# 2026–2027
# Student Attendance Accounting Handbook

**Texas Education Agency**
**September 2026**

# State Board of Education

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# Foreword

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

The handbook:

- describes the 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

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Special Operations
Special Populations
Standards and Support Services
State Funding

# Texas Education Agency

# 2026–2027
# Student Attendance Accounting Handbook

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# 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.[2] In order to receive a waiver issued by the Commissioner, a local educational 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.[3]

**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] This includes, but is not limited to, the TEC, Chapter 30B.
[3] 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.[4]

> **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).[5]

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.[6]

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**

[4] TEC, §48.008
[5] TEC, §48.008
[6] 19 Texas Administrative Code (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, 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, Hybrid, Remote, and Electronic Instruction | **Virtual, Hybrid, Remote, and Electronic Instruction** discusses virtual and hybrid instruction, 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. |

| Handbook Section(s) | Description |
|---|---|
| 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 2025–2026 handbook. For a comprehensive list of changes, see the Change Document at https://tea.texas.gov/data-reports/financial-compliance/student-attendance-accounting-handbook.

At the time of posting this handbook, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on the TEC, §§48.102, 48.1021, and 48.1022, effective September 1, 2026. Readers are advised to coordinate all references to special education throughout this handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the TAC, which will be made available as they are finalized. These references include, but are not limited to, special education instructional setting codes and descriptions, contact hours, weights, full-time equivalents, required data and reports that must be available for an audit, all examples in various sections that relate to special education data reporting, and how special education contact hours intersect with career and technical education. Because the system effective prior to September 1, 2026, will be transitioning to the new system throughout the 2026-2027 school year, most of the 2025-2026 special education references will remain in this version of the 2026-2027 handbook until the funding and accounting system is completely transitioned.

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# 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[7] by TEA. **Incomplete or inaccurate data will result in attendance not being allowed.**

**Note:** At the time of posting this handbook, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on the TEC, §§48.102, 48.1021, and 48.1022, effective September 1, 2026. Readers are advised to coordinate all references to special education throughout this handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the TAC, which will be made available as they are finalized. These references include, but are not limited to, special education instructional setting codes and descriptions, contact hours, weights, full-time equivalents, required data and reports that must be available for an audit, all examples in various sections that relate to special education data reporting, and how special education contact hours intersect with career and technical education. Because the system effective prior to September 1, 2026, will be transitioning to the new system throughout the 2026-2027 school year, most of the 2025-2026 special education references will remain in this version of the 2026-2027 handbook until the funding and accounting system is completely transitioned.

## 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

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

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.

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.texas.gov/slrm/localretention/schedule_sd.

## 2.2 Accounting System Requirements

The attendance accounting system[8] your district uses must do the following:

- use the coding structure defined in the Texas Education 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.

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

**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 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.[9]

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.

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

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
- 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 (CalendarCode) 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
    - sex code
    - 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) (to be phased out during the 2026-2027 school year)
- special education educational environment (beginning with admission, review, and dismissal (ARD) committee decisions made in the 2026-2027 school year)
- speech therapy indicator code (Section 4 Special Education) (to be phased out during the 2026-2027 school year)
- bilingual program type code and English as a Second Language (ESL) program type (Section 6 Bilingual/English as a Second Language (ESL))
- gifted/talented indicator (Section 8 Gifted/Talented)
- PRS indicator (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
    - 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 (to be phased out in the 2026-2027 school year)
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)
    - 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
    - eligible days bilingual/ESL dual language one-way program
    - eligible days bilingual/ESL dual language two-way program
    - eligible days bilingual/ESL dual language two-way program (Non EL-EB/English Proficient)
    - eligible days present for PRS students
    - eligible days present for special education mainstream (to be phased out and replaced with appropriate educational environment data in the 2026-2027 school year)
    - 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
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 (to be phased out in the 2026-2027 school year)
24. full-time equivalent (FTE) calculations for all special programs reported for data required in items 22 and 23 (special education FTEs to be phased out in the 2026-2027 school year)
25. 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
    - eligible days bilingual/ESL
    - eligible days bilingual/ESL dual language one-way program
    - eligible days bilingual/ESL dual language two-way program
    - eligible days bilingual/ESL dual language two-way program (Non EL-EB/English Proficient)
    - eligible days PRS
    - eligible days special education mainstream (to be replaced with appropriate educational environment data in the 2026-2027 school year)
    - 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

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 (to be phased out in the 2026-2027 school year)
11. full-time equivalent (FTE) calculations for all special programs reported for data required in items 9 and 10 (special education FTEs to be phased out in the 2026-2027 school year)
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
   - eligible days bilingual/ESL
   - eligible days bilingual/ESL dual language one-way program
   - eligible days bilingual/ESL dual language two-way program
   - eligible days bilingual/ESL dual language two-way program (Non EL-EB/English Proficient)
   - eligible days PRS
   - eligible days special education mainstream (to be replaced with appropriate educational environment data in the 2026-2027 school year)

- 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

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 (to be phased out in the 2026-2027 school year)
10. FTE calculations for all special programs reported for data required in items 8 and 9 (special education FTEs to be phased out in the 2026-2027 school year)
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.

### *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.[10])
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

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

15. special program documentation as described in each special program section in this handbook, including proof of service (e.g., documentation or doctor's note when student informed the school of pregnancy) (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[11] 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].)
20. board-approved local policy that defines the instruction methods
21. documentation of a student's instructional schedule that includes the minimum amount of instructional time to meet the two-through-four rule
22. any and all bell schedules used during the school year

[11] See the definition provided in the Glossary.

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# Section 3 General Attendance Requirements

This section provides information on general attendance reporting requirements.

**Note:** At the time of posting this handbook, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on the TEC, §§48.102, 48.1021, and 48.1022, effective September 1, 2026. Readers are advised to coordinate all references to special education throughout this handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the TAC, which will be made available as they are finalized. These references include, but are not limited to, special education instructional setting codes and descriptions, contact hours, weights, full-time equivalents, required data and reports that must be available for an audit, all examples in various sections that relate to special education data reporting, and how special education contact hours intersect with career and technical education. Because the system effective prior to September 1, 2026, will be transitioning to the new system throughout the 2026-2027 school year, most of the 2025-2026 special education references will remain in this version of the 2026-2027 handbook until the funding and accounting system is completely transitioned.

## 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.[12] **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.

[12] TEC, §48.270

**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 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) or combined pre-k and EE programs 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 or 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 private or public (non-district operated) early childhood program 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 receiving special education and related services who has graduated but returned to school or is continuing enrollment after meeting graduation requirements and is scheduled for fewer than two hours of instruction/services per day
- a student who receives all his or her special education and related services through an approved contract with a nonpublic day or nonpublic residential school
- a parentally placed private school student with a disability, five through 21 years of age, who receives special education and related services through an individualized services plan (see 4.5 Special Education Services for Private or Home School Students Who Are Eligible for and in Need of Special Education)

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

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

Code 1 indicates that a student is eligible to generate full-day attendance. Code 1 applies to all students entitled to enroll under the 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.

### 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 through an early childhood special education (ECSE) services program who are under the age of three, except for children with visual impairments, children who are deaf or hard of hearing, or children who are deaf blind
- 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 a TEC, Chapter 12, Subchapter G, Adult High School Charter School 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[13]
- 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[14]
- 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]
- a nonresident student who is charged tuition for the purposes of reducing local revenue[16]
- students ineligible for pre-k served in the pre-k classroom by a pre-k teacher for the full day[17]

### 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 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[18]
- a nonresident student who is charged tuition for the purposes of reducing local revenue[19]
- students ineligible for pre-k served in the pre-k classroom by a pre-k teacher for a half day[20]

### 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.

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[13] TEC, §37.011(h)
[14] TEC, §25.003 (Adopted tuition charges under this section must be submitted to the commissioner of education for approval.)
[15] TEC, §25.0031(c)
[16] TEC, §49.204
[17] See the ADA Eligibility Coding for Students Served in a Pre-k Classroom chart in 7.5 Eligible Days Present and ADA Eligibility.
[18] TEC, §25.0031(c)
[19] TEC, §49.204
[20] See the ADA Eligibility Coding for Students Served in a Pre-k Classroom chart in 7.5 Eligible Days Present and ADA Eligibility.

#### 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.

### *3.2.2 Funding Eligibility*

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

- 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**
- be eligible for, enrolled in, and scheduled and provided instruction in an alternative attendance accounting program (such as the OFSDP).
- 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.

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 or combined pre-k and EE programs 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 virtual, hybrid, or remote 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<br>• in-class breakfast<br>• breakfast and lunch (pre-k or combined pre-k and EE programs only)<br>• recess<br>• work-based learner<br>• study program for state assessments (if the student has met all graduation requirements)<br>• student-aide classes (office, nurse, librarian aides, etc. that a student is scheduled into as a course) | • study hall<br>• sign ins<br>• repeated courses (if a student has already received credit for that course; see 3.2.2.2 Time Spent in Course for Which Student Has Already Received Credit for the exception) |

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 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 Time Spent in Course for Which the Parent Has Requested that the Student Repeat the Course

If a parent requests that a student repeat a course for high school credit under the TEC, §28.02124, the time that the student spends taking the course for a subsequent time counts towards the accumulation of attendance hours for FSP funding purposes; that is, the time counts as instructional time for purposes of the two-through-four-hour rule.

### 3.2.2.4 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 who have not met the assessment requirements for graduation; students who are continuing enrollment to receive special education services; students who have returned to school to receive special education services after receiving a diploma, as determined by the student's admission, review, and dismissal (ARD) committee; or students enrolled in a TEA-designated Pathways in Technology Early College High School (P-TECH) program and coded appropriately in TSDS PEIMS. (See 3.2.2.5 Funding Eligibility of Students Who Have Met All Graduation Requirements Except Passing Required State Assessments and 3.2.3 Age Eligibility).

The following provides guidance on how to identify and code students in Pathways in Technology Early College High School (P-TECH) programs within the TSDS PEIMS for attendance and funding eligibility:

- Students in grades 9 to 12 participating in P-TECH must be coded with StudentCharacteristic (E3063) 07 (P-TECH).
- Students in the fifth year ("Year 5") of P-TECH must be coded with both StudentCharacteristic (E3063) 07 (P-TECH) and 26 (P-TECH, Year 5).
- Students in the sixth year ("Year 6") of P-TECH must be coded with both StudentCharacteristic (E3063) 07 (P-TECH) and 27 (P-TECH, Year 6).

### 3.2.2.5 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.

### 3.2.2.6 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.

#### 3.2.2.7 Funding Eligibility for Students Who Received Special Education Services and Were Awarded a Diploma in Another State or Outside of the United States

A student may be entitled to receive special education services through age 21 if the student has a disability and the district determines the student would have met the Texas criteria to continue the receipt of special education services after having been awarded a diploma in another state or outside of the United States. The district must evaluate the transcript carefully, and the student must still meet eligibility requirements for funding.

#### 3.2.2.8 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[21] (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[22] (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 18 years of age but less than 50 years of age on September 1 of the current school year and enrolled in a TEC, Chapter 12, Subchapter G, Adult High School Charter School Program[23] | | 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 no longer meets age eligibility under 19 TAC §89.1035 (This student is no longer eligible to receive services or generate ADA.) |
| from date of birth through age two, a child who has a visual impairment, is deaf or hard of hearing, or is deaf blind 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) or (3)(A), (B), or (C) as determined by an admission, review, and dismissal (ARD) committee and who is still in need of special education services[24] (This student may be served through age 21 inclusive.[25]) | | |
| 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) | | |

[21] TEC, §48.003

### 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.[26]

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.[27] Enrolled means actually receiving instruction by attendance in a public school rather than being registered before receiving instruction.

However, any six-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.[28]

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.

A child whose parent or guardian is an active-duty member of a foreign military force stationed in Texas may establish their age for purposes of entitlement to the benefits of the FSP by demonstrating that they will turn the required age during the school year for which the child is seeking admission, if your district has adopted a policy authorizing this practice.

### 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.[29]

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[22] TEC, §48.003
[23] Under the TEC, §12.251, §48.003
[24] as determined by the ARD committee per 19 TAC §89.1070(j)
[25] 34 Code of Federal Regulations (CFR), §300.102(a)(3)
[26] TEC, §25.001(a)
[27] TEC, §48.003(c)
[28] TEC, §48.003(d)
[29] TEC, §25.001(b)(2), §12.137

Also, students who received special education services prior to the age of 22, are at least 22 years of age and under 26 years of age on September 1, and have been 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.

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

Your school district may provide instruction to a student who has been awarded a high school diploma. However, unless the student is returning to school[30] after graduating under 19 TAC §89.1070(b)(2) or (3)(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, telephone number, and email address electronically for a student who is continuing enrollment in your district from the prior school year.[31] 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.

[30] under 19 TAC §89.1070(j)
[31] TEC, §26.0125

### 3.3.1 Residency

Your local district policy should include measures to verify, on enrollment, that a student is entitled to enroll in the district under the TEC, §25.001. If the student's entitlement is contingent on the residency of a person, examples of methods of verifying residency include requesting utility bill receipts or lease information or verifying with designated district personnel that the applicable residence is within the boundaries of your district. Residency is not defined by an address on a driver's license, a signature on a 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 90 days of the arrival date specified in the order. See the TEC, §25.001(c-1).

A student who is the subject of a parental child safety placement agreement under the Family Code, §264.920, may establish residency by providing the school district with a copy of a letter from the Department of Family and Protective Services that indicates that the child is the subject of such an agreement and that the address of the child 's residence during the agreement is in the district.

The parental child safety placement agreement must include a letter provided by the department that contains the address of the child 's residence during the parental child safety placement and the following language: "THIS LETTER SERVES AS PROOF OF RESIDENCE FOR PURPOSES OF THE ENROLLMENT OF THE ABOVE-NAMED CHILD OR CHILDREN IN A PUBLIC SCHOOL IN THE SCHOOL DISTRICT OR GEOGRAPHIC AREA IN WHICH THE CHILD OR CHILDREN RESIDE, IN ACCORDANCE WITH THE TEC, §25.001(C-3)."

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.[32] To determine whether a student should have a StudentCharacteristic (C344) 02 (Immigrant) for TSDS PEIMS reporting purposes, your district may ask the following questions:[33]

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.[34] The three years do not have to be consecutive.

[32] See the US Department of Education/US Department of Justice letter and other guidance documents available at https://www.justice.gov/opa/pr/attorney-general-holder-and-secretary-duncan-issue-guidance-school-districts-ensure-equal.
[33] 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.
[34] See Title III, Part A FAQ.

**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 a StudentCharacteristic (C344) 02 (Immigrant) reported. If the answer is yes to all three questions, the StudentCharacteristic (C344) 02 (Immigrant) 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*

When a student who is entitled to enroll, per 3.3.6 Student Entitlement to Attend School in a Particular District, seeks to or intends to enroll,[35] 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 TEA Complaints Management at (512) 463-3544 or ComplaintsManagement@tea.texas.gov.[36]

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.[37]

A certified copy of the child's birth certificate is preferred whenever available but 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[38]
- driver's license
- passport
- school ID card, records, or report card

[35] The Family Educational Rights and Privacy Act (FERPA) provides, subject to conditions set forth in 34 CFR, §99.34, a school district may disclose education records, without parental consent, to another school district in which a student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. See 34 CFR, §99.31(a)(2).

[36] TEC, §25.002(a)(1)

[37] TEC, §25.002(a)(1)

[38] 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.

- 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.[39] However, only students who meet the age and admission requirements may be reported as eligible for FSP purposes (ADA eligibility codes 1, 2, 3, 6, or 7) (see also 3.3.8 Immunization). Your district may report an enrolled student it believes to be eligible for FSP purposes as eligible while awaiting documentation of eligibility from the student's previous school district or from the person enrolling the student.

If a child is enrolled under a name other than the name that appears in the identifying documents, your district must notify the 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.[40]

### *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 their first day of school.**

**A student is not eligible for ADA if the student has been assigned OSS for the first day of school.** See 10.6.3 Out-of-School Suspension (OSS).

[39] TEC, §48.004
[40] TEC, §25.002(b) and (c)

**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.

Students that begin school as homebound**,** including CEHI**,** may indicate their "official entry date" as the first day of the school year as long as all the documentation requirements are met and the full number of hours needed are provided by the end of that week.

#### 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;
- 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[41];
- 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

[41] unless the school district has applied for and been granted a waiver by the commissioner under the TEC, §25.001(e)

- 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[42]; 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.[43] 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.[44] 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.[45]

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, 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.[46]

### 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.

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[42] as determined by the school board
[43] TEC, §25.001(f)
[44] TEC, §25.001(g)
[45] TEC, §25.001(g-1)
[46] See the TEC, §25.040.

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

See 10.5 AEPs for Students in Residential Facilities for additional references to facilities to which this section might apply.

#### 3.3.6.3 Entitlement of Students of Active Military Servicemembers and Peace Officers to Transfer

Districts must accept the transfer application of students whose parent or guardian is an active military servicemember or peace officer and requests a transfer to another campus in the currently enrolled district or to another adjoining school district.[47]

### *3.3.7 Students Who Experience Homelessness*

A student who is homeless, as defined by the McKinney-Vento Homeless Assistance Act,[48] is entitled to enroll in any school district or open-enrollment charter school in the state without regard to the student's residence.[49] The student must be allowed to attend either the student's "school of origin"[50] ("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.[51] Eligibility to enroll in any other school in any school district or open enrollment charter school is determined by local policy.[52] 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 students experiencing homelessness 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.[53] However, your district may admit a student provisionally if the student has begun the required immunizations and continues to receive the necessary immunizations as rapidly as medically feasible.[54] 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 student experiencing homelessness or a student who is in foster care should be admitted temporarily for 30 days if acceptable evidence of

[47] See HB 2892 and HB 1959.
[48] 42 USC, §11434a
[49] TEC, §25.001(b)(5)
[50] as defined in 42 USC, §11432(g)(3)(I)
[51] 42 USC, §11432(g)(3)(A)(ii)
[52] State law determines eligibility to enroll in an authorized virtual campus under the TEC, Chapter 30B, a Texas Virtual School Network course, or a Texas Virtual School Network Online School. See 12.2 Virtual and Hybrid Education (TXVSN) and 12.3 Texas Virtual School Network (TXVSN).
[53] TEC, §38.001(a)
[54] TEC, §38.001(e)

vaccination is not available. The school should promptly refer the student to the appropriate health provider to obtain the required vaccines.[55] 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.[56]

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/immunizations/school.

### *3.3.9 Infants and Toddlers Who Are Deaf or Hard of Hearing, Have Visual Impairments, or Are Deaf Blind*

Infants and toddlers birth through two years of age who are deaf or hard of hearing, have visual impairments, or are deaf blind, and an individualized family services plan (IFSP) 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 educational agencies should collaborate with the RDSPD to ensure that appropriate services are provided. (See 4.10 Special Education Services for Infants and Toddlers.)

