

juvenile justice alternative education program (JJAEP) – The alternative education program that the juvenile board of a county with a population greater than 125,000[240] must develop subject to the approval of the TJJD; or that counties with a population of at least 72,000 but less than 125,001 may develop subject to the approval of the TJJD; or that counties with a population of less than 125,000 may

[239] TEC, §37.005

[240] Under the TEC, §37.011, certain counties with populations greater than 125,000 are considered to be counties with populations of 125,000 or less for purposes of JJAEP requirements.

choose to develop without the approval of the TJJD.[241] Students who engage in conduct that requires placement in an alternative setting according to the TEC, §37.001, may be mandated to JJAEP or placed by a discretionary decision.

membership – The total number of public school students who were reported in membership as of the October snapshot date (the last Friday in October) at any grade, from early childhood education through grade 12. Membership is a slightly different number from enrollment because it does not include those students who are served in the district for fewer than two hours per day. For example, the count of total students excludes students who attend a nonpublic school but receive some services, such as speech therapy for fewer than two hours per day, from their local public school district.

migratory child – A child or youth who made a qualifying move in the preceding 36 month. Qualifying moves are: as a migratory agricultural worker or a migratory fisher; or with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

military (member of armed forces) (definition applicable for pre-K eligibility requirements) – Active duty uniformed member (parent or guardian) of the US Army, Navy, Marine Corps, Air Force, or Coast Guard who is assigned to duty stations in Texas or who is a Texan who has an eligible child residing in Texas; activated or mobilized uniformed member of the Texas National Guard (Army or Air Guard); activated or mobilized member of the Reserve components of the US Army, Navy, Marine Corps, Air Force, or Coast Guard who is a Texas resident regardless of location of the reserve unit; uniformed service member who is missing in action (MIA); or member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is injured or killed while serving on active duty.

military (member of uniformed services) (definition applicable for Interstate Compact on Educational Opportunity for Military Children) – Activity duty uniformed member of the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders.[242] "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, the NOAA Commissioned Corps, and the Public Health Services Commissioned Corps.

multitracks – Multiple tracks (groups of students and teachers on the same calendar) with staggered instructional blocks and vacation periods.

noncategorical early childhood – Term used to describe a student aged three through five years who meets the eligibility criteria for intellectual disability,[243] emotional disturbance, specific learning disability, or autism.

nonpublic school – A private day or residential school approved by TEA to provide special education instruction to students with disabilities whose ARD committees have determined cannot receive an appropriate educational program in a public school setting. The nonpublic day school and residential nonpublic school instructional settings do **not** generate ADA or contact hours. For funding purposes, a

[241] See the TEC, §37.011 and §37.012, for additional information.
[242] pursuant to 10 USC, §1209 and §1211
[243] The term "mental retardation" has been replaced with "intellectual disability" in this handbook per the TEC, §7.063, related to use of person first respectful language in reference to individuals with disabilities. Note that this revised terminology has not been incorporated in 19 TAC Chapter 89, Subchapter AA, Commissioner's Rules Concerning Special Education Services, as of the publication date of this handbook.

student receiving instruction in a nonpublic school is reported on the SPE-106, Nonpublic Day School Report, or the SAS-111, Application for Approval of Funding for Residential Placement.

nonresident – A person who does not live within your district's boundaries.

operational time – The time between the first instructional school bell and the last instructional school bell (bell to bell).

Optional Flexible School Day Program (OFSDP) – A program providing flexible hours and days of attendance for students who have dropped out of school or are at risk of dropping out; are participating in a TEA-designated Early College High School (ECHS), Pathways in Technology Early College High School (P-TECH), or Industry Cluster Innovative Academy (ICIA); are attending a campus implementing an innovative redesign under a plan approved by the commissioner of education; or as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the students have been enrolled. School districts apply for approval from the commissioner of education to participate in the program.

original entry date – The initial date that a student is physically present at the official attendance time. Original entry dates apply to both regular school and special programs.

out-of-school suspension – A student is removed from school according to the TEC, §37.005. If the suspension causes the student to be absent at the official attendance time, the student is counted absent for attendance accounting purposes. The use of out-of-school suspension is limited, without exception, to three school days per offense event. A partial day of suspension counts as one of the three allowed.[244] (See also **expulsion**, earlier in this section.)

pregnancy-related services (PRS) – Support services provided to a pregnant student during the pregnancy and postpartum periods that qualify the student for the special weight assigned to pregnancy in the formula used to calculate your district's compensatory education allotment. These services are provided to assist a female student in adjusting to her pregnancy, thereby increasing her chances of staying in school. (See Section 9 Pregnancy-Related Services (PRS).)

prekindergarten (pre-K) – A grade level for children aged three and four years. These children include students in a state-funded pre-K program or a locally funded pre-K program.

The state-funded pre-K is operated for a half day. Attendance in pre-K is eligible for half-day (ADA eligibility code 2). A pre-K student with disabilities may be eligible for full-day (ADA eligibility code 1) if the student is served through a combination of pre-K and special education and all eligibility requirements are met (see Section 4 Special Education and Section 7 Prekindergarten (Pre-K)).