The following information is required to enroll an infant or toddler in the district or RDSPD that will be providing the appropriate services as described in the IFSP:

- Parent or guardian name
- Family's home address
- Legal name of the child
- Child's date of birth
- Child's identified disability/disabilities for which district services will be provided
- Copy of current IFSP (Services are required to start within 28 days of the signed IFSP)

Districts generally do not need proof of age or identity or current immunization records. Infants and toddlers receiving services under an IFSP, which is through the early childhood intervention (ECI) program coordinated by the Texas Health and Human Services Commission (HHSC), and the ECI program has already verified proof of age and identity. Further, these children generally do not receive services at an actual school building; therefore, immunization records are not needed until the child transitions to IDEA Part B (school-age) services at age three or older. If an infant or toddler is attending a school-based program, the family will have to present the same enrollment documentation as is expected for any child who is attending school.

### *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.

[55] 25 TAC §97.66(b)
[56] 25 TAC §97.69

## 3.4 Withdrawal Procedures

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

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

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

Your district **may** withdraw a student who is at least 19 years old and 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.[57] **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 and could be considered a dropout according to the C162 ExitWithdrawType 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:[58]

- Texas Unique ID

[57] TEC, §25.085(e)

[58] 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 https://tea.texas.gov/data-reports/data-submission/texas-records-exchange-trex/trex-data-standards.

- 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
- sex
- ethnicity and race
- current grade level
- immunization information[59]
- disciplinary record,[60] including any incomplete disciplinary action [61]
- receipt of special education services and individualized education program, if applicable
- receipt of protections under Section 504 and Section 504 plan, if applicable
- if a language other than English is identified, the original copy of the home language survey
- initial/end-of-year Language Proficiency Assessment Committee (LPAC) documentation, if applicable
- parental permission/denial forms for bilingual education, including bilingual and English as a second language (ESL) services, if applicable
- academic year
- course completion
- 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

[59] TEC, §25.002(a)(3)
[60] TEC, §25.002(a)(2)
[61] TEC, §37.022(b)

- 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.[62] 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.[63] 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 in conduct that would otherwise require such placement, your district must revoke admission of the student into the public schools of the district.[64]

## 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.[65] 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.[66]

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

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.[68] 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.[69]

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[62] TEC, §25.002(a-1)
[63] Family Education Rights and Privacy Act (FERPA), 34 CFR, §99.31(a)(2) and §99.34
[64] TEC, §25.001(b-1)
[65] TEC, §25.085(c)
[66] TEC, §25.085(b)
[67] TEC, §25.001(e)
[68] Texas Family Code, §65.002
[69] TEC, §25.093

**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.[70] 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.[71] 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.[72]

## 3.6 General Attendance-Taking Rules

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

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

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[70] Texas Family Code, §65.003(a)

[71] TEC, §25.0915; 19 TAC §129.1043

[72] 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).

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,
- students receiving special education services through an 18 plus program that provides community-based instruction,
- 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 in a full-time virtual or hybrid campus under the TEC, Chapter 30B. See 12.2 Virtual and Hybrid Education for information on recording daily attendance.

- is enrolled in a full-time virtual or hybrid program, under the TEC, Chapter 30B, and meets the school system-approved instructional plan and policy. See 12.2 Virtual and Hybrid Education for information on recording daily attendance.

  Students who are enrolled in one or more virtual or hybrid courses, under the TEC, Chapter 30B, but attend a regular campus as 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 enrolled **full-time** in Texas Virtual School Network (TXVSN) courses. See 12.3 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.[73] 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

[73] TEC, §25.087(b)(1)(A)

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.

**Note:** A parent note is sufficient. LEAs may not require that the student provide documentation from a clergy member of religious leader.

- 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.[74]

- misses school for the purpose of attending a required court appearance, 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 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. 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[76] or

[74] TEC, §25.087(c)
[75] TEC, §25.087(b)(1)(B)
[76] TEC, §25.087(b)(1)(F)

- to attend an activity under a service plan under the Texas Family Code, Chapter 263, Subchapter B.[77]

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, [78] or an election clerk or student election clerk.[79] Your school district may excuse a student's absence for this purpose for a maximum of two days in a school year.[80]

  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. [81]

  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 that purpose.[82] 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.[83] Travel days for which the student is considered

[77] TEC, §25.087(b)(1)(F)
[78] TEC, §25.087(b-1)
[79] TEC, §25.087(b)(1)(E)
[80] TEC, §25.087(e)
[81] Texas Election Code, §32.0511, §83.012
[82] TEC, §25.087(b)(1)(C)
[83] TEC, §25.087(b)(1)(D)

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 or mental health professional licensed, certified, or registered to practice in the United States.[84] A documented appointment with a health care professional includes an appointment of a student diagnosed with autism spectrum disorder with a health care practitioner[85] to receive a generally recognized service[86] for persons with that disorder.[87] 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, if the parent or guardian provides on a district-adopted form a certification from a physician licensed to practice in Texas specifying the following information, as determined by the physician: the student's illness, a statement that the illness is serious or life-threatening, the anticipated period of the student's absence relating to the illness or related treatment, and a statement that the illness makes the student's attendance infeasible during the anticipated period of absence. Note that the district must adopt a form and cannot require more documentation or information than what is listed above.

- is in his or her junior or senior year of high school and misses school for the purpose of visiting an institution of higher education accredited by a generally recognized accrediting organization to determine the student's interest in attending the institution.[88] 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.

[84] TEC, §25.087(b)(2)
[85] See the Texas Insurance Code, §1355.015(b), for a description of the term "health care practitioner."
[86] Generally recognized services include, but are not limited to, applied behavioral analysis, speech therapy, and occupational therapy.
[87] TEC, §25.087(b-3)
[88] TEC, §25.087(b-2)

- 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.[89]

- 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.

- is in his or her junior or senior year of high school and misses school for the purpose of visiting a professional at the professional's workplace for the purpose of career investigation to determine the student's interest in pursuing a career in the professional's field. Your district must not excuse for this purpose more than two days during a student's junior year and two days during the student's senior year and must adopt a policy stating when an absence will be excused for the purpose and a procedure for verifying students' visits to the professional's workplace.

- is absent to participate in a released time course. A released time course is a course in religious instruction offered by a third-party entity off campus. Your school district is required to excuse at least one hour but not more than five hours in a week for this purpose and must adopt a policy meeting the requirements in the TEC, §25.0875, that ensures proper documentation from the student's parent or legal guardian is maintained requesting the student's participation in a released time course. Additionally, your school district is required to ensure that the third-party entity provides and maintains and makes all attendance records for each student available to the school district or student's campus.

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.[90]

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).

[89] TEC, §25.087(b-4)
[90] TEC, §25.087(d)

### 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 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.[91]

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.[92] 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.

[91] TEC, §25.087
[92] 19 TAC §129.1043

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

### *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 student receiving special education services is provided speech therapy on the school campus for 30 minutes each week in accordance with the student's plan. Your district is not required to record attendance for this speech therapy student for purposes of FSP funding 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.

### *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[93] 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.)

Note that a student who receives special education and related services in this circumstance may still be entitled to those services during the student's attendance at a nonresidential treatment facility. See 4.7.20 Code 91, 92, 93, 94, 95, 96, 97, or 98 - Off Home Campus regarding off-home campus instructional arrangements.

## 3.7 General Education Homebound (GEH) Program

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

[93] 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 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.
- The student must have a current medical or psychological condition that is documented by a physician licensed[94] 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.

**Note:** A student who has an infant (0-6 months) considered medically fragile and who meets the criteria in the bullets listed above may also be considered for the GEH program.

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.

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 12.4.3.3. 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.

[94] Access the Texas Medical Board's searchable database of licensed physicians at https://profile.tmb.state.tx.us. Throughout Section 3.7, "licensed" means licensed to practice in the United States.

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 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.

#### 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)<br>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)<br>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.

Students that begin school on GEH may indicate their "official entry date" as the first day of the school year as long as all the documentation requirements are met and the full number of hours needed are provided by the end of that 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[95] 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

[95] Access the Texas Medical Board's searchable database of licensed physicians at https://profile.tmb.state.tx.us/.

longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

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

A student with a chronic illness or acute health problem that is a long-term condition 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<br>• 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/Section 504 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 or Hybrid 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)[96]<br>• Virtual and Hybrid Dropout Recovery Campus(es) or Program(s)<br>• Day Treatment Facility<br>• Residential Treatment Facility<br>• Psychiatric Hospital<br>• Medical Hospital<br>• Correctional Facility<br>• DAEP<br>• a TEC, Chapter 12, Subchapter G, Adult High School Charter School Program[97] | | 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

[96] TEC, §12.1141(c) or §39.0548; school program(s) and campus(es)
[97] TEC, §12.251

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.

**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),[98] under no circumstances may it offer fewer than 71,400 school minutes.

**Note:** Calendars for some standalone programs (e.g., grade level of EE [early education] or high school continuer programs) may follow the main campus calendar if the program also follows the regular schedule of the main campus. Students who could be scheduled by an ARD committee to be on the main campus at any time during the school day may be reported on the main campus calendar. Standalone programs that do not follow the main campus calendar and have not been allotted a modified operational minutes requirement by the TEC, §48.005(i)-(j), as outlined in the chart above, are expected to meet the 75,600 operational minute requirement. Any calendar that does not meet minimum minute requirements is subject to audit and may experience a proportional funding adjustment.

**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),[99] 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.[100] The final school day must not be scheduled earlier than May 15.[101]

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[98] TEC, §25.081

[99] TEC, §48.005(i-l)

[100] 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.

[101] TEC, §25.0812

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.**

**Note:** All the students in a particular school or track will have the same number of school days (NumberDaysTaught). 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.

### 3.8.1.1 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.

**Note: Beginning with the 2026-2027 school year, your adopted district calendar must include two designated makeup days or additional surplus minutes equal to two days. If your district chooses to reconcile missed days with two makeup days rather than additional surplus minutes, these days must be clearly designated on the calendar.**

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.

### 3.8.1.2 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.

District and charter schools applying for a missed school day waiver must submit their applications as soon as possible after the missed school day so that PEIMS six-week report submissions are accurate.

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

### 3.8.1.3 Low-Attendance Day Waivers

For a day when school was held but attendance was at least 10 percentage points below the overall 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 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 a campus). For a district or campus with multiple tracks, the overall 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.

**Note:** An instructional day that experiences low attendance but does not meet the qualifications for the waiver must still report that date as a day of instruction and should not be changed to a non-instructional day, even if the LEA has excess minutes in the calendar. LEAs are responsible for submitting current, complete, and accurate data required for each PEIMS and TSDS collection. **Each person entering data into the attendance accounting system must attest that the data he or she has entered are true and correct to the best of his or her knowledge. The superintendent must affirm that he or she has taken measures to verify the accuracy and authenticity of the attendance data.** See 3.1 Responsibility.

### 3.8.1.4 Staff Development Waivers

**Districts and open-enrollment charter schools that are four-day-school-week LEAs are currently not eligible to receive a staff development waiver.**

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.** Staff development on staff development waiver days may be specific to the needs of individual campuses/workgroups and may be delivered at different physical locations. However, the professional development must be synchronous and scheduled to take place at the same time and for the same length of time for all staff employed at the same campus on the day(s) the district is claiming staff development waiver minutes for that campus. Staff development not utilized as part of the waiver may still take place. However, "exchange/trade" days or professional development that staff receive on their own time outside of the school/workday may not be counted toward the waiver minutes allotted for staff development.

### 3.8.1.5 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 CalendarWaiverEventType (C204) in your district's TSDS PEIMS reporting.

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

If district students are taking dual credit courses at an IHE with a calendar of fewer than 75,600 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 the Other Waiver application in 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.

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

If early college high school (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.

### 3.8.1.8 School Safety Training Waiver

A waiver of operational and instructional time may be applied for by a district requiring each educator employed by the district to attend an approved Texas School Safety Center (TxSSC) school safety training course.[102] As the waiver is for operational and instructional minutes, it may not be used prior to the first day of student instruction or after the last day of student instruction. In order to qualify for the waiver, the training course must be listed on the TxSSC's List of Approved Trainings for Operational and Instructional Time Waivers for School Safety Training. The waiver is limited to a maximum of 420 minutes but must reflect actual training minutes provided for the approved training course.

An application for school safety training minutes must be submitted using TEA's automated waiver application system and the School Safety Waiver application, which is available in TEAL. Your district must include the following items in its application:

- the specific TxSSC approved training course information; and
- a copy of the board agenda at which the board approved the specific waiver request.

The district must locally retain documentation and records of all staff taking the training, including the date and hours or minutes of the training. The agenda should clearly identify the type(s) of training and how long each agenda item took to cover the material.

## *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.

[102] TEC, §25.0815

| Situation | Agency Policy |
|---|---|
| Our school district or charter school closed some or all campuses for one day for a weather, 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. |
| Our school district or charter school closed all campuses for two days for a weather, 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. |
| Our school district or charter school closed all campuses for two days for a weather, 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. |

| Situation | Agency Policy |
|---|---|
| Our school district or charter school closed all campuses for two days for a weather, 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. |
| Our school district or charter school closed all campuses for one day for a weather, 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 weather, 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 3.8.1.1 Makeup Days for more information. |

| Situation | Agency Policy |
|---|---|
| Our school district or charter school closed some, but not all, campuses for one day or more for a weather, 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.<br><br>**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. |
| Our school district or charter school delayed the start of the school day for two hours (120 minutes) for a weather, 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 some or all campuses early because of an imminent weather, 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 some or all campuses early because of an imminent weather, 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. |

| Situation | Agency Policy |
|---|---|
| Our school district or charter school has decided to close some or all campuses early because of an imminent weather, 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.<br><br>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. |
| Our school district or charter school operates an OFYP. Our district or charter school closed all campuses for more than two days for a weather, 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.<br><br>**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, the Additional Days School Year (ADSY) initiative has provided formula funding to campuses that add up to 30 additional instructional days beyond a base calendar.

Updated by HB 2 (2025), ADSY now offers two funding pathways. Campuses operating at least 175 full instructional days and 75,600 operational minutes may receive half-day formula funding for adding one to 30 additional half days with at least two hours of instruction. Campuses that operate a base 175-day calendar and reach a total of 200 full instructional days may receive three-quarters-day formula funding for adding 25 to 30 full additional days with at least four hours of instruction. Additional days funding started on September 1, 2020. See the TEC, §48.0051, for more information.

The ADSY initiative provides formula funding to support school systems with adding up to 30 additional instructional days (beyond a minimum of 175 days) at eligible campuses. 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 175-day calendar for ADSY 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 175-day calendar except for the schools that meet all the criteria for the additional days incentive funding that became available beginning 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 175-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 https://www.texasstudentdatasystem.org/tsds/teds/ods-upgrade-data-standards.

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 17, 2027, 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 19, 2027, 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 19, 2027. Corrections made after August 19, 2027, 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 student also receives special education services, and the ARD committee 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 student receiving special education services 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 free 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 student receives special education services 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, and who is not otherwise eligible for special education services as specified by 19 TAC §89.1070(j), 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 student who received special education services graduated the prior year by meeting the requirements specified in 19 TAC §89.1070(b)(3)(B). 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.[103]

*Since this student was determined eligible to re-enroll per 19 TAC §89.1070(j) 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 deaf or hard of hearing (DHH) 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.

[103] 19 TAC §89.1070(j)

*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 StudentSchoolAssociation Entity (see Section 4 Special Education).*

### 3.11.10 Example 10

A student who is DHH attends an RDSPD in a neighboring school district. The student receives special education and related services in general education classes. The superintendents of the neighboring district and your district agree that the fiscal agent district will report this student and, as prescribed by rules relating to data submission, must report the student for all student submissions.

*The ADA eligibility code for this student is **3 – Eligible Transfer Student Full-Day**. The student would also be reported as a transfer student on the StudentSchoolAssociation Entity (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 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.*

### 3.11.17 Example 17

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.*

### 3.11.18 Example 18

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.

*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.*

### 3.11.19 Example 19

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 20

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.*[104]

### 3.11.21 Example 21

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.*

[104] TEC, §25.087

### 3.11.22 Example 22

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.*[105]

### 3.11.23 Example 23

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.*

### 3.11.24 Example 24

A general education student, who does not meet eligibility for special education services, 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.

*A GEH/504 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/504 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.*

Example 24A

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

[105] TEC, §48.003(c)

Example 24B
*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.*

Example 24C
*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/504 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/504 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*

### 3.11.25 Example 25

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/504 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.*

### 3.11.26 Example 26

A student in a GED program must miss being served by a GEH teacher due to treatment for a serious or life-threatening illness as documented by a licensed physician in Texas.[106]

*The LEA may use the life-threatening illness provision to claim funding for the hours of service missed if the student meets the requirements and the LEA has the documentation requirement outlined in 3.6.3 Requirement for a Student to Be Considered Present for FSP (Funding).*

### 3.11.27 Example 27

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

On Tuesday, the student is served at home through the GEH program for 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*

[106] TEC, §25.087(b)(3)

*on Friday, per the two-through-four-hour rule and because the student was present at the time attendance was taken.*

### 3.11.28 Example 28

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

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

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

### 3.11.29 Example 29

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

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

### 3.11.30 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.*

### 3.11.31 Example 31

A student enrolled in your district has left the district to act in a movie that is being filmed in another state. The student's parent said that the student 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.*

### 3.11.32 Example 32

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 where 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 12.4.3.3 Remote Homebound Instruction—Regular Education Students. Also see 4.7.2 Code 01 - Homebound and 12.4.3.4 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.*

### 3.11.33 Example 33

Some, but not all, of your campuses need to close early due to an unforeseen power outage. Students were released before the official attendance taking time but some students need to remain on campus because their parents or guardians are unable to pick them up early.

*Your district must document the minutes that each campus served students before releasing students early and adjusts minutes in the student information system. Your district must also determine if these campuses have enough surplus minutes to still meet the minimum 75,600 minutes requirement or if minutes will need to be added for these individual campus to meet the operational minutes requirement.*

### 33.11.34 Example 34

Some, but not all, of your campuses need to close early because of an unforeseen power outage. Students were released after the official attendance taking time and attendance was taken.

*Your district must document the minutes that each campus served students before releasing students early and adjust minutes in the student information system. Your district must also determine if these campuses have enough surplus minutes to still meet the minimum 75,600 minutes requirement or if minutes will need to be added for these individual campus to meet the operational minutes requirement. Because attendance was taken at the official attendance taking time, your district may qualify for a low*

*attendance waiver if ADA saw a 10 percent or more drop in ADA because of the unforeseen power outage that caused campuses to close early.*

# 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:** At the time of posting this handbook, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on the TEC, §§48.102, 48.1021, and 48.1022, effective September 1, 2026. Readers are advised to coordinate all references to special education throughout this handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the TAC, which will be made available as they are finalized. These references include, but are not limited to, special education instructional setting codes and descriptions, contact hours, weights, full-time equivalents, required data and reports that must be available for an audit, all examples in various sections that relate to special education data reporting, and how special education contact hours intersect with career and technical education. Because the system effective prior to September 1, 2026, will be transitioning to the new system throughout the 2026-2027 school year, most of the 2025-2026 special education references will remain in this version of the 2026-2027 handbook until the funding and accounting system is completely transitioned.

**For the 2026-2027 school year, the commissioner will determine the formulas through which school districts receive funding under the TEC, §48.102 and §48.1021. In determining the formulas, the commissioner will ensure the estimated statewide amount provided by the sum of the allotments under the TEC, §48.102 and §48.1021, for the 2026-2027 school year is approximately $250 million greater than the amount that would have been provided under the allotment under the TEC, §48.102, as that section existed on September 1, 2025, for that school year, calculating both amounts using the basic allotment in effect for the 2026-2027 school year. See the TEC, §48.1022(b).**

Each school system must use TEA's special education funding transition materials and comply with applicable funding rules in conjunction with this and other sections of the Student Attendance Accounting Handbook to ensure accurate reporting regarding special education.

**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: _____

If you have any questions for the Office of Special Populations and Student Supports staff, please contact them at sped@tea.texas.gov.

**Note:** Your district must not assign attendance personnel the responsibility of determining the reporting information for a student who is receiving special education services. Special education 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 education directors and staff members are responsible for reviewing special education 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 education staff members should check the Student Detail Report for any coding errors.

## 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.[107] The determination of a student's eligibility for special education and related services is made by the student's IFSP committee (for children birth through two years of age with visual impairments (VIs), who are DHH, or who are deaf blind) or ARD committee (for students age three years or older).[108]

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 been awarded a high school diploma under 19 TAC §89.1070(b)(1); 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 been awarded a high school diploma under 19 TAC §89.1070(b)(2) or §89.1070(b)(3)(A), (B), or (C), and
    - the student is returning to school under 19 TAC §89.1070(k).

[107] 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.
[108] 19 TAC §89.1040(b) and §89.1050(b)

Your district also must make special education services available to an infant or toddler (birth through two years of age) who has a VI, who is DHH, or who is deaf blind, and for whom an IFSP committee has determined to be eligible for special education services.[109] Such a child is eligible for ADA on the same basis as other students receiving special education services if the district is not the contracted ECI provider.[110]

Provided that they are served by appropriately certified or otherwise qualified 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 (not in kindergarten) 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 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). Additionally, the ARD committee determines the date that services will begin (the effective date) and the duration and frequency of the services, and the committee records this information in the IEP.
2. The ARD committee provides the student's instructional setting code and speech therapy indicator code (coding information) and effective date to appropriate district personnel (for example, attendance personnel or PEIMS clerks) as soon as possible.

[109] 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.
[110] 19 TAC §89.1121(g)

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). The ARD committee determines the date that any change in service will begin (the effective date) and the duration and frequency of the services, and the committee 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:[111]

1. When a student moves from one district to another within the state of Texas in the same school year or during the summer 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(e), by either adopting the student's IEP from the previous district or developing, adopting, and implementing a new IEP. The timeline for adopting the student's previous IEP or developing, adopting, and implementing a new IEP is 20 school 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.

2. When a student transfers from a school district in another state in the same school year or during the summer and the parents or previous district verifies that the student had an IEP that was in effect in the previous district, your district must, if determined necessary, conduct a full individual and initial evaluation and make an eligibility determination and, if appropriate,

[111] 19 TAC §89.1055(s); 34 CFR, §300.323

develop, adopt, and implement a new IEP, within the timelines established by 19 TAC §89.1011. If your district determines that an evaluation is not necessary, the timeline to develop, adopt, and implement a new IEP is 20 school 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.

3. Your district must take reasonable steps to promptly obtain the student's records from the previous district. If a parent hasn't already provided verification of eligibility and your district has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date a request for the records was submitted by your district to the previous district, your district must seek verification from the student's parent. If the parent provides verification, your district must comply as described in (1) and (2) above. You are encouraged to ask the parent to provide verification before the 15th working day after the date a request for the records was submitted by your district to the previous district. If the parent is unwilling or unable to provide such verification, your district must continue to take reasonable steps to obtain the student's records from the previous district and provide any services comparable to what the student received at the previous district if the previous district communicates those to your district.

4. "Verify" means that your district has received a copy of the student's IEP that was in effect in the previous district. The first school day after your district receives a copy of the student's IEP that was in effect in the previous district begins the timelines described in (1) and (2) above.

5. While your district waits for verification, you must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous district if your district has been informed by the previous district of the student's special education and related services and placement.

6. Once your district receives verification that the student had an IEP in effect at the previous district, comparable services must be provided to a student during the timelines described in (1) and (2) above. Comparable services include provision of ESY services if those services are identified in the previous IEP or if your district has reason to believe that the student would be eligible for ESY services.

7. 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). Additionally, the ARD committee determines the date that services will begin (the effective date) as well as frequency and duration of the special education services.

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

9. District personnel record the coding information, any changes in coding information, effective date of services in the attendance accounting system, and 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[112] to a requesting district no later than the 10th working day after the date a request for the information is received by the district.[113] See the TEA TREx web page at https://tea.texas.gov/data-reports/data-submission/texas-records-exchange-trex/texas-records-exchange-trex for more information on the TREx system.

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

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

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

## 4.4 Special Education Dismissal Procedure

A student is dismissed from special education and related services when the ARD committee determines the student is no longer eligible for special education services because he or she (1) no longer meets the eligibility criteria for special education services as described in 34 CFR, §300.306, as determined by a reevaluation conducted by the ARD committee, (2) graduates, meeting 19 TAC §89.1070(b)(1), (3) meets maximum age eligibility (the end of the school year in which a student turns 22), or (4) the student's parent or adult student chooses to end the provision of services or revokes consent in writing for the student's receipt of special education services.

After the student is dismissed from special education and related services, the district must provide the student's parent with prior written notice that it proposes to change the student's eligibility determination. The district must provide prior written notice at least five school days before special education services will be discontinued, unless the parent agrees otherwise.[114] 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

[112] TEC, §25.002
[113] TEC, §25.002(a-1)
[114] 34 CFR, §300.300(b)(4) and §300.503; 19 TAC §89.1050(g)

ongoing consultation with representatives of the private school and representatives of parentally placed private school students with disabilities and a proportionate share calculation.[115]

See TEA's Parentally Placed Private School Children with Disabilities Quick Guide and Frequently Asked Questions 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.

### *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, the services provided will be under a services plan, sometimes referred to as an individualized services plan, or ISP, 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 **TSDS PEIMS Fall Submission** child count snapshot date 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

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 other than 00 and also receives speech therapy. Speech therapy may be combined with any other instructional setting.[116]

[115] 34 CFR, §§300.130–300.144

[116] 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).

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

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

**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 12.4.3.2 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.[117]

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) | 105 | 160 |
| 01 - Homebound | 107 | 148 |
| 02 - Hospital Class | 113 | 150 |
| 08 - Vocational Adjustment Class | 113 | 151 |
| 30 - State Supported Living Centers | 113 | NA |
| 31 - Home-Based Instruction | 115 | NA |
| 32 - Center-Based Instruction | 115 | NA |
| 34 - Other Environment | 116 | NA |
| 40 - Special Education Mainstream | 116 | 152 |

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).

[117] 34 CFR, §300.324(b)(1)(i)

| Instructional Setting Code | Page Code Description Starts On | Page Examples Start On |
|---|---|---|
| 41 - Resource Room/Services - Less Than 21 Percent | 118 | 153 |
| 42 - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent | 118 | 153 |
| 43 - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent | 118 | 154 |
| 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent | 118 | 154 |
| 45 – Full-Time Early Childhood Special Education Setting | 121 | 155 |
| 50 - Residential Nonpublic School | 121 | NA |
| 60 - Nonpublic Day School | 121 | NA |
| 70 - Texas School for the Blind and Visually Impaired | 122 | NA |
| 71 - Texas School for the Deaf | 122 | NA |
| 81 - Residential Care and Treatment Facility - Mainstream | 122 | 155 |
| 82 - Residential Care and Treatment Facility - Resource Room/Services - Less Than 21 Percent | 122 | 155 |
| 83 - Residential Care and Treatment Facility - Resource Room/Services - At Least 21 Percent but Less Than 50 Percent | 122 | 155 |
| 84 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent but No More Than 60 Percent | 122 | 155 |
| 85 - Residential Care and Treatment Facility - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent | 122 | 155 |
| 86 - Residential Care and Treatment Facility - Separate Campus | 122 | 155 |
| 87 - Residential Care and Treatment Facility - Community Class | 122 | 155 |
| 88 - Residential Care and Treatment Facility - Vocational Adjustment Class | 122 | 155 |
| 89 - Residential Care and Treatment Facility - Full-Time Early Childhood Special Education Setting | 122 | 155 |
| 91 - Off Home Campus - Mainstream | 124 | 157 |
| 92 - Off Home Campus - Resource Room/Services - Less Than 21 Percent | 124 | 157 |
| 93 - Off Home Campus - Resource Room/Services - At Least 21 Percent and Less Than 50 Percent | 124 | 157 |
| 94 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - At Least 50 Percent and No More Than 60 Percent | 124 | 157 |
| 95 - Off Home Campus - Self-Contained, Mild/Moderate/Severe, Regular Campus - More Than 60 Percent | 124 | 157 |
| 96 - Off Home Campus - Separate Campus | 124 | 157 |
| 97 - Off Home Campus - Community Class | 124 | 157 |
| 98 - Off Home Campus - Full-Time Early Childhood Special Education Setting | 124 | 157 |


### *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 StudentSpecialEducationProgramAssociation Entity

The TSDS PEIMS StudentSpecialEducationProgramAssociation Entity allows for only **one** instructional setting code to be reported for a student.

A student will have an instructional setting code of 00 reported on the TSDS PEIMS StudentSpecialEducationProgramAssociation Entity when:

- a student is receiving speech therapy and no other special education instructional or related services; or
- a student is receiving speech therapy and one or more related services (supportive services that do not constitute instructional services such as occupational therapy, physical therapy, etc.) but **no** special education instructional services.

The above is true regardless of whether the therapy and related services, if applicable, are provided by a push-in model in a general education classroom/setting or a pull-out model in another location.

A student whose instructional setting is coded as 00 on the TSDS PEIMS StudentSpecialEducationProgramAssociation Entity must have a speech therapy indicator (SPEDProgramSvc (C341)) 24 (Special Education Student Receives Speech Therapy Only).

A student will NOT have an instructional setting code of 00 reported on the TSDS PEIMS StudentSpecialEducationProgramAssociation Entity when the student receives speech therapy (regardless of whether the therapy is provided by a push-in model in a general education classroom or pull-out model in another location) and also receives special education instructional services. In this case, the instructional setting used for the TSDS PEIMS StudentSpecialEducationProgramAssociation Entity will be the student's primary instructional arrangement and will indicate a speech therapy indicator (SPEDProgramSvc (C341)) 25 (Special Education Student Receives Speech Therapy and Other SPED Instructional Setting). If the student receives related services, the time spent in those related services in a special education setting will be considered when determining the student's instructional arrangement setting.

### Instructional Setting Code 00: Information Specific to TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity

The TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity (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. The only time two instructional setting codes are reported is when a student receives special education instructional services in addition to speech therapy.

A student who is receiving speech therapy services and is **not** receiving special education 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 TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity for that period: 00. Code 00 is used regardless of whether the therapy is provided by a push-in model in a general education classroom or a pull-out model in another location and if the student is receiving any other related services.

A student who receives speech therapy services **and who also receives special education instructional services in a special education setting (see exception below as to why special educational instructional services in a general education setting cannot be reported through the TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity)** for a given period should have **two** instructional setting codes reported on the TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity for that period: 00 and the other instructional setting through which the student is receiving special education instructional services.

**Exception:** The SpecialEducationProgramReportingPeriodAttendance Entity does not permit reporting of the 40 - Mainstream instructional setting code. If a student receives their special education instructional services in a general education instructional setting and also receives speech therapy services, the SpecialEducationProgramReportingPeriodAttendance Entity should have only one instructional setting code reported: 00.

### Additional Information

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

For coding examples, see 4.18.10 Speech Therapy Only Examples and 4.18.11 Speech Therapy with Other Services 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 ARD committee has received medical documentation that the student is expected to incur full-day absences from school for a minimum of four weeks for medical reasons, which can include psychological disorders. The weeks need not be consecutive.[118] The medical documentation must be provided by a physician licensed[119] to practice in the United States.[120]
- When determining whether to approve this placement, the ARD committee must review documentation related to anticipated periods of confinement to the home, as well as whether the student is determined to be chronically ill or have any other unique medical circumstances that would require the placement in order to provide a free appropriate public education (FAPE) to the student.
- Medical documentation does not guarantee the placement, as the student's ARD committee must determine whether the placement is necessary to provide FAPE. If so, the ARD committee will determine the amount of services to be provided to the student at home.

Home-based (homebound) instruction for students aged three through five may be provided when determined appropriate by the child's ARD committee and as documented in the student's IEP. There is

[118] 19 TAC §89.1005(e)(2)(A)
[119] Access the Texas Medical Board's searchable database of licensed physicians at https://profile.tmb.state.tx.us/. Throughout 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.
[120] 19 TAC §89.1005(e)(2)(A)

no requirement for this placement to be for medical reasons, and this will be reported as the homebound instructional setting.

Students who are confined to or educated in hospitals as this is defined in the TEC, §29.014, also need to be recorded in the homebound instructional setting.

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 12.4.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services.

### 4.7.2.1 Homebound Notes

In making eligibility and placement decisions for students six years of age and older, 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, unless the student receives dyslexia instruction in the homebound setting from a PDI who is not required to be a certified special education teacher.

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, Have Visual Impairments, or Are Deaf Blind

Infants and toddlers (children from birth through two years of age) who are DHH, have a VI or who are deaf blind may receive home instruction as determined by the IFSP team and be reported as homebound. See 4.10.1 Infants Receiving Home-Based Services, and 4.10.2 Infants Receiving Center-Based Services for detailed information.

### 4.7.2.4 Early Childhood Special Education (ECSE) and Homebound Services

Students aged three through five years (not in kindergarten) for whom the ARD committee has determined that home instruction is appropriate and thereby homebound as the appropriate instructional setting should be reported with a grade level of EE 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 in kindergarten (5 years old on or before September 1) or older. A student in kindergarten 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 and related service providers each week. Use the following chart to calculate eligible days present. The chart is not intended to dictate the maximum number of hours that a student can or should be served. The number of hours a student is served each week is determined by the student's ARD committee.

**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)<br>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)<br>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.

Students that begin school as homebound, including CEHI, may indicate their "official entry date" as the first day of the school year as long as all the documentation requirements are met and the full number of hours needed are provided by the end of that 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.[121] **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

[121] Access the Texas Medical Board's searchable database of licensed physicians at https://profile.tmb.state.tx.us/.

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.

### 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 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 is for providing special education services by school district personnel at a hospital or other medical facility, or at a residential care and treatment facility not operated by your school district. If a student residing in the facility is provided special education and related services at a school campus but the student's parent is **not** a district resident, the student is considered to be in the residential care and treatment facility instructional setting code described below. If a student residing in the facility is provided special education and related services at a school campus and the student's parent, including a surrogate parent, **is** a district resident, the student's instructional arrangement is reported based on the services that are provided at the campus on the same basis as a resident student residing with his or her parents.

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)

Although referred to as a class, this instructional setting code is a support program for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled, direct involvement by special education personnel in the implementation of the student's IEP. This instructional setting code will be used in conjunction with the student's transition plan, as documented in the student's IEP, and may include special education services received in CTE work-based learning programs. This may include special education services received within CTE classes, such as Career Preparation, or in work-based learning for local credit, as specified by the ARD committee and documented in the IEP. Periodic consultation with employers in a work-based learning program does not constitute eligibility for this instructional setting code.

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 a residential care and treatment facility.[122]

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

[122] 19 TAC §89.1005(e)(11)

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

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

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

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

According to 34 CFR §300.114, "[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 nondisabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment" may occur "only if 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 according to this least restrictive environment (LRE) standard. 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 instructional settings 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.

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

***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.

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

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

See 4.10.3 Infants (Birth through Two Years of Age) Receiving Home-Based Instruction and the District is Contracted as the ECI Provider.

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

See 4.10.4 Infants (Birth through Two Years of Age) Receiving Center-Based Instruction and the District is Contracted as the ECI Provider.

## 4.7.9 Code 34 - Other Environment

See 4.10.5 Infants (Birth through Two Years of Age) Receiving Services in Other Environment and the District is Contracted as the ECI Provider.

## 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.[123] 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.[124]

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.[125]

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

### 4.7.10.1 Requirements

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

- special education and related services provided in a general education classroom on a regularly scheduled basis;
- an IEP specifying the special education and related services that enable the student to access the enrolled grade level 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**

[123] 34 CFR, §300.39(a)(1)
[124] 34 CFR, §300.39(b)(3)(i-ii)
[125] 19 TAC §89.1005(e)(1)

**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 a majority of 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 Special Education Program Service 25 – Special Education Student Receives Speech Therapy and 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, Not in Kindergarten):** 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 instructional setting for a student in the program who receives special education services, other than speech therapy, in the general classroom. However, for the mainstream instructional setting 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 or a dual certified pre-k and 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 or a dual certified pre-k and 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

These instructional setting codes are 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**.[126]

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 setting other than general education, with the exception of a student who receives only speech therapy and one or more related services. 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.

Note that if a student receives special education instructional services and speech therapy, the appropriate resource room instructional setting is used, and SPEDProgramSvc (C341) 25 (Special Education Student Receives Speech Therapy and Other SPED Instructional Setting) is reported.

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

These instructional setting codes are used for a student who is provided special education and related services in a setting other than general education for 50 percent or more of the student's instructional day, on a regular school campus.[127]

Code 43 indicates a student is provided special education and related services in a setting other than general education for 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 in a setting other than general education for 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.

[126] 19 TAC §89.1005(e)(5)
[127] 19 TAC §89.1005(e)(6)

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

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

Base a student's **resource room/services** or **self-contained, mild/moderate/severe, regular campus** instructional setting code on the percentage of the **instructional day** that the student receives direct, regularly scheduled special education and related services in a setting other than general education 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 in a setting other than general education 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 (not in kindergarten), 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 and any other related 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). Instructional settings 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

The instructional setting for 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 (not in kindergarten)** who receive full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **This code applies to a student who receives all instruction, including special education and related services, in a special education 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 (not in kindergarten), 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.[128] 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. This instructional setting code must be used in compliance and alignment with 19 TAC §89.1092.