Students in a state-funded pre-K program that is coordinated with a Head Start program to provide a full-day program are only counted as half-day (ADA eligibility code 2) for attendance accounting purposes.

reclassification - The process by which the language proficiency assessment committee (LPAC) determines that an emergent bilingual/English learner has met the appropriate criteria to be classified

[244] Under the TEC, §37.005

as non-EL/English Proficient and is coded as such in TSDS PEIMS. This is distinguished from the term "exit," which describes the process for reclassified students who no longer participate in a bilingual education or ESL program.

reentry date – The initial date a student physically returns and is counted present at the official attendance time after a prior withdrawal. The reentry date applies to both regular school and special programs.

refined average daily attendance (RADA) – The aggregate eligible days attendance divided by the number of days of instruction. RADA is based on the number of days of instruction in the school year.

reporting period – A period generally described as being six weeks, although it does not necessarily consist of six weeks. For reporting purposes, the full school year must be divided into six, approximately equal reporting periods.

school-community guidance center – A guidance center established by school districts or a cooperative of school districts to locate and assist children with problems that interfere with education, including juvenile offenders and children with severe behavioral problems or character disorders.[245] The attendance of a student placed in a school-community guidance center is eligible in the district in which the student resides or is otherwise entitled to attend for FSP benefits.

school year – For each school year, each school district must operate for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses for students.[246]

semester system – A system in which a school district operates for either two or three semesters during the school year. Each school district must operate using the semester system except as provided under the TEC, §25.084.

state-assigned alternative ID number – All students attending public school in Texas who do not submit Social Security numbers are assigned alternative numbers from a range of numbers assigned to each district by the state.

When a student withdraws, either this number or the SSN must be sent to the receiving school. Any student entering a Texas public school must bring an SSN or the alternative ID number.

Districts must not assign the student a new number. It is important that the student carry the same number as long as he or she is in a Texas public school.

Student Detail Report – A district-generated report that reflects the codification of each individual student for the entire school year. This report also summarizes, by six-week reporting period, the attendance data of each student (Section 2 Audit Requirements).

---

[245] TEC, §§37.051–37.056
[246] TEC, §25.081

substitute care – The placement of a child who is in the conservatorship of the Texas DFPS or an authorized agency in care outside the child's home. The term includes foster care, institutional care, adoption, placement with a relative of the child, or commitment to the TJJD.[247]

suspension – See **in-school suspension** and **out-of-school suspension**.

Texas Administrative Code (TAC) – Rules adopted by the State Board of Education or the commissioner of education under authority granted by state law.

Texas Education Code (TEC) – Statutes governing public education in Texas.

track – A group of students and teachers scheduled to attend school and take vacations on the same schedule.

two-through-four-hour rule – The shortened name for the requirement that a student, other than a student who is eligible for, enrolled in, and scheduled for and provided instruction in an alternative attendance accounting program, must be scheduled for and provided instruction two through four hours each day to be eligible for attendance for FSP purposes (eligible to generate ADA and thus funding). **Note: The two-through-four-hour rule includes recess and in-class breakfast. (For pre-K ONLY, the two-through four-hour rule includes recess, breakfast, and lunch.)**

withdrawal date – The initial date that a student no longer participates. Guidelines for determining a student's withdrawal date appear in Section 3 General Attendance Requirements.

work-based learner – A student who works in an organization, paid or unpaid, to gain work experience and satisfy requirements towards high school graduation. This is interchangeable with internship, externship, apprenticeship, and mentorship for FSP funding purposes.

year-round education (YRE) program – A program that operates school during a portion of, at a minimum, 11 calendar months to 12 calendar months. The YRE calendar will have intercessions scheduled throughout the year that may be used for additional educational activities, such as remediation or enrichment. The YRE calendar may be a single-track arrangement in which all students on the YRE calendar are attending school or are on intercession at the same time, or the calendar may be a multitrack arrangement in which students attend school or are on intercessions at staggered times.

zero-filled record – Any record that contains zeros for all fields in the record when the fields require quantitative numerical values.

---

[247] Texas Family Code, §263.001(a)(4)

This page has been left blank intentionally.

Resources

No Child Left Behind (NCLB) Act website: http://www.ed.gov/nclb/landing.jhtml

TSDS PEIMS Data Standards:

https://www.texasstudentdatasystem.org/TSDS/TEDS/TEDS_Latest_Release/

19 TAC: https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/texas-administrative-code-title-19-part-2 or

http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=2&ti=19

TEA: http://tea.texas.gov/

TEA Requirements for Becoming an Educational Aid in Texas:

https://tea.texas.gov/Texas_Educators/Certification/Initial_Certification/Becoming_an_Educational_Aide_in_Texas/

TEC: http://www.statutes.legis.state.tx.us/

Texas Health and Human Services: https://hhs.texas.gov/

Texas Legislature Online: http://www.capitol.state.tx.us/

Texas State Library and Archives Commission: http://www.tsl.texas.gov/

TREx web page: http://tea.texas.gov/index4.aspx?id=25769817556

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

Texas Education Agency Directory

Contact information for TEA divisions and areas can be found at https://tea.texas.gov/about-tea/contact-us/tea-divisions-and-areas.

This page has been left blank intentionally.

COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1991; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.

The Texas Education Agency shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity employer.

Texas Education Agency
Austin, Texas
September 2023