### *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[129] when the school district is unable to provide FAPE. This instructional setting code must be used in compliance and in alignment with 19 TAC §89.1094, which includes the providers who meet the criteria as Nonpublic or Non-District Operated Day Placements. This instructional setting code does **not** generate ADA or contact

[128] 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.

[129] 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.

hours. A nonpublic day school student should be reported with an ADA eligibility code of 0 – Enrolled, Not in Membership.

## 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 (Parental Referral To The Texas School For The DEAF (TSD)) (on the TSDS PEIMS StudentSchoolAssociation Entity).

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)

Residential care and treatment facility for these instructional settings refers to a facility at which a student with a disability currently resides, who was not placed at the facility by the ARD committee, and whose parent or guardian does not reside in the district providing the educational services to the student. These instructional setting codes are for providing special education and related services to a student on a school district campus who resides in a residential care and treatment facility and whose parents do not reside within the boundaries of the school district that is providing educational services to the student. Students with these instructional arrangement codes are included in the average daily attendance in the same way as all other students receiving special education services.

If the special education and related services are provided at the facility rather than on a school district campus, the instructional setting code used is hospital class (code 02),[130] or, if the student resides at a state-supported living center, the instructional arrangement will be considered that setting (code 30). 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.

[130] 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 the one in which the student resides and other than a nonpublic day school) not operated by a school district, or for the other services included in Code 97 described in 4.7.20 Code 91, 92, 93, 94, 95, 96, 97, or 98 – Off Home Campus.

- 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 through five years of age (not in kindergarten)**, 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*

These instructional setting codes are used for a student who is provided special education and related services and meets one of the following criteria:[131]

- The student receives special education and related services at South Texas Independent School District or Windham School District.
- The student is one of a group of students from one or more school districts served at a single location in another school district when a FAPE is not available in the sending district.
- The student is provided instruction by school district personnel in a facility not operated by a school district. This includes partial hospitalization programs or other outpatient facilities at which school district personnel are providing instruction.
- The student is in a self-contained program at a separate campus that provides only special education and related services, operated by a school district.
- The student is in a community setting or environment, not operated by a school district, that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals, with regularly scheduled instruction or direct involvement provided by school district personnel.
- The student is in a community setting, facility, or environment operated by a school district that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals.

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

[131] 19 TAC §89.1005(e)(7)

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 (not in kindergarten) who is receiving special education services in a licensed community child care facility or preschool that is working in a collaborative partnership with a school district may be coded 91, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate ADA and contact hours, a certified special education teacher must provide services under the 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 a school district that provides only special education services. This code also applies to students **three through five years of age (not in**

**kindergarten)** who receive special education and related services in a self-contained classroom on a separate campus.

This code does not apply to services provided at a facility operated by the Harris County Department of Education (HCDE), as services provided by HCDE fit under nonpublic day school (code 60) because they are a non-district operated provider described in 19 TAC §89.1094.

This code does not apply to students receiving special education and related services in 18 plus programs. See code 97 – Off Home Campus – Community Setting, Facility, or Environment for a description of community settings, facilities, or environments related to transition planning.

- 97 - Off Home Campus - Community Setting, Facility, or Environment

  Code 97 indicates that a student is receiving special education and related services in a community setting, facility, or environment that prepares the student for postsecondary education/training, integrated employment, and/or independent living in coordination with the student's individual transition goals. This includes 18 plus programs/services in settings, facilities, and environments operated by the district, as well as those not operated by the district but with regularly scheduled instruction or direct involvement provided by district personnel.

  This code also applies to a student who is receiving special education and related services in other facilities not operated by the school district, such as an outpatient facility at which school district personnel provide instruction.

  This code also applies to students **three through five years of age (not in kindergarten)** who receive special education and related services in a community setting when the setting doesn't otherwise meet the criteria for code 91 Off Home Campus - Mainstream described above.

- 98 - Off Home Campus - Full-Time Early Childhood Special Education Setting

  Code 98 indicates that a student who is **three through five years of age (not in kindergarten)** 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 Indicators

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*

Student Detail Reports and the TSDS PEIMS StudentSpecialEducationProgramAssociation Entity must contain speech therapy reporting information (Descriptor Table SPEDProgramSvc (C341)) for any student receiving special education services. Use the following information to determine how to report speech therapy for a student.

### 4.8.1.1 Special Education Program Service 24 – Special Education Student Receives Speech Therapy Only

SPEDProgramSvc 24 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 (SPEDProgramSvc 21)—and no other special education instructional services.

In other words, when the only special education service a student receives is speech therapy or speech therapy and one or more related services such as physical therapy or occupational therapy, the student's Student Detail Report and TSDS PEIMS StudentSpecialEducationProgramAssociation Entity must show an instructional setting code of 00 and a SPEDProgramSvc 24.[132] The student's TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity also must show an instructional setting code of 00. An instructional setting code of 40 **cannot** be used in this entity.

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.

**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 Only Examples.

### 4.8.1.2 Special Education Program Service 25 – Special Education Student Receives Speech Therapy and Other Services

SPEDProgramSvc 25 indicates that a student receives speech therapy **along with other special education instructional services**. When a student receives speech therapy services in conjunction with other special education instructional services, the student's Student Detail Report and TSDS PEIMS StudentSpecialEducationProgramAssociation Entity must show a SPEDProgramSvc 25, regardless of the setting in which the speech therapy services are provided. The student's TSDS PEIMS

[132] 19 TAC §89.1005(e)(4)

StudentSpecialEducationProgramAssociation Entity must show an instructional setting code **other than** 00.

For a student to be coded with an instructional setting code of 40 and a special education program service of 25 on the TSDS PEIMS StudentSpecialEducationProgramAssociation Entity, 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).

**Note:** If a student receives speech therapy and is only receiving case management support from a special education teacher, the 40 – Special Education Mainstream instructional arrangement cannot be reported. There must be some level of special education instructional services reported in the student's IEP.

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

The student's TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity must show both the student's primary instructional setting code (other than 00) and the instructional setting code 00. (The SpecialEducationProgramReportingPeriodAttendance Entity 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 SpecialEducationProgramReportingPeriodAttendance Entity should have only one instructional setting code reported: 00.)

For coding examples, see 4.18.11 Speech Therapy with Other Services Examples.

### 4.8.1.3 Special Education Program Service 23 – Special Education Student Does Not Receive Speech Therapy

SPEDProgramSvc 23 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 StudentSpecialEducationProgramAssociation Entity must show a special education program service of 23 and an instructional setting code **other than 00**. The student's TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity 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 (not in kindergarten), have historically been referred to as preschool programs for children with disabilities (PPCD).

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 or pre-k, 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 (not in kindergarten). To receive ECSE services, a child aged three through five years (not in kindergarten) must meet eligibility requirements as described in 19 TAC §89.1040. 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.[133] 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 (inclusive of general education pre-k and special education services). The

[133] TEC, §29.153

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 (inclusive of general education pre-k and special education services).

A three- or four-year old 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 free 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.[134]

To generate ADA for a student in a pre-k classroom who receives special education services during pre-k time (either pull-out or push-in) but is **not** eligible for free pre-k, a certified special education teacher or a teacher who is dually certified in pre-k and special education must provide instruction during the pre-k classroom time. ADA can be generated if the student receives at least two hours but less than four hours of instruction from a certified special education teacher (half-day ADA, code 2), or four or more hours of instruction from a certified special education teacher (full-day ADA, code 1). Only the time spent receiving instruction from a certified special education teacher counts toward the two through four hour rule for ADA eligibility.

For coding examples, see the chart on the following page. For additional examples, see the applicable examples in 7.6 Examples. The Guidance for the Student Attendance Accounting Handbook (SAAH) Early Childhood Special Education (ECSE) and Prekindergarten (Pre-K) Program Coding Chart: Question and Answer Document is to be used in conjunction with the SAAH, and contains helpful information when determining codes for students who receive ECSE services.

[134] Special education services, as explained in 19 TAC §89.1005(e)(1), may include indirect, and/or consultative services by a special education teacher. See Coding Chart 1: ECSE Services and Pre-kk for ADA eligibility.

| Coding Chart 1: ECSE Services and Pre-k* | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Student Age[1] | ADA Elig. Code | Instructional Setting Code | Grade Level | ECSE Ind. | ECI Ind | Child Count | ADA Elig. Code | Instructional Setting Code | Grade Level | ECSE 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] (push-in supports) | 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] (push-in supports) | 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 full day (at least 4 hours) and special education teacher delivers special education services for ½ day (at least 2 but fewer than 4 hours) during the pre-k classroom time (push-in supports) | 3 or 4 | 1 full-day | 40 | pre-k | 1 | 0 | 3 | 2 half-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 | 2 half-day | 40 | pre-k | 1 | 0 | 3 | 4 ineligible full-day | 40 | EE | 1 | 0 | 3 |
| served in the ½ day (at least 2 but fewer than 4 hours) pre-k classroom by pre-k teacher but leaves for special education and related services during that ½ day period in a self-contained (S-C) environment less than 21% of that time | 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 (at least 2 but fewer than 4 hours) pre-k classroom by pre-k teacher but leaves for special education and related services during that ½ day period in a S-C environment at least 21% but less than 50% of that time | 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 (at least 2 but fewer than 4 hours) pre-k classroom by pre-k teacher but leaves for special education and related services during that ½ day period in a S-C environment at least 50% but less than 60% of that time (For purposes of this example, the half day period is 3 hours, so that equates to between 90 and 108 minutes in a special education setting; if the ½ day period results in special education and related services being provided for at least 2 hours [120 minutes], then the child not eligible for free pre-k would be coded 2 half-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 by pre-k teacher for ½ day (at least 2 but fewer than 4 hours) and in a S-C classroom for another ½ day (at least 2 but fewer than 4 hours) (For purposes of this example, the half day periods are equal for a total of 4 hours, so that equates to 50% of the day in a special education setting; if they are not equal, calculate total amount of hours and determine percentage of time in special education setting.) | 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 (at least 2 but fewer than 4 hours) and in a S-C classroom for another ½ day (at least 2 but fewer than 4 hours) | 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 (at least 2 but fewer than 4 hours) pre-k classroom by pre-k teacher but leaves for special education and related services during that ½ day period in a S-C environment more than 60% of that time (For purposes of this example, the ½ day period is 3 hours, so that equates to more than 108 minutes in a special education setting; if the ½ day period results in special education and related services being provided for at least 2 hours [120 minutes], then the child not eligible for free pre-k the ADA eligibility code would be 2 half-day.) | 3 or 4 | 2 half-day | 44 | pre-k | 1 | 0 | 3 | 5 ineligible half-day | 44 | EE | 1 | 0 | 3 |
| served in the pre-k classroom (full day) by pre-k teacher but leaves for special education and related services in a S-C environment more than 60% of the instructional day | 3 or 4 | 1 full-day | 44 | pre-k | 1 | 0 | 3 | 4 ineligible full-day | 44 | EE | 1 | 0 | 3 |
| served in a S-C classroom by a special education teacher for a 1/2 day (at least 2 but fewer than 4 hours) (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 a full day (at least 4 hours) (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 (at least 2 but fewer than 4 hours) pre-k classroom by pre-k teacher 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 |

*** For the purposes of this chart, a 1/2 day is at least two hours but less than four hours and a full day is at least four hours.**

**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] A student eligible for special education services 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 determines it the most appropriate placement. This is true for both 3- and 4-year olds, regardless of whether the district operates an eligible 3-year-old pre-k program. However, eligible pre-k students must still continue to be granted enrollment.

[3] The pre-k and special education teachers must be teaching concurrently (or a dual certified special education and pre-k teacher must be teaching the student) for at least 2 hours but fewer than 4 hours if an ineligible pre-k student is to be eligible for half-day attendance or for at least 4 hours if an ineligible pre-k student is to be eligible for full-day attendance. See 4.7.10.1.1 Requirements.

[4] Refer to 4.7.14 Code 45 - Full-Time Early Childhood Special Education Setting.

### 4.9.4 ECSE Services and Students in Kindergarten

ECSE services are special education services provided to children aged three through five years, not in kindergarten. Students aged 5 on or before September 1 who are enrolled in kindergarten are not eligible for ECSE services. In other words, once a child is enrolled in kindergarten, he or she is no longer considered to be receiving ECSE services.

The ECSE indicator should not be used for a kindergarten student. The ECSE indicator (SPEDProgramSvc 19) for that student should be changed from 1 to 0 prior to entry into kindergarten. Also, note that a student who is in kindergarten must not have an instructional setting code of 45 - Full-time Early Childhood Special Education Setting. See 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 ECSE 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 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 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 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 2: 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** | **ECSE 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 Students 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 TEA's Parentally Placed Private School Children with Disabilities Quick Guide and Frequently Asked Questions 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 **TSDS PEIMS Fall Submission** child count date 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

If your district is involved in the provision of ECI services and other support services[136] for infants and toddlers (children aged two years or younger) who have VIs, who are DHH, or who are deaf blind, the infants or toddlers are eligible to generate ADA and your district can claim funding. If the district is contracted with HHSC as the ECI provider, funding would be generated under that contract separate from this handbook and the student would be coded as enrolled, not in membership. The following subsections describe the coding information to use for these children.

## *4.10.1 Infants Receiving Home-Based Services*

All infants (birth through two years of age) receiving services at home provided by the district (not as the contracted ECI provider) 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<br>**2 - Eligible for Half-Day Attendance** if the infant is served at least two hours but fewer than four hours per week<br>**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.

## *4.10.2 Infants Receiving Center-Based Services*

All infants (birth through two years of age) receiving services provided by a district in a day care center, rehabilitation center, or other school/facility contracted with the Health and Human Services Commission (HHSC) as an ECI provider/program (district is not the contracted ECI provider) 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**<br>*or*<br>**97 - Off Home Campus**<br>*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 week<br>**2** - **Eligible for Half-Day Attendance** if the infant is served at least two hours but fewer than four hours per week<br>**1** - **Eligible for Full-Day Attendance** if the infant is served at least four hours per week |

[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.

### 4.10.3 Infants (Birth through Two Years of Age) Receiving Home-Based Instruction and the District is Contracted as the ECI Provider

**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 and the District is Contracted as the ECI Provider

**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 **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 and the District is Contracted as the ECI Provider

**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.

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 StudentSchoolAssociation Entity as a transfer student (attribution 06 – 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 StudentSpecialEducationProgramAssociation Entity and SpecialEducationProgramReportingPeriodAttendance records using C067 (RegionalDaySchoolProgramForDeaf) 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 06 - Transfer Student on the StudentSchoolAssociation Entity.) |
| 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 06 – Transfer Student on the StudentSchoolAssociation Entity.) |

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

| Coding Chart 3: Services for Students With Disabilities—Exceptions to the Norm | | | | | | | |
|---|---|---|---|---|---|---|---|
| | **Student Age** | **ADA Elig. Code** | **Instructional Setting Code** | **Grade Level** | **ECSE Ind.** | **ECI Ind.** | **Child Count** |
| **Home and Center Based Care for Children Under Two Years of Age When District Not the ECI Provider** | | | | | | | |
| Home | 0–2 | 2–4 hr/*week* rule | 01 | EE | 0 | 0[1] | 0 |
| Center-based - day care, rehabilitation center, or other school/facility | 0–2 | 2–4 hr/*week* rule | 44 | EE | 0 | 0[1] | 0 |
| **Texas Health and Human Services Commission ECI Program—Operated by a School District[2]** (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 services plan | 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; or is continuing enrollment beyond meeting credit and assessment requirements for graduation, as determined eligible by their ARD committee | 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) and returned under 19 TAC §89.1070(k)—Diploma types (C062) 35, 54-56 | 18–21 | 2–4 hr/*day* rule | Per IEP | 12 | 0 | 0 | 3 |

ADA eligibility 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 (SPEDProgramSvc (C341)) 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] 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 (SPEDProgramSvc (C341)) 20. Districts without district-operated ECI programs must report children served jointly under the ECI TEA MOU using the ECI indicator (SPEDProgramSvc (C341)) 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 documentation that demonstrates that in one or more critical areas addressed in the student's IEP where the student has previously demonstrated acquired progress, the student has exhibited, or reasonably 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 annual 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 assessments (formal, informal, or both) provided by the LEA and/or the student's parents. If a student for whom ESY services were considered and rejected at the annual IEP review meeting later demonstrates a need for ESY services, the parent and district must determine either through an IEP amendment by agreement or during an ARD committee meeting, the location, duration, and frequency of ESY services the student requires.

   If a student whose IEP notes that ESY services are required withdraws from one district and registers in your district during the summer months, your district is responsible for ensuring the services are provided. This may include the direct provision of those services or contracting with the previous district or another entity to provide the services or payment for the services.

   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

[137] TEC, §48.102(j); 19 TAC §89.1065

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 or registers locally for audit purposes. Your district must report ESY services data to TEA using **ExtendedSchoolYearServicesAttendance Entity** according to the 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) 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 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. 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

Teachers must meet state requirements for certification, as established by the State Board for Educator Certification.

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]

A provider of dyslexia instruction (PDI) does not have to be a certified special education teacher unless the PDI is employed in a special education position that requires the certification.

[138] For the certification required for particular assignments, see 19 TAC Chapter 231.

For teacher requirements specific to the homebound instructional setting, see 4.7.2.1 Homebound Notes.

# 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 related service providers, 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**.

[139] Access the Texas Medical Board's searchable database of licensed physicians at https://profile.tmb.state.tx.us.

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**.

*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, with support from a job coach as specified in the student's IEP, and attends classes the other half of the day. During the instructional half of the day, the student attends one local credit course in a special education setting to address job skills, and attends two CTE classes aligned to his postsecondary goals. After three weeks, the student loses his job but remains in the local credit course and the CTE classes 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 the two CTE 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 working in a jobsite.*

**Example 2:** A student works as a volunteer in the public library close to their home, which is aligned with their postsecondary goals for employment and independent living. The student receives support from a job coach to follow work routines, complete tasks, and collaborate with coworkers on the jobsite. The student may or may not attend classes in the district in accordance with the IEP. After a period of time, the ARD committee determines that the student no longer needs direct support from a job coach and recommends that the student maintain their volunteer position independently, with periodic check-ins from the special education teacher as part of progress monitoring.

*For the time the student is receiving regularly scheduled, direct support from the job coach, the instructional setting code for the student is 08. When regularly scheduled, direct support from special education personnel is no longer needed, the ARD committee specifies the revised schedule of services, and an appropriate instructional setting code is selected to reflect the new placement.*

**Example 3:** A student completed level 1 and level 2 CTE courses in a field related to their postsecondary goals, with support from a special education teacher to adapt assignments and modify grading. In these courses the CTE teacher was the teacher of record. The student enrolls in a practicum course to get experience working in their career field of interest. The student's ARD committee determines the specially designed instruction for the CTE practicum course, including support from the Vocational

Adjustment Coordinator to make necessary adaptations on the student's worksite and regular support from a job coach.

*During the time the student is receiving regularly scheduled, direct involvement from special education personnel (i.e., the Vocational Adjustment Coordinator and job coach) in work-based learning through the practicum course, the instructional setting code for the student is 08 and the CTE code is selected based on the number of minutes per day the student is on the jobsite (see 5.5 CTE (Contact Hour) Codes).*

### *4.18.4 Code 40 - Mainstream Examples*

**Example 1:** A student attends all general education classes. Certified special education personnel are involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student. The student's IEP specifies the services that will be provided by certified special education staff members to enable the student to appropriately progress in the general education curriculum, appropriately advance in achieving the goals set out in the student's IEP, or both.

*The instructional setting code for this student is **40 - Mainstream**.*

**Example 2:** A student attends six general education classes a day. In five of the six general education classes, the student receives special education services by certified special education personnel.

*The instructional setting code for this student is **40 - Mainstream** because the student receives special education services in the general education class.*

**Example 3:** A student attends all general education classes and receives special education services in the general education setting. For 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 reported using SPEDProgramSvc (C341) 21 (Occupational and Physical Therapy).*

**Example 4:** A student attends all general education classes with an interpreter from the RDSPD.

*The instructional setting code for this student is **40 - Mainstream** because the student receives special education services in the general education setting. Regardless of the amount of time the interpreter spends with the student, the instructional setting code is **40**.*

**Example 5:** 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 StudentSpecialEducationProgramAssociation Entity and Student Detail Report:
*The instructional setting code for this student is **40 – Mainstream**. Speech therapy is reported using SPEDProgramSvc (C341) 25 (Special Education Student Receives Speech Therapy and Other SPED Instructional Setting). Occupational therapy is reported using SPEDProgramSvc (C341) 21 (Occupational and Physical Therapy).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*One instructional setting code is recorded for this student: **00 - No Instructional Setting.** (The SpecialEducationProgramReportingPeriodAttendance Entity 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 SpecialEducationProgramReportingPeriodAttendance Entity should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the BasicReportingPeriodAttendance Entity.)*

### *4.18.5 Codes 41 and 42 - Resource Room/Services Examples*

**Example 1:** A student attends four general education classes and three classes in a special education setting a day.

*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. Physical therapy is reported using SPEDProgramSvc (C341) 21 (Occupational and Physical Therapy).*

**Example 3:** A student attends all general education 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.*

**Example 4:** A student attends all general education classes, except for 45 minutes per day (instructional day is 360 minutes), as documented in the IEP, when the student receives dyslexia instruction from a provider of dyslexia instruction (PDI) who has required training as outlined in *The Dyslexia Handbook*. Certified special education personnel are involved in the implementation of the student's IEP through the provision of indirect and support services to the student.

*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 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 StudentSpecialEducationProgramAssociation Entity 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. Speech therapy is reported using SPEDProgramSvc (C341) 25 (Special Education Student Receives Speech Therapy and Other SPED Instructional Setting).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*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 (not in kindergarten) 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).*

**Example 6:** A kindergarten student (five years of age on or before September 1) receives special education and related services in a special education setting for the entire 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. **45 - Full-Time Early Childhood Special Education Setting must not be used for kindergarten students.***

## 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 four-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 three-year-old 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 StudentSpecialEducationProgramAssociation Entity:

*The instructional setting code for this student is **91 - Off Home Campus - Mainstream,** and the speech therapy is reported using SPEDProgramSvc (C341) 25 (Special Education Student Receives Speech Therapy and Other SPED Instructional Setting).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*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 StudentSpecialEducationProgramAssociation Entity and Student Detail Report:
*The instructional setting code for this student is **91 - Off Home Campus – Mainstream,** and the speech therapy is reported using SPEDProgramSvc (C341) 25 (Special Education Student Receives Speech Therapy and Other SPED Instructional Setting).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*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, competitive integrated employment, and/or independent living skills (including 18 plus programs/services and work-based learning programs). The student also receives regularly scheduled direct involvement or instruction provided by school district personnel.

*The instructional setting code for this student is **97 - Off Home Campus - Community Class**.*

**Example 9**: A student receiving special education services is currently attending an outpatient program during the school day, and the student is receiving services at the facility by school district personnel.

*The instructional setting code for this student is 97-Off Home Campus – Community Class.*

### *4.18.10 Speech Therapy Only 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 StudentSpecialEducationProgramAssociation Entity and Student Detail Report:
*The instructional setting code for this student is **00 - No Instructional Setting,** and the Speech Therapy is reported using SPEDProgramSvc (C341) 24 (Special Education Student Receives Speech Therapy Only).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*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 StudentSpecialEducationProgramAssociation Entity 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 is reported using SPEDProgramSvc (C341) 24 (Special Education Student Receives Speech Therapy Only).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*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 StudentSpecialEducationProgramAssociation Entity and Student Detail Report:
*The instructional setting code for this student is **00 - No Instructional Setting,** and the Speech Therapy is reported using SPEDProgramSvc (C341) 24 (Special Education Student Receives Speech Therapy Only).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*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 StudentSpecialEducationProgramAssociation Entity and Student Detail Report:
*The instructional setting code for this student is **00 - No Instructional Setting,** and the Speech Therapy is reported using SPEDProgramSvc (C341) 24 (Special Education Student Receives Speech Therapy Only).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*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 StudentSpecialEducationProgramAssociation Entity and Student Detail Report:
*The instructional setting code for this student is **00 - No Instructional Setting**, the Speech Therapy is reported using SPEDProgramSvc (C341) 24 (Special Education Student Receives Speech Therapy Only), and the physical therapy is reported using SPEDProgramSvc (C341) 21 (Occupational and Physical Therapy).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*The instructional setting code for this student is **00 - No Instructional Setting.***

### *4.18.11 Speech Therapy with Other Services 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 StudentSpecialEducationProgramAssociation Entity 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 is reported using SPEDProgramSvc (C341) 25 (Special Education Student Receives Speech Therapy and Other SPED Instructional Setting).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*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 StudentSpecialEducationProgramAssociation Entity 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 is reported using SPEDProgramSvc (C341) 25 (Special Education Student Receives Speech Therapy and Other SPED Instructional Setting).*

TSDS PEIMS SpecialEducationProgramReportingPeriodAttendance Entity:
*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 StudentSpecialEducationProgramAssociation Entity and Student Detail Report:
*The instructional setting code for this student is **40 - Mainstream,** and the speech therapy is reported using SPEDProgramSvc (C341) 25 (Special Education Student Receives Speech Therapy and Other SPED Instructional Setting). 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 SpecialEducationProgramReportingPeriodAttendance Entity:
*One instructional setting code is recorded for this student: **00 - No Instructional Setting.** (The SpecialEducationProgramReportingPeriodAttendance Entity does not permit reporting of the mainstream instructional setting. If a student is in a mainstream instructional setting and also receives speech therapy services, the SpecialEducationProgramReportingPeriodAttendance Entity should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the BasicReportingPeriodAttendance Entity.)*

## *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.

**Note:** At the time of posting this handbook, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on the TEC, §§48.102, 48.1021, and 48.1022, effective September 1, 2026. Readers are advised to coordinate all references to special education throughout this handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the TAC, which will be made available as they are finalized. These references include, but are not limited to, special education instructional setting codes and descriptions, contact hours, weights, full-time equivalents, required data and reports that must be available for an audit, all examples in various sections that relate to special education data reporting, and how special education contact hours intersect with career and technical education. Because the system effective prior to September 1, 2026, will be transitioning to the new system throughout the 2026-2027 school year, most of the 2025-2026 special education references will remain in this version of the 2026-2027 handbook until the funding and accounting system is completely transitioned.

**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: _____

If you have any questions for the CTE staff, please contact them at CTE@tea.texas.gov.

## 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 the Texas Higher Education Coordinating Board's teacher requirements. Postsecondary faculty are not required to be certified by the State Board for Educator Certification when teaching secondary students under articulation agreements.

    - An individual who has been issued a school district teaching permit in accordance with the TEC, §21.055, to teach a CTE course is deemed qualified by the local district that issued the permit and is not required to obtain a teaching certificate in accordance with 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 a minimum of 45 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.

[140] TEC, §21.003

[141] Reporting a teacher of record for a dual credit class taught in a non-campus-based setting is optional.

**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 the Technical Resources – Course Information in the TSDS Web-Enabled Data Standards (TWEDS), available at https://www.texasstudentdatasystem.org/tsds/teds/ods-upgrade-data-standards, 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.

Note: An LEA may **not** receive state weighted funding for CTE courses a student has previously taken and passed.

**Funding students enrolled in a Pathways in Technology Early College High School (P-TECH) Program**

Students enrolled at a TEA-designated P-TECH campus will generate $150 for each student in ADA. The campus must be designated by TEA and listed in the references section of the Texas Education Standards. Campuses report the students enrolled in the TEA-designated P-TECH program in TSDS PEIMS submissions 1 and 3 using the data element StudentCharacteristic (E3063).

The following P-TECH students will generate funding in TSDS PEIMS submission 3:

- P-TECH students in grades 9 through 12 who are coded with the descriptor 07 (P-TECH)
- P-TECH students in the Year 5 program who are coded with the StudentCharacteristic (E3063) descriptor 07 (P-TECH) and the StudentCharacteristic (E3063) descriptor 26 (P-TECH, Year 5)
- P-TECH students in the Year 6 program who are coded with the StudentCharacteristic (E3063) descriptor 07 (P-TECH) and the StudentCharacteristic (E3063) descriptor 27 (P-TECH, Year 6)

## 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 Virtual and Hybrid Education for information on time spent in virtual or hybrid instruction. See 12.3 Texas Virtual School Network (TXVSN) for information on time spent in online courses provided

[142] 19 TAC §74.27

through the TXVSN state-led online learning initiative. See 12.4 Virtual Instruction Options for information on funding for virtual and remote instruction.

See 12.5 On-Campus Online Courses for information on time spent in on-campus online courses not provided through TXVSN. See 12.6 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 9.17.1 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. For students receiving special education services, the ARD committee will develop the student's transition plan, including courses of study aligned to the student's postsecondary goals, and the PGP will be updated as appropriate.

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.

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 CTEProgramReportingPeriodAttendance Entity with the CTEServiceId 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.

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 CTEProgramReportingPeriodAttendance Entity's 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) for attendance accounting purposes. A CTE course code is used to calculate contact hours and tiered funding per the TEC, §48.106. Tiered funding is calculated based on the CTE course code and the days the student was eligible, present, and enrolled in the CTE course. (See the Texas Education Data Standards via the TSDS Web-Enabled Data Standards [TWEDS] for instructions on completing the data submission.)

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 |

[143] TEC, §25.112(c)

| CTE Course's Average Minutes per Day | CTE Code |
|---|---|
| 135–180+ | V3 |

Each CTE course must be reviewed separately to determine the average minutes per day students attend that course. Three contact hours (V3) is the maximum an LEA may claim for a single course. To qualify for CTE weighted funding, LEAs must ensure CTE course periods are a minimum of 45 minutes on standard/regular bell schedule days. Days covered by a waiver in Section 3 should be excluded from the local calculation since they are not part of the standard/regular bell schedule days. See 5.12.16 Example 16, 5.12.17 Example 17, and 5.12.18 Example 18 for examples.

**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 CTEProgramReportingPeriodAttendance Entity.

### *5.5.1 Special Instructions for Districts Operating Block Schedules*

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. An example is when a course meets on Monday, Wednesday, and Friday on "A" weeks and on Tuesday and Thursday on "B" weeks. To calculate the appropriate V-code, add the number of minutes the CTE course is scheduled for a complete cycle of courses and divide by the number of days the course is scheduled during the cycle of courses. To receive CTE weighted funding, course periods are required to be a minimum of 45 minutes in length on standard/regular bell schedule days.

Once LEA personnel have determined average minutes, they assign the applicable code to each CTE course.

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: PEIMS Calculations - 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:** "NumberDaysTaught" are the number of student instructional days scheduled in an LEA's calendar, whereas "EligibleDaysPresentV1, V2, and V3" are the number of days the course was scheduled and the student was present during the official attendance. The number of eligible CTE days varies among districts. Report contact hours by student ID and each individual CTE course code.

**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 and classroom instruction. Practicums and Career Preparation for Programs of Study 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, with accommodations or modifications as specified by the student's IEP if it is a student who receives special education services. The training site will

[144] 19 TAC §127.20, §127.21, and §127.22

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 on standard/regular bell schedule days. 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.

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 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. Student instruction during the one class period per week is 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. The training plan form is available at https://tea.texas.gov/student-readiness-and-high-school/college-career-and-military-prep/career-and-technical-education/career-and-technical-education-career-preparation-and-practicum-courses.

A student in **paid** or **unpaid** 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.

### *5.7.4 Additional Requirements for Students Participating in Paid or Unpaid Learning Experiences*

For a student participating in **paid** or **unpaid** 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 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 *physically* visit each student training site at least six times each school year. If a student's work-based learning experience is 100 percent remote, the teacher assigned may conduct online video site visits. 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.

[145] TEC, §21.404

# 5.8 Career and Technical Education Project-Based Capstone

The Career and Technical Education Project-Based Capstone 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. Adaptations such as accommodations or modifications must be implemented as specified by a student's IEP, as applicable.

An LEA must maintain a written project plan for each student enrolled in the Career and Technical Education Project-Based Capstone course. An LEA may count a student in the Career and Technical Education Project-Based Capstone 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 Career and Technical Education Project-Based Capstone course provides a combination of classroom instruction and supervised research equivalent to an average of five class periods per week. The student and teacher must meet for instruction at least once each week for the purpose of project planning, reporting, evaluation, supervision, and coordination. The student must use remaining class time to conduct research, work with the project mentor or interdisciplinary team, analyze and interpret project data, compile evaluation results, and compose a project presentation. A project progress evaluation for each grading period is required for the student to earn contact hours for that reporting period.

# 5.9 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. (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.

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[146] 19 TAC §127.19
[147] TEC, §29.184

### *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);

- 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 on standard/regular bell schedule days to receive CTE weighted funding; see 5.5. CTE (Contact Hour) Codes for more details); 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 Course Transcript Entity 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 CourseTranscript Entity 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 CTEProgramReportingPeriodAttendance Entity 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 CourseTranscript Entity 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 CTEServiceId 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 CTEServiceId 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 CTEServiceId 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 CTEServiceId 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.*

### 5.12.2 Example 2

A student is enrolled in the course Principles of Architecture for 47 minutes per day for the first semester and Principles of Applied Engineering for 47 minutes per day for the second semester.

*In the first semester, the student will be reported with the CTEServiceId 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 CTEServiceId 13036200 – Principles of Applied Engineering and the attendance data associated with V1 eligible days present. All data will be reported in the CTEProgramReportingPeriodAttendance Entity. 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.*

### 5.12.3 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 CTEServiceId 13020200 – Principles of Health Science and the attendance data associated with V1 eligible days present. The student will also be reported with the CTEServiceId 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 CTEServiceId 13020700 – Medical Microbiology and the attendance data associated with V1 eligible days present.*

*All data will be reported in the CTEProgramReportingPeriodAttendance Entity.*

*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.*

### 5.12.4 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 CTEServiceId 13039250 – Principles of Transportation Systems and the attendance data associated with V1 eligible days present in the CTEProgramReportingPeriodAttendance Entity. 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.*

### 5.12.5 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 CTEServiceId 13024800 – Child Guidance and the attendance data associated with V3 eligible days present. The student will also be reported with the CTEServiceId 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 CTEServiceId 13024800 – Child Guidance and the attendance data associated with V3 eligible days present. All data will be reported in the CTEProgramReportingPeriodAttendance Entity. 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.*

### 5.12.6 Example 6

A student in a Career Preparation for Programs of Study 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 for Programs of Study course during fourth period.

*The student will be reported with the CTEServiceId 12701141 - Career Preparation for Programs of Study/Extended Career Preparation and the attendance data associated with V3 eligible day present in*

*the CTEProgramReportingPeriodAttendance Entity. Note: Refer to the table in 5.7.1 Career Preparation Eligibility Requirements for classroom instruction and work-based learning corresponding V codes.*

### 5.12.7 Example 7

A student wants to take Foundations of Business Communication and Technologies; 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 Foundations of Business Communication and Technologies course, which is taught for a one-hour course period.

*The student will be reported with the CTEServiceId 13011400 – Foundations of Business Communication and Technologies and the attendance data associated with V1 eligible days present in the CTEProgramReportingPeriodAttendance Entity. 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.*

### 5.12.8 Example 8

A student in grade seven is taking Touch System Data Entry. The course is scheduled for 46 minutes per day.

*The student will be reported with the CTEServiceId 13011300 – Touch System Data Entry and the attendance data associated with V1 eligible days present. 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.*

### 5.12.9 Example 9

A student enrolls in Interior Design I, a one-credit CTE course scheduled for 48 minutes, 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 scheduled for 96 minutes, instead of Interior Design I.

*For the first two weeks, the student will be reported with the CTEServiceId 13004300 – Interior Design I and the attendance data for those two weeks associated with V1 eligible days present in the CTEProgramReportingPeriodAttendance Entity. When the student enrolls in the next course, the student will be reported with the CTEServiceId 13020410 – Health Science Theory/Health Science Clinical and the attendance data associated with V2 eligible days present in the CTEProgramReportingPeriodAttendance Entity. The LEA should maintain documentation of the student's schedule change.*

### 5.12.10 Example 10

A student attends school at the high school campus, which operates on a modified block schedule. The student is enrolled in Advanced Animal Science. This course meets for 94 minutes on even numbered days of the month.

*The student will be reported with the CTEServiceId 13000700 – Advanced Animal Science and the attendance data associated with V2 eligible days present in the CTEProgramReportingPeriodAttendance Entity. To illustrate, the student receives 470 minutes of instruction in Advanced Animal Science over a complete cycle of courses. One week, the course meets on Monday, Wednesday, and Friday, for a total of 282 minutes. The following week, the course meets on Tuesday and Thursday, for a total of 188 minutes of instruction. 470 instructional minutes/5 scheduled course days = 94 minutes (V2).*

### 5.12.11 Example 11

A student receiving special education services is enrolled in Principles of Health Science (V1). The student develops a physical impairment, and the school obtains a statement from a physician licensed to practice in the United States affirming that the physical impairment will confine the student to home or hospital bedside for at least 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.*

### 5.12.12 Example 12

A student is enrolled in three hours of high school credit courses, including a CTE course that is scheduled for one hour. The student is also enrolled in a dual credit CTE course scheduled for two hours 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.

### 5.12.13 Example 13

A student enrolled in a CTE course receives CEHI services during the postpartum period.

*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 an appropriately 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 data submission.*

### 5.12.14 Example 14

An eighth grade student is enrolled in a Principles of Law, Public Safety, Corrections, and Security course that is scheduled daily for 48 minutes.

*The student will be reported with the CTEServiceId 13029200 – Principles of Law, Public Safety, Corrections, and Security and the attendance data associated with V1 eligible days present in the CTEProgramReportingPeriodAttendance Entity. (See the TSDS Web-Enabled Data Standards for instructions on completing the TSDS PEIMS Student Entity for CTE students.*

### 5.12.15 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 CTEProgramReportingPeriodAttendance Entity for the CTEServiceId 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).*

### 5.12.16 Example 16

An LEA's standard/regular bell schedule has 45-minute course blocks. The LEA will hold four pep rallies and two assemblies this year. Will the LEA receive CTE weighted funding since the days the pep rallies and assemblies are held the courses are less than 45 minutes?

*The LEA will receive CTE weighted funding because their standard/regular bell schedule is 45 minutes. Pep rallies and assemblies are an occasional occurrence.*

### 5.12.17 Example 17

An LEA's standard/regular bell schedule has 50-minute blocks for courses Monday through Thursday. On Fridays, the course blocks are reduced to 30 minutes and students meet for tutoring the remainder of the day. Will the LEA receive CTE weighted funding since they run the same schedule each week?

*The LEA will not receive CTE weighted funding since courses on Fridays are less than 45 minutes. Standard/regular bell schedules must be a minimum of 45 minutes.*

### 5.12.18 Example 18

An LEA has a fire drill on Monday, which reduces the number of minutes in a CTE course from 47 minutes to 21 minutes. Will the LEA receive CTE weighted funding?

*The LEA will receive CTE weighted funding because their standard/regular bell schedule is 45 minutes. Fire drills are an occasional occurrence.*

# Section 6 Bilingual/English as a Second Language (ESL)

This section addresses unique provisions for bilingual education through bilingual and ESL 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. 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 by which the language proficiency assessment committee (LPAC) determines that an EB student has met the appropriate criteria to be classified as English Proficient (EP), and the student enters year one of monitoring as indicated in TSDS PEIMS. Exit is the point at which a student is no longer classified as an EB student and ends bilingual or ESL program services based on LPAC recommendation and parental approval.

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 program coding questions should be directed.

Name: _____

Phone Number: _____

If you have any questions for the TEA Bilingual Education program staff, please contact them at emergentbilingualsupport@tea.texas.gov.

# 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 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 which languages are used at home, which languages are used by the child at home, and which languages were used in a previous home setting, if applicable (see 6.10.1 Home Language Survey (HLS) Requirements). Students in grades nine through 12 may complete the HLS themselves.

   If multiple languages are indicated on any of the three questions, districts are guided to report the language other than English. If multiple languages other than English are listed, districts are guided to ask the parent to indicate (in writing or through documented phone conversation) which of the two non-English languages is used most of the time. This clarification should occur in a timely manner so the identification process can be completed within the four-week period. If English is indicated on questions 1 and 2 but a language other than English is indicated on question 3, districts are guided to report the language other than English for the student language.

   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 three required questions on the home language 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 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 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)). The student's primary language proficiency level is not a criteria for identification but is used for subsequent instructional purposes.

3. The 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 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 descriptor in the attendance accounting system until parental consent is received.

4. The LPAC must use the standardized Parental Notification of Identification and Approval of Placement letter to inform the parent that the student has been identified as EB and to request documented parental approval to place the student in the required bilingual or ESL program. The notice must include information about the benefits of the bilingual or ESL 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 Parental Notification of Identification and Approval of Placement letter, 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 descriptor and parental permission descriptor[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 education allotment (BEA) 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 Descriptor Table 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 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.

[148] To find the appropriate descriptors to use, consult the program type descriptor tables available at https://www.texasstudentdatasystem.org/tsds/teds/ods-upgrade-data-standards. Bilingual program types and ESL program types are found in the C335 (LangInstruProgramSvc) table. Parental permissions are found in the C093 (Parental Permission) table.

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 provide 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, LPAC documents such as parental approval forms, and/or TSDS PEIMS data, from the sending district that shows the student was identified as EB. The receiving district documents that the original HLS was not included in the student's cumulative folder and document the attempts and/or reason why the HLS was not obtained.
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 descriptor and parental permission descriptor[149] 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 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 (including children coded as EE) 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 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 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 program

The LPAC's responsibilities for each EB student at the time of program placement include the following, as stated in 19 TAC, §89.1220(g):

- Designate the language proficiency level of each EB student in accordance with 19 TAC §89.1226(b)-(f).
- For Texas transfer students, review permanent record and LPAC documentation from the previous Texas school district to determine EB identification.

[149] To find the appropriate descriptors to use, consult the program type descriptor tables available at https://www.texasstudentdatasystem.org/tsds/teds/ods-upgrade-data-standards. Bilingual program types and ESL program types are found in the C335 (LangInstruProgramSvc) table. Parental permissions are found in the C093 (Parental Permission) table.

- Recommend, subject to parental approval, the initial instructional placement of each EB student without restricting access due to scheduling, staffing, or class size constraints.
- Review linguistic progress and academic achievement data of each EB student to inform instructional practices
- Facilitate EB student participation in other special programs for which they are eligible while ensuring full access to the language program required under the TEC, §29.053.

### *6.3.1 Students Participating in the Bilingual or ESL Program but Do Not Generate BEA Funding*

The following students **may participate in** a district's bilingual or ESL 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, 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, or an ESL program.

### *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 services and the only summer school program available is the required bilingual/ESL summer school program for kindergartners and incoming first graders, then the student is **not** eligible to generate bilingual/ESL ADA in the summer school program.[150] 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 program.

### *6.3.3 Requirement to Serve Eligible Students*

A district **must** place a student in a bilingual or ESL 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 still provide linguistic supports as needed to ensure the student is developing proficiency in English. The student is assessed annually in the TELPAS until the student meets reclassification criteria. Review parental permission descriptors for clarification.

## 6.4 Program Services: Bilingual and ESL Services a District Is Required to Provide

Each district is required to offer a bilingual and/or ESL program for identified EB students, based on the following requirements:

[150] 19 TAC §89.1250(2)(B)

- In the elementary grades (pre-k [including children coded as EE] through fifth or sixth grade when clustered with elementary grades), a bilingual 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 program, an ESL program must be provided in pre-k (including children coded as EE) 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 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 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

For information on weighted BEA funding, see this Fact Sheet.

**Bilingual Program:** For a district to claim eligible days present for BEA funding, a district must show that its bilingual program meets at least one of the three following state requirements, as applicable.[151]

1. An EB student is served in a bilingual program model per the requirements in 19 TAC §89.1210(c), including instruction delivered by appropriately certified teacher(s). The four state-approved bilingual program models include: dual language immersion/one-way, dual language immersion/two-way, transitional bilingual early exit, and transitional bilingual late exit. The appropriate bilingual program type descriptor should be recorded for each student served in a bilingual program.
2. An EB student is served through alternative methods approved by TEA under an exception to the bilingual program. A TEA-approved exception remains valid for the current school year only (TEC, §29.061; 19 TAC §89.1207(a)(1)). The appropriate alternative method type descriptor should be recorded for each student served through alternative methods under a bilingual 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 or an approved alternative method one-way or two-way dual language immersion program.

**English as a Second Language (ESL) Program:** 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.[152]

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

[151] 19 TAC §89.1210; 19 TAC §89.1205
[152] 19 TAC §89.1210; 19 TAC §89.1205

program models include: ESL content-based and ESL pull-out. In high school, the ESL program must be consistent with graduation requirements.[153] The appropriate ESL program type descriptor should be recorded for each student served in an ESL program.

2. An EB student is served through alternative methods approved by TEA under a waiver to the ESL program. A TEA-approved waiver remains valid for the current year only.[154] The appropriate alternative method type descriptor should be recorded for each student served through alternative methods under an ESL waiver.

**Note:** EB students served through approved alternative methods one-way or two-way dual language immersion program models generate the 0.15 BEA weight. Non-EB students served through approved alternative methods for a two-way dual language immersion program model generate the 0.05 BEA weight.

## 6.6 Program Services: Teacher Certification Requirements

The following charts describe the certification requirements for teachers of bilingual and ESL programs in pre-k (including children coded as EE) 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.

| Bilingual Program Models | Teacher Certification Requirement |
|---|---|
| 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 | |
| transitional bilingual/late exit | teacher(s) certified in grade level/content area and in bilingual education |
| transitional bilingual/early exit | |

| ESL Program Models | 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 certification.

[153] under 19 TAC Chapter 74

[154] TEC, §29.061; 19 TAC §89.1207

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/Alternative Methods (AM) eligible days present in the attendance accounting system. District personnel must do the following:

- Identify each student who is participating in the bilingual program or ESL program, or under an AM descriptor, and who is eligible for funding, according to 6.3 Initial Program Placement/Eligibility, with the appropriate bilingual, ESL, or AM descriptor[155] in the attendance accounting system.
- Record the total number of eligible bilingual/ESL/AM 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/AM days present, for every student in the program, by grade level on this report. There will be a separate Campus Summary Report for each instructional track for each campus in the district. The Campus Summary Report must include the total eligible bilingual/ESL/AM days present for each grade level on that campus, the total eligible bilingual/ESL/AM 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 /AM days present for each grade level in the district, the total eligible bilingual/ESL/AM days present for all grades, and the district's bilingual/ESL/AM ADA.

## *6.7.1 Eligible Days Present and Students Placed in a Disciplinary Setting*

Bilingual/ESL/AM eligible days present must **not** be claimed when a student participating in a bilingual or ESL 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 program services are not provided by a bilingual or ESL program teacher. After five consecutive days without participation in the bilingual or ESL program, district personnel should remove the student's days from the TSDS PEIMS BilingualESLProgramReportingPeriodAttendance Entity for bilingual/ESL/AM 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 bilingual education, including a bilingual or an ESL 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

[155] To find the appropriate descriptor to use, consult the program type descriptor tables available at the following link: https://www.texasstudentdatasystem.org/tsds/teds/ods-upgrade-data-standards. Bilingual/ESL/AM types are found in the C335 (LangInstruProgramSvc) table.

equitably in grade-level content instruction that is delivered with no second language acquisition supports, per the TEC, §29.056(g). See the Emergent Bilingual Student Reclassification Criteria Chart for current reclassification requirements.

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 program via TEA's standardized letter.[156] In alignment with the goals of dual language immersion program models, the LPAC will likely recommend that the English proficient student continue in the dual language immersion program model with parental approval for the duration of the bilingual program.

### *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 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 model.

### *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 Indicators 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 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

[156] 19 TAC §89.1240(b)

- 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 Indicators 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 Student, descriptor 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 experience.

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 (including children coded as EE) 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:[157]

1. the original home language survey
2. the identification of the student as EB
3. the designation of the student's level of language proficiency
4. the recommendation of program placement done annually
5. parental approval or denial of placement into the program
6. the date of placement in the program
7. documentation of state assessment participation decisions, any designated supports provided, and the justification for these decisions[158]
8. additional instructional linguistic accommodations provided to address the specific language needs of the student

[157] 19 TAC §89.1220(l)

[158] in accordance with 19 TAC Chapter 101, Subchapter AA, Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments

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 the date of exit from the program with parental approval
11. the results of monitoring the student's academic success, including two years after students have been reclassified
12. TELPAS scores

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.[159] 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).

### *6.10.3 Quality Control*

A district must record the appropriate bilingual, ESL, or AM descriptor[160] 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 descriptor is correct.

## 6.11 Resources

For further detailed guidance, examples, and resources, visit the TXEL Portal and the TEA Bilingual and English as Second Language Education Programs webpage. Additional resources for program implementation can be found in the Program Implementation section of the TXEL Portal.

[159] 19 TAC §89.1220(l)

[160] To find the appropriate descriptor to use, consult the program type descriptor tables available at the following link: https://www.texasstudentdatasystem.org/tsds/teds/ods-upgrade-data-standards. Bilingual program types and ESL program types are found in the C335 (LangInstruProgramSvc) table.

# 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.

**Note:** At the time of posting this handbook, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on the TEC, §§48.102, 48.1021, and 48.1022, effective September 1, 2026. Readers are advised to coordinate all references to special education throughout this handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the TAC, which will be made available as they are finalized. These references include, but are not limited to, special education instructional setting codes and descriptions, contact hours, weights, full-time equivalents, required data and reports that must be available for an audit, all examples in various sections that relate to special education data reporting, and how special education contact hours intersect with career and technical education. Because the system effective prior to September 1, 2026, will be transitioning to the new system throughout the 2026-2027 school year, most of the 2025-2026 special education references will remain in this version of the 2026-2027 handbook until the funding and accounting system is completely transitioned.

> **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.[161] 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.[162]

## 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: _____

If you have any questions for the TEA pre-k staff, please contact them via the Early Childhood Education Support Portal.

[161] TEC, §29.153(a-1)
[162] TEC, §29.153(d)

## 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:[163]

- be unable to speak and comprehend the English language
- be educationally disadvantaged[164] (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[165]
- be the child[166] 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[167] 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[168] 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
- be the child of a person employed as a classroom teacher at a public primary or secondary school in the school district that offers a pre-k class under this section

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 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.

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[163] TEC, §29.153(b)

[164] The TEC, §5.001(4), defines "educationally disadvantaged" as "eligible to participate in the national free or reduced-price lunch program."

[165] 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.)

[166] "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.

[167] "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.

[168] HB 357

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.

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 the process to verify eligibility 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. While verification of eligibility which includes collection of documentation for any of the eligibility criteria listed above may not begin until April 1 of each year, districts may begin communications about pre-k programs and begin collecting preliminary registration information such as student and parent contact information on January 1 of each year. Documentation related to pre-k eligibility and verification may not be collected until April 1 of each year.

### *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 to reflect the student's eligibility for free public pre-k. 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.

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:** Beginning at three years of age, students who are eligible for and receiving special education and related services may be placed in a pre-k class by the student's ARD committee if the committee determines that is the most appropriate placement, regardless of whether the district operates a three-year-old pre-k 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 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 EB following the process outlined in Section 6 Bilingual/English as a Second Language (ESL).

If a student who qualifies for pre-k on the basis of identification as an 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.[169] This requirement also applies to pre-k EB three-year-olds who are promoted to the pre-k EB four-year-old program.

If a student who qualifies for pre-k on the basis of being identified as 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 the process to verify eligibility 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 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[170] 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).

### 7.2.2.1 Documentation Required

If the student is eligible for pre-k based on the identification as emergent bilingual, the following documentation must be on file.

- HLS. The standardized HLS is administered in English and the home language. For students of other language groups, the HLS is provided in the home language whenever possible. The survey contains the following questions:[171]
  - "What language(s) is/are used in the child's home most of the time?"
  - "What language(s) does the child use most of the time?"
  - If the child had a previous home setting, what language(s) was/were used for communication in that home setting?
- 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 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

[169] See 19 TAC §89.1220(g)(2).
[170] 19 TAC §89.1226(b)
[171] 19 TAC §89.1215(b)

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/cn/eligibility-manual-school-meals, or the Texas Department of Agriculture's (TDA) *NSLP Handbook: Administrator's Reference Manual*, available at http://www.squaremeals.org/Programs/NationalSchoolLunchProgram/NSLPPolicyamp;ARM.aspx. For additional information concerning the NSLP at the state level, contact the TDA. Your district must provide documentation to the TDA in accordance with the TDA's requirements to qualify a student for the NSLP and code an eligible pre-k student as economically disadvantaged for the purposes of state compensatory education funding.

   Additional notes regarding the State Medicaid program: The only way to verify if a student receives Medicaid Free or Reduced is through direct verification in Texas-ELMS, to which staff verifying pre-k eligibility do not have access. Additionally, there are other types of assistance in Texas that produce an assistance card/EDG number similar to Medicaid but would not qualify for the NSLP due to income levels. It is recommended that LEAs request income documentation to verify that a student's family income level meets the requirements for a student's participation in the NSLP.

**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. Your district must provide documentation to the TDA in accordance with the TDA's requirements to qualify a student for the NSLP and code an eligible pre-k student as economically disadvantaged for the purposes of state compensatory education funding.

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 experiencing homelessness, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child.

The term "homeless child," as used in the pre-k 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, students experiencing homelessness 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[172] in the armed forces:

Those who qualify as a member of the armed forces include:

- 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

[172] "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.

- 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 the process to verify eligibility 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 US 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.

Department of Family and Protective Services (DFPS) Child Protective Services creates verification letters that serve as proof of pre-k eligibility. If a parent or caregiver does not have this letter, he or she may obtain evidence of a child's eligibility for pre-k services by sending the student's full name and date of birth to prekverificationltrs@dfps.texas.gov. DFPS 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 should present this signed letter to the appropriate district personnel. If additional support is needed, contact a local DFPS education specialist. More information about DFPS education specialists can be found at DFPS - Education Specialists.

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 the process to verify eligibility 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 Star of Texas Awards web page. 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.[173]

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.

## 7.2.8 Pre-k Eligibility Based on a Parent's Employment as a Classroom Teacher

If a student's parent or guardian is employed as a classroom teacher at a public primary or secondary school in the school district that offers a pre-k class under the TEC, §29.153, that student is eligible. A classroom teacher is defined as an educator who is employed by a school district and who teaches in an academic instructional setting or a career and technology instructional setting for no less than four hours per day. This definition of a classroom teacher does not include a teacher's aide or a full-time administrator. See the TEC, §5.001.

The child of a classroom teacher who works at a school in a school district that offers pre-k is eligible for pre-k in the district where the teacher/parent is employed.

### 7.2.8.1 Documentation Required

If a student is eligible for free pre-k based on the parent's employment as a classroom teacher, documentation must be verified as part of the enrollment process. School systems should determine locally how to verify that a staff member meets the definition of classroom teacher for the purposes of pre-k eligibility. Examples of documentation can be, but are not limited to, the following:

- a new hire letter
- a letter from human resources or campus administrator confirming staff position

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, that child remains eligible without reverification prior to the next school year.

[173] Office of the Governor Past Star of Texas Awards

## 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[174]
- passport
- school ID card, records, or report card
- military ID
- hospital birth record
- adoption records
- church baptismal record
- any other legal document that establishes identity and age

Appropriate 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. 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 descriptors 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 descriptor table in the TEDS, available at https://www.texasstudentdatasystem.org/tsds/teds/tweds-upgrade.)

**Note: The two-through-four-hour rule includes recess, breakfast, and lunch. For funding purposes, instructional time includes recess, breakfast, and lunch.**

[174] 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.

| 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 SPEDProgramSvc (C341) 24 (Special Education Student Receives Speech Therapy Only) is reported. 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 SPEDProgramSvc (C341) 24 (Special Education Student Receives Speech Therapy Only) is reported, 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 EB. 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 emergent bilingual 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.*

### 7.6.1 Example 10

A pre-k age student is determined educationally disadvantaged and eligible for free pre-k during spring registration after April 1, based on the documentation submitted for pre-k enrollment. At the beginning of the school year, the student does not qualify for free or reduced meals based on the federal NSLP application and is not coded as economically disadvantaged.

*The student is eligible for pre-k, and his ADA eligibility code is **2 - Eligible for Half-Day Attendance**. The student is not considered economically disadvantaged and is coded **00 - Did Not Qualify As Economically Disadvantaged.** The student will continue to draw half-day ADA for free pre-k but will not draw additional state compensatory education funds for an economically disadvantaged status.*

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# Section 8 Gifted/Talented

This section addresses unique attendance accounting provisions for the gifted/talented program. They must be applied in conjunction with the general rules in 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: | | |

If you have any questions for the Gifted/Talented Education staff, please contact them at gted@tea.texas.gov.

## 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.[175]

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.

[175] 19 TAC §89.1(4)

The gifted/talented indicator code (StudentCharacteristic (C344) 15) 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 shown without the indicator code in the subsequent period unless the gifted/talented program services are resumed for the student during that subsequent period.[176]

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 (StudentCharacteristic (C344) 15) 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 (StudentCharacteristic (C344) 15) 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.[177]

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:

[176] Texas Education Data Standards
[177] 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[178]

## 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 the gifted/talented indicator code (StudentCharacteristic (C344) 15) 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 without the gifted/talented indicator code 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 the gifted/talented indicator code (StudentCharacteristic (C344) 15) 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 another campus to receive gifted/talented instruction, your district should count the student's participation in the program only once.

[178] 19 TAC §89.1(1–3, 5)

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 (StudentCharacteristic (C344) 15) 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 (StudentCharacteristic (C344) 15) 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 (StudentCharacteristic (C344) 15) 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 (StudentCharacteristic (C344) 15) 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 (StudentCharacteristic (C344) 15) 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.

*No gifted/talented indicator 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.[179] 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 general education 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 12.4.3.3 Remote Homebound Instruction—Regular Education Students or 12.4.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services, as applicable.

[179] 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 12.4 Virtual Instruction Options. For information on remote home instruction, including applying for a waiver to provide remote instruction see either 12.4.3.3 Remote Homebound Instruction—Regular Education Students or 12.4.3.4 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 StudentEducationOrganizationAssociation Entity, SpecialProgramsReportingPeriodAttendance Entity, and/or FlexibleRegularProgramPeriodAttendance Entity. A student who is pregnant should be coded as at-risk on the StudentEducationOrganizationAssociation Entity using the StudentCharacteristic (C344) 14 (Pregnancy Related Services).

**Note:** At the time of posting this handbook, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on the TEC, §§48.102, 48.1021, and 48.1022, effective September 1, 2026. Readers are advised to coordinate all references to special education throughout this handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the TAC, which will be made available as they are finalized. These references include, but are not limited to, special education instructional setting codes and descriptions, contact hours, weights, full-time equivalents, required data and reports that must be available for an audit, all examples in various sections that relate to special education data reporting, and how special education contact hours intersect with career and technical education. Because the system effective prior to September 1, 2026, will be transitioning to the new system throughout the 2026-2027 school year, most of the 2025-2026 special education references will remain in this version of the 2026-2027 handbook until the funding and accounting system is completely transitioned.

**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: _____

If you have any questions for the PRS staff, please contact them at pregnancyrelatedservices@tea.texas.gov.

## 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 9.17.1 Example 4.)

### 9.2.3 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.<br><br>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. |
| 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.<br><br>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.<br><br>After 10 weeks of postpartum confinement, the student is no longer eligible for CEHI.<br><br>For options after PRS eligibility ends, see 3.7 General Education Homebound (GEH) Program. |

### *9.2.4 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[180] licensed[181] 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.

[180] The term "medical practitioner" includes a physician, an advanced nurse practitioner, and a midwife licensed under the Texas Occupations Code, Chapter 203.

[181] 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://profile.tmb.state.tx.us.

- 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 for all students who are being served in the PRS program and who are eligible for state funding (see 9.2 Eligibility and Eligible Days Present).

## 9.7 On-Campus PRS Support Services

A student may be served with PRS support services while she is pregnant and attending classes on a district campus. If your district serves prenatal students with on-campus support services, it will receive the 2.41 PRS weighted funding. Your district should code students in the attendance accounting system as receiving PRS while they are being served on campus (see the Section 9 introduction). Though on-campus support services are optional, they may be necessary for the academic, mental, or physical health of the student to ensure that she does not drop out of school.

A campus official must record the date of the initial contact with the pregnant student and document that on-campus services are being provided.

The services must address the needs of the student with regular, routine support services. Infrequent or sporadic occurrences of support services do not qualify your district for PRS funding.

## 9.8 CEHI during Prenatal Confinement

If your district serves students with CEHI during a prenatal confinement, it will receive the 2.41 PRS weighted funding. Though providing support services to a student who is receiving CEHI during prenatal confinement is optional, these services may be necessary for the academic, mental, or physical health of the student to ensure that she does not drop out of school.

Documentation for each event of prenatal confinement must be obtained from a licensed medical practitioner to verify that a medical necessity for confinement has been determined to exist.

There is no limit to the length of time or number of times CEHI may be provided to a student during the prenatal period. The length of time and number of times the student is provided CEHI services is dependent on the licensed medical practitioner's documentation.

## 9.9 CEHI during Postpartum Confinement

If your district offers a PRS program and an eligible student has not refused program services, your district must provide the student with postpartum CEHI either until the student chooses to return to school or until the end of the sixth week from the beginning date, whichever comes first. The student is not required to provide a medical note indicating a need for confinement to be eligible for or receive postpartum CEHI through the sixth week from the beginning date. Provision of CEHI during postpartum confinement may be extended for 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 is required. 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 |
| **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.[182]

## 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.[183] 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)<br>5 days present PRS, 0 days absent (if the week is a 5-day week) |
| More than 4 hours | 4 days present PRS, 0 days absent (if the week is a 4-day week)<br>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.

A student who commences school on homebound (including CEHI) may indicate their "official entry date" as the first day of the school year as long as all the documentation requirements are met and the full number of hours needed are provided by the end of that week.

## 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,**

[182] Information on the PRS waiver can be found at https://tea.texas.gov/StateWaivers/.

[183] 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.

**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 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 student receiving special education services 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 (StudentCharacteristic (C344) 14) 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)<br>5 days present SPED and PRS (if the week is a 5-day week) |
| More than 4 hours | 2 hours | 4 days present SPED and PRS (if the week is a 4-day week)<br>5 days present SPED and PRS (if the week is a 5-day week) |

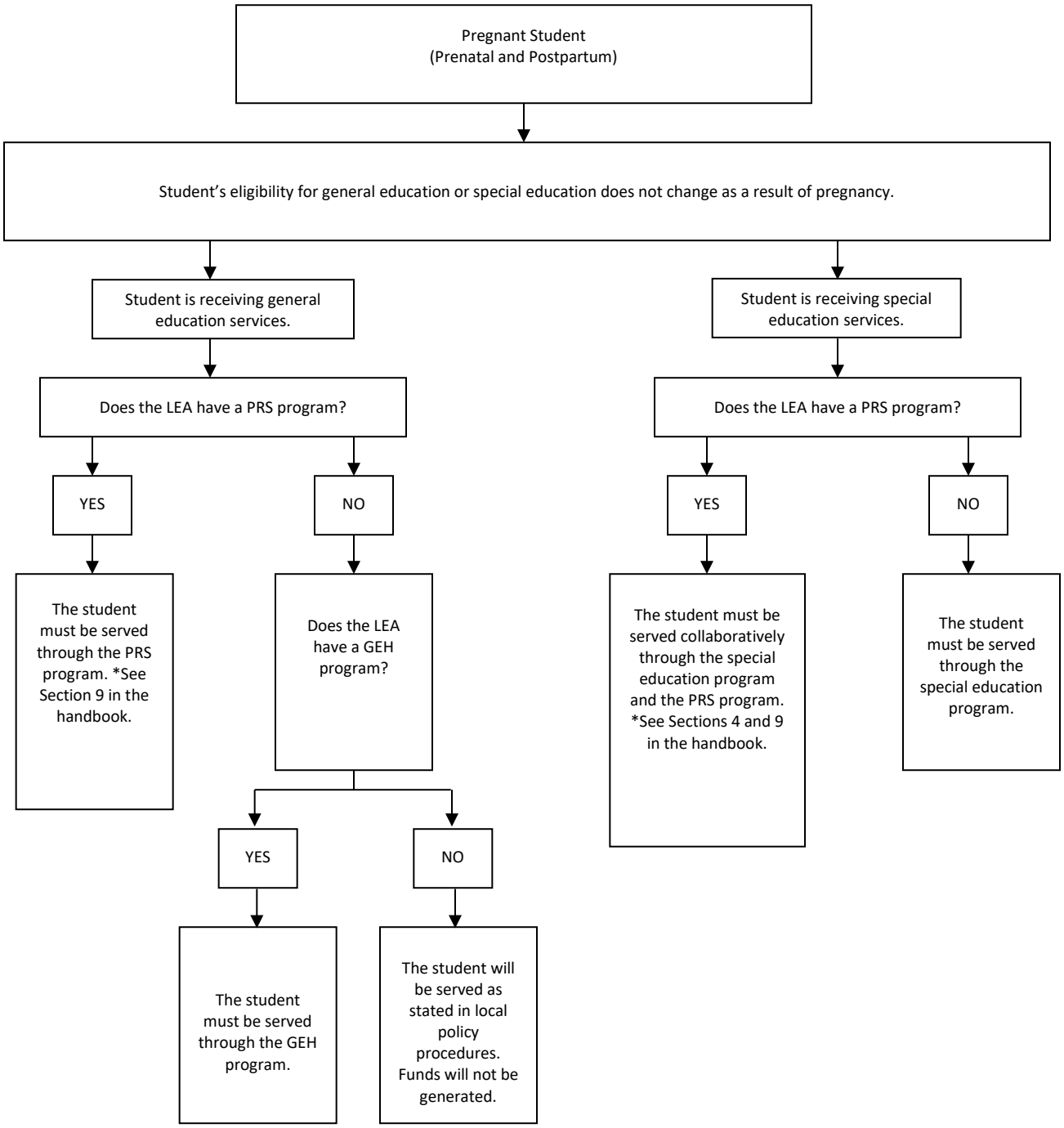
Eligible days present are determined each week, and a week is from Sunday through Saturday. Service hours must not be accumulated and carried forward from one week to the next, and service hours must not be applied to a previous week.

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 9.17.1 Example 8 for an example of what must occur when a 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 9.17.1 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 9.17.1 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 during the prenatal or extended postpartum periods to take required state assessments needs 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.

- When a student physically returns to campus to resume their regular schedule. This may or may not be the date the student was scheduled to return.

**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 (StudentCharacteristic (C344) 14) 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 (StudentCharacteristic (C344) 14) 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 CTEProgramReportingPeriodAttendance Entity or the FlexibleCTEProgramReportingPeriodAttendance Entity; however, the student may be reported on the StudentCTEProgramAssociation Entity.*

### 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 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. As long as all of the required documentation is obtained, and the student is provided the full amount of CEHI hours by the end of that first week, the district may claim her entry date as August 15 for attendance funding.*

### 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, 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.[184] The rules and regulations of the FSP documented in this handbook apply regardless of the AEP that is implemented.

**Note:** At the time of posting this handbook, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on the TEC, §§48.102, 48.1021, and 48.1022, effective September 1, 2026. Readers are advised to coordinate all references to special education throughout this handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the TAC, which will be made available as they are finalized. These references include, but are not limited to, special education instructional setting codes and descriptions, contact hours, weights, full-time equivalents, required data and reports that must be available for an audit, all examples in various sections that relate to special education data reporting, and how special education contact hours intersect with career and technical education. Because the system effective prior to September 1, 2026, will be transitioning to the new system throughout the 2026-2027 school year, most of the 2025-2026 special education references will remain in this version of the 2026-2027 handbook until the funding and accounting system is completely transitioned.

**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.

[184] 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:_____

If you have any questions for the Division of Policy and Compliance staff within the Office of Special Populations and Student Supports, please contact them at studentdisciplinesupport@tea.texas.gov.

# 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.[185] The ExitWithdrawType (C162) reported on the TSDS PEIMS StudentSchoolAssociation Entity is 98 - Other (reason unknown or not listed above).

## *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

[185] TEC, §25.001(b)(1)

district can get more information on contracting for education services by contacting the applicable program division at TEA.

**Note:** Neither the TEC nor the TAC outline teacher requirements for the disciplinary alternative setting of an in-school suspension program.

## 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.[186]

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.[187] 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.[188]

## 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.

[186] TEC, §48.005
[187] TEC, §7.056
[188] TEC, §37.011(f)

Students residing in the kinds of facilities listed in the previous paragraph or in any other residential facility[189] 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.[190] While some residential facilities provide an education program for their residents, most of these facilities call on the district of residence (district in 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.[191] 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 https://www.texasstudentdatasystem.org/tsds/teds/tweds-upgrade.

## *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.

**Note:** A 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.

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[189] 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)."

[190] TEC, §25.001(b)(7)

[191] 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.

**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)[192] |
| a **mandatory expulsion**. | less than 125,000 | yes (ADA code 0, 1, or 2), unless the county has created a JJAEP approved by TJJD,[193] 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) |
| 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.

Under the TEC, §37.0083, a student may be placed in a virtual expulsion program instead of a JJAEP. The district must be able to verify a student's daily participation, for the student to be counted in the district's ADA for state funding under the FSP.

### *10.6.2 Disciplinary Removals of Students with Disabilities*

The education services provided to a student who receives special education services 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 or a JJAEP, a student served by special education must receive all current IEP designated services.

(For information regarding funding and expulsion to a JJAEP, see the chart in the preceding subsection.)

[192] Funding is provided to the JJAEP by the TJJD. TEC, §37.011(h).

[193] If the JJAEP is approved by the TJJD, funding is provided by the TJJD. General Appropriations Act, Article V, TJJD Rider 13.

### *10.6.3 Out-of-School Suspension (OSS)*

A principal or other appropriate administrator may assign an out-of-school suspension (OSS) to 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.[194] A student in a grade level below grade three or who is experiencing homelessness may not be given an OSS unless engagement of a conduct that relates to the TEC, §37.005(c), occurs.

An OSS must not exceed three school days. Your district **must count an OSS student absent** if the student does not meet ADA requirements for attendance accounting purposes.

**A student is not eligible for ADA if the student has been assigned OSS for the first day of school.** A student cannot be absent on the first day of school. Refer to 3.3.5 Entry and Reentry Dates.

**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.*

#### 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.

*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 assigned a three-day OSS because the student violated your district's student code of conduct.

*Your district should code the student as absent while he or she is serving the three-day OSS assignment.*

[194] TEC, §37.005(a)

# 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).[195]

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.

[195] 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[196] 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 (CourseCodes) to designate courses unless they have completed the AP course audit process and received approval from the College Board.<br><br>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[197]-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 (CourseCodes) to designate courses unless they are authorized by the IBO. |

[196] postsecondary
[197] International Baccalaureate Organization

| College Credit Option | Definition | College Credit (at Texas PS[196] Institutions) | Eligibility for Foundation School Funds | District Expense | Student Expense | Other Considerations |
|---|---|---|---|---|---|---|
| **Dual Credit**<br>**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 | Corresponding College Courses may be included from the Academic Course Guide Manual (ACGM) or Workforce Education Course Manual (WECM) course as determined by PS institution and school district. | Eligible regardless of whether course and textbook are available free to the student[198] | District may choose to pay part or all of students' tuition, purchase required textbooks, or both.<br><br>**Note:** FAST participating institutions and partnerships must follow the FAST requirements. Only students eligible for FAST must be able to take the course at no charge, including tuition, books, fees, and other educational materials.<br><br>All other dual credit students attending high school in a school district or charter school in Texas can be charged tuition and other course costs as long as the tuition amount does not exceed the maximum rate specified through rule by Texas Higher Education Coordinating Board. | Any tuition or textbook expenses not waived or not provided by the institution or district.<br><br>**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.<br><br>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.<br><br>Dual credit and dual enrollment are synonymous. |

[198] TEC, §28.009(a-2)

| College Credit Option | Definition | College Credit (at Texas PS[196] 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.<br><br>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.[199] | To operate an ECHS, districts must receive ECHS designation from TEA.<br><br>ECHS students have up to five years to complete the program.<br><br>Districts that have the ECHS model as part of shared programming in a designated Rural Pathways Excellence Partnership (R-PEP) must track dual credit academic student contact hours per six-weeks reporting period for each student and each course. See 11.11 Rural Pathway Excellence Partnership Program (R-PEP). |

[199] per 19 TAC §102.1091(d)(3)

| College Credit Option | Definition | College Credit (at Texas PS[196] 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 §102.1091** | 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.<br><br>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.<br><br>P-TECH students have up to six years to complete the program.<br><br>Districts that have the P-TECH model as part of shared programming in a designated Rural Pathways Excellence Partnership (R-PEP) must track dual credit academic student contact hours per six-weeks reporting period for each student and each course. See 11.11 Rural Pathway Excellence Partnership Program (R-PEP). |
| **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[200] 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. |

[200] workforce education course manual

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

A dual credit or dual enrollment course must meet the following requirements:

- The course is offered pursuant to an agreement under 19 TAC §4.84 (relating to Institutional Agreements)
- A course for which the student may earn one or more of the following types of credit:
    - joint high school and junior college credit under the TEC, §130.008, or
    - another course offered by an institution of higher education, for which a high school student may earn semester credit hours or equivalent of semester credit hours toward satisfaction of:
        - a CTE course defined in 19 TAC §4.83 satisfies a requirement necessary to obtain an industry-recognized credential, certificate, or an associate degree;
        - a foreign language requirement at an institution of higher education;
        - a requirement in the core curriculum, as that term is defined by the TEC, §61.821, at an institution of higher education; or
        - a requirement in a field of study curriculum developed by the Texas Higher Education Coordinating Board under the TEC, §61.823.

Dual credit includes a course for which a high school student may earn credit only at an institution of higher education (previously referred to as a dual enrollment course) if the course meets the requirements of 19 TAC Chapter 4, Subchapter D.

Dual credit and dual enrollment are synonymous.

An institution is not required to offer dual credit courses for high school students.

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.[201] Note that TAC rules for ECHS and P-TECH programs[202] prohibit requiring a student enrolled in an ECHS or P-TECH 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.[203]

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[204]

A high school student is eligible to enroll in dual credit courses if the student demonstrates college readiness in alignment with 19 TAC §§4.51–4.62 and 19 TAC §§4.81–4.87.

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[201] TEC, §28.009(a-2)
[202] 19 TAC §§102.1091–1095
[203] specified in 19 TAC Part 1, Chapter 4, Subchapter D, and in 19 TAC Part 2, Chapter 74, Subchapter C
[204] 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 3.8.1.7 Waivers Related to Students Taking Dual Credit Courses at IHEs with Calendars Beginning before the Fourth Monday in August.

#### 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 in alignment with 19 TAC §§4.51–4.62 and 19 TAC §§4.81–4.87. For districts that have College and Career Readiness Schools models as part of shared programming in a designated Rural Pathways Excellence Partnership (R-PEP), see 11.11 Rural Pathway Excellence Partnership Program (R-PEP).

## 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 https://www.txhighereddata.org/institution-overviews/course-and-program-inventories/acgm/.

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)

ADSY provides half-day or three-fourths-day formula funding for school systems that add instructional days to any campuses serving ADSY-eligible students in grades pre-k through eight (TEC, §48.0051). Districts will generate formula funding for up to 30 additional instructional days beyond a minimum of 175 full instructional days. ADSY funding is available at the campus level. To be eligible for ADSY funding, a campus must meet the following components:

- Eligibility: Formula funding for ADSY is available to campuses that serve at least one grade level within grades pre-k through 8.
- Calendar requirements: Campus-wide academic calendar(s) must include at least 175 full instructional days with 75,600 operational minutes for all attendance tracks, not including staff development waivers. See 3.2.2 Funding Eligibility for FSP attendance requirements, including the two-through-four-hour rule for half-day and full-day eligibility.
- Additional days: Campuses may add up to 30 additional instructional days beyond the minimum 175-day regular year academic calendar.
- Instructional requirements:
    - To qualify for the *half-day* formula funding: A teacher meeting the school system's certification requirements must deliver at least two hours of instruction on designated ADSY days.
    - To qualify for the *three-fourths-day* formula funding: A teacher meeting the school system's certification requirements must deliver at least four hours of instruction on designated ADSY days, and the campus must provide 200 or more total days of instruction (e.g., 175 regular year days and 25+ ADSY days, for which all 25+ ADSY days will generate three-fourths-day funding).

- Scheduling: ADSY days must be hosted on distinct calendar days, separately from regular instructional calendar days or other ADSY days (e.g., ADSY days cannot be hosted in the second part of a regular instructional day; two ADSY days cannot be hosted on the same calendar day).

### 11.5.1 ADSY Program Design and Waivers

Districts may implement an ADSY program that utilizes anywhere from one to 30 additional days 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 175 days of instruction. 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. There are no waivers available for the "up to 30" ADSY days themselves. The ADSY waiver days are for the purpose of ensuring compliance with the 175 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. If an LEA applies for and receives a missed school day waiver, the day(s) will count towards the 175-day total under the TEC, §48.0051(c). Depending on the situation, an LEA may need to apply for both the ADSY waiver and the Missed School Day waiver during the school year. However, both waivers would not be needed for the same date.

Should an LEA utilizing ADSY funding file for and receive a low attendance waiver as described in 3.8.1.4 Low-Attendance Day Waivers, the granting of a low attendance waiver does not reduce the 175 days of instruction for ADSY purposes. As such, an ADSY waiver is not required to be filed for the same date as an approved low-attendance day waiver.

The ADSY waiver will follow the same weather, health, and safety waiver approval guidelines as the missed school day (MSD) waiver. This means that the ADSY waiver will not be granted for closures due to other circumstances (e.g., election days). LEAs are encouraged to plan their academic calendars accordingly to avoid the need for such waivers and plan for makeup instructional days as needed.

The ADSY waiver applies only to base calendar instructional days missed for health, weather, or safety reasons. This waiver supports compliance with the 175-day base calendar requirement. It does not apply to missed ADSY days. School systems pursuing the three-quarters-day pathway are **strongly encouraged** to plan for at least two additional ADSY days beyond the required 25 to keep the school system eligible for three-quarters-day formula funding if an ADSY day is missed.

### 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 175-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 campus in which the student is enrolled is held accountable to the 175-day requirement for all instructional tracks at the campus, even if the student is attending a different campus for the additional days. Additionally, the funding for the additional days will go to 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[205] 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.

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 in person at a campus, remotely, or through a hybrid of in-person and remote instruction

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,

[205] See the TEC, §29.0822.

- 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 is 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.

Special education services for students who have completed credit and assessment requirements for graduation and have been determined eligible by their ARD committee to continue enrollment as specified in 19 TAC §89.1070(h) or (j) do not meet the statutory eligibility for OFSDP. The district should follow the schedule of services in the IEP and claim the applicable ADA funding.

### *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**.

There are a few cases where changing the type of record used during a reporting period is allowed, such as when a student enrolls in OFSDP for the first time or transitions in or out of a DAEP placement. Another would be for an OFSDP student to begin receiving PRS CEHI services in the middle of a six-week reporting period. The student's attendance is then reported with a BasicReportingPeriodAttendance Entity (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 is reported with a FlexibleRegularProgramReportingPeriodAttendance Entity 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 a Remote or Hybrid Dropout Recovery Education Program

Eligible students may participate in courses offered through a remote or hybrid dropout recovery education program if they are enrolled in a Texas public school district or open-enrollment charter school with an approved OFSDP. These students are eligible to generate FSP funding.

Enrollment in courses for grades nine through 12 taken through a remote or hybrid dropout recovery education program at a district with an approved OFSDP may apply toward ADA eligibility status.

A remote or hybrid dropout recovery education program under the TEC, §29.081 (e-2), must operate as one of the following models under the TEC, Chapter 30B:

- a full-time hybrid program as defined in the TEC, §30B.001;
- a full-time virtual program as defined in the TEC, §30B.001; or
- a full-time hybrid or virtual campus authorized under the TEC, Chapter 30B

Online dropout recovery education programs under OFSDP must be able to track and report the number of minutes spent by an eligible student in each course so that minutes do not exceed the maximum allowed per course.

Among other provisions, remote or hybrid dropout recovery education programs are specifically required to:

- include as part of its curriculum credentials, certifications, and other course offerings that relates directly to employment in the state;
- employ faculty and administrators with baccalaureate or advanced degrees;
- provide an academic coach or local advocate for each student;
- use an individual learning plan to monitor each student's progress;
- provide a monthly report to the student's school district or open-enrollment charter school regarding the student's progress;
- perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the commissioner; and
- operate an in-person student engagement center at a location suitable for high school students.

A dropout recovery education program:

- may be operated only by an entity that is accredited by the agency or a regional accrediting agency;
- must offer or provide referrals for mental health services to students enrolled in the program; and
- may not market directly to students enrolled in a traditional education program.

For an eligible OFSDP student completing OFSDP courses for credit recovery through a remote or hybrid 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 provided instruction for at least 120 minutes of instruction per day for half-day attendance or at least 240 minutes of instruction per day for full-day attendance. (See 3.2.2 Funding Eligibility for more information on ADA eligibility.)

## *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 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 BasicReportingPeriodAttendance Entity and a FlexibleRegularProgramReportingPeriodAttendance Entity 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 FlexibleRegularProgramReportingPeriodAttendance Entity**.

### *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 https://tea.texas.gov/about-tea/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 https://tea.texas.gov/about-tea/state-funding/additional-finance-resources/optional-flexible-school-day-program.

## 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.

### 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 https://tea.texas.gov/about-tea/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.[206]

### 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 FlexibleRegularProgramReportingPeriodAttendance Entity. 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.

[206] TEC, §29.087(d); 19 TAC §89.1403

For additional rules and instructions related to the HSEP, visit the TEA HSEP web page at https://tea.texas.gov/student-readiness-and-high-school/high-school-equivalency-program/high-school-equivalency-program.

# 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.[207]

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.[208]

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.[209]

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, Space Force, 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[210] 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.

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[207] The Texas Legislature enacted the compact through the TEC, §162.002.
[208] pursuant to 10 USC, §1209 and §1211
[209] See Article II of the compact in the TEC, §162.002, for the full definition.
[210] The US National Oceanic and Atmospheric Administration Commissioned Corps website is https://www.omao.noaa.gov/noaa-corps.

The US Public Health Services Commissioned Corps[211] is made up of approximately 6,000 public health professionals who help administer national public health promotion and disease prevention programs through federal programs and agencies. Corps members include doctors, nurses, pharmacists, therapists, researchers, and engineers.

## *11.9.2 Notable Compact Provisions and Requirements*

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:

- 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;
- an official letter or transcript from the proper school authority showing the child's attendance record, academic information, and grade placement;
- documented evidence of appropriate immunization; and
- 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[212] 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

[211] The US Public Health Service Commissioned Corps website is https://usphs.gov/.
[212] TEC, §25.087

Excused Absences for Compulsory Attendance Purposes. That same statute also permits a student to be counted as present for FSP funding purposes if the student is absent to visit with a parent, stepparent, or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides. Your district is required to excuse up to 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.[213]

# 11.10 Off-campus Programs

A board of trustees of a school district or a governing body of a charter holder may adopt a policy that allows a student to participate in an off-campus instructional program, including learning pods offered by public school systems.

## *11.10.1 Participation Requirements*

For a school district or an open-enrollment charter school to receive FSP funding for a student participating in an off-campus program, the district or charter school must have documentation of an agreement between the district or charter school and the entity as authorized under the TEC, §11.157, and the TEC, §48.007.

The school district or charter is responsible for ensuring the off-campus program approved under this section complies with any requirements to which the school district or charter school is subject.

## *11.10.2 Attendance Accounting*

Funding eligibility for a student participating in an off-campus program includes time instructed in the off-campus program. A campus may choose an alternate attendance taking time for a group of students that is scheduled to be off campus during the regular attendance taking time. The alternate 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 for the duration of employment). Unless otherwise permitted by TEA, this alternate attendance taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the school district must ensure that attendance is taken in accordance with this handbook.

# 11.11 Rural Pathway Excellence Partnership Program (R-PEP)

For guidance regarding LEA and student participation in the R-PEP program, please visit the TEA R-PEP webpage for more program and contact information.

For districts that have College and Career Readiness Schools models (ECHS or P-TECH) as part of shared programming in a designated Rural Pathways Excellence Partnership (R-PEP), dual credit academic student contact hours must be tracked per six-weeks reporting period for each student and each course.

[213] TEC, §25.087(b-4)

# Section 12 Virtual, Hybrid, Remote, and Electronic Instruction

This section addresses attendance accounting as it relates to virtual and hybrid instruction, remote instruction, and self-paced computer courses.

**Note:** At the time of posting this handbook, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on the TEC, §§48.102, 48.1021, and 48.1022, effective September 1, 2026. Readers are advised to coordinate all references to special education throughout this handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the TAC, which will be made available as they are finalized. These references include, but are not limited to, special education instructional setting codes and descriptions, contact hours, weights, full-time equivalents, required data and reports that must be available for an audit, all examples in various sections that relate to special education data reporting, and how special education contact hours intersect with career and technical education. Because the system effective prior to September 1, 2026, will be transitioning to the new system throughout the 2026-2027 school year, most of the 2025-2026 special education references will remain in this version of the 2026-2027 handbook until the funding and accounting system is completely transitioned.

## 12.1 Responsibility

In the following spaces, provide the name and phone number of the district personnel to whom all questions related to virtual, hybrid, remote, and self-paced electronic instruction should be directed.

Name:_____

Phone Number:_____

## 12.2 Virtual and Hybrid Education

Senate Bill 569, passed during the 89th Texas Legislature, 2025, established the TEC, Chapter 30B. As a result of this legislation, school systems may offer virtual and hybrid instruction through a variety of models, including courses, programs, or campuses.[214]

The information and provisions in this subsection apply specifically to courses, programs, and campuses under the TEC, Chapter 30B. They do not apply to any other form of electronically delivered instruction. See 12.3 Texas Virtual School Network (TXVSN) for information on the TXVSN statewide course catalog and full-time online school program. See 12.4 Virtual Instruction Options for information on remote instruction. See 12.5 On-Campus Online Courses for requirements related to time spent in on-campus

[214] TEC, §30B.006

online courses not provided through the TEC, Chapter 30B, or the TXVSN. See 12.6 Self-Paced Computer Courses for requirements related to time spent in self-paced computer courses.

For more information on virtual and hybrid education and to view the list of available courses, visit the virtual and hybrid education website at https://tea.texas.gov/curriculum-and-instruction/learning-support-and-programs/texas-virtual-school-network/texas-virtual-school-network-online-schools-program.

## *12.2.1 Virtual and Hybrid Education Student Eligibility*

A student who meets the eligibility requirements may enroll in a virtual or hybrid course, full-time program, or full-time campus.

### 12.2.1.1 Virtual and Hybrid Courses

A student enrolled in a school district or open-enrollment charter school is eligible to take virtual or hybrid courses.

### 12.2.1.2 Virtual and Hybrid Full-Time Programs

A student who meets the eligibility requirements to enroll in a brick-and-mortar campus of a school district or open-enrollment charter school is eligible to enroll in a virtual or hybrid program.

### 12.2.1.3 Virtual and Hybrid Full-Time Campuses

A student who is eligible to enroll in a public school in Texas is eligible to enroll in a **full-time hybrid campus.**[215]

A student is eligible to enroll in a **full-time virtual campus** if the student meets the following criteria:

- attended a public school in this state for a minimum of six weeks in the current school year or in the preceding school year;
- is enrolled in the first grade or a lower grade level in the school year in which the student first seeks to enroll in the full-time virtual campus;
- was not required to attend public school in this state due to nonresidence during the preceding school year;
- is a dependent of a member of the United States military who has been deployed; or
- has been placed in substitute care in this state.[216]

## *12.2.2 Virtual and Hybrid Education Funding and Accounting*

If an eligible student participates in a course, program, or campus offered under the TEC, Chapter 30B, 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.

Virtual and hybrid courses must meet the course requirements outlined in the TEC, Chapter 30B. School systems must do the following:

[215] TEC, §30B.103(a)
[216] TEC §30B.103(b)

- Certify that each course includes the appropriate TEKS and meets the National Standards for Quality Online Courses.[217]
- Provide instruction at the appropriate level of rigor for the grade level at which the course is offered and prepare students enrolled for the next grade level or subsequent course in a similar subject area.[218]
- Submit information on virtual courses to TEA to be published on the agency website.[219]

Any hybrid or virtual course offered to a student receiving special education services or other accommodations must be designed and delivered in a manner that meets the student's individual needs, consistent with the TEC, Chapter 29, Subchapter A, and with federal law, including IDEA, and Section 504 of the Rehabilitation Act of 1973, as applicable.[220]

### 12.2.2.1 Virtual and Hybrid Courses

**Key Definitions**
**Virtual Course** refers to a course in which instruction and content are delivered synchronously or asynchronously primarily over the internet.

**Hybrid Course** refers to a course in which a student is in attendance in person for less than 90 percent of the minutes of instruction provided, and the instruction and content are delivered synchronously or asynchronously over the internet, in person, or through other means.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in one or more virtual or hybrid courses (that is, for purposes of determining whether the student is eligible for half-day or full-day attendance), the student must be scheduled for and provided at least 120 minutes of instruction per day to be eligible for half-day attendance, and at least 240 minutes of instruction per day to be eligible for full-day attendance. (See 3.2.2 Funding Eligibility for more information on ADA eligibility.)

The virtual or hybrid course counts toward the total instructional minutes required for eligibility. A campus may choose to set the virtual or hybrid course to have the same number of instructional minutes per day as the corresponding in-person course offered at the same school. (See 3.2.2 Funding Eligibility for more information on ADA eligibility.)

A student taking four or more virtual or hybrid courses must be enrolled in a full-time virtual or hybrid program or campus.

For purposes of recording daily attendance for a student in a virtual or hybrid course, the student's daily attendance is determined by whether that student was present or absent on campus at the official attendance-taking time. If the student is not scheduled to be on campus at the official attendance-taking time, the student's daily attendance is determined by whether the student was present or absent at the

[217] TEC, §30B.051(a)
[218] TEC, §30B.051(a)(2)
[219] TEC, §30B.057(b)
[220] TEC, §30B.052(b)

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 the ADA eligibility status of a student enrolled in a virtual or hybrid course for a semester based upon in-person attendance.

### 12.2.2.2 Full-time Virtual and Hybrid Programs

School systems are permitted to offer full-time virtual and hybrid programs under the TEC, Chapter 30B, within an existing brick-and-mortar campus, without additional authorization.

- **Full-Time Virtual Program** is an educational option where students attend almost entirely online, receiving instruction and content primarily via the internet, either synchronously or asynchronously, with minimal to no in-person attendance.
- **Full-Time Hybrid Program** is a full-time educational option where a student attends in-person classes for less than 90 percent of instructional time. Instruction can be delivered online (synchronously or asynchronously), in person, or through other methods. Hybrid programs may be organized so that courses are delivered partly in-person and partly online or scheduled such that students attend both virtual and in-person classes within the same school day, or through a combination of these methods.

Enrollment in these programs must be less than 50 percent of the total students enrolled at the campus. A district or open-enrollment charter school must have a locally approved instructional plan and clearly defined policies to inform implementation are recommended for effective program operation.

School systems operating full-time virtual or hybrid programs must meet the requirements of providing 75,600 operational minutes or 43,200 instructional minutes for qualifying programs. See 3.8 Calendar for more information. ADA eligibility for students enrolled in these programs is determined by the ADA eligibility code reported by the school system.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in a full-time virtual or hybrid program, a student is considered scheduled for and provided instruction for courses taken with least 120 minutes of instruction per day for half-day attendance, or at least 240 minutes of instruction per day for full-day attendance.

For purposes of recording daily attendance for a student in a full-time virtual or hybrid program, the student's daily attendance is determined by the school system-approved instructional plan and policy. Attendance is taken daily and may be conducted anytime between 12:00 am and 11:59 pm each day the campus is open, or within a more specific time frame as specified by the school system's approved policy. School systems must maintain documentation to support the daily attendance a student has earned.

Daily measurement options for attendance may include:

- daily progress in the learning management system (LMS) that confirms students accessed instruction, as defined by the school system;
- daily check-in via teacher-student interactions that confirm students accessed instruction, as defined by the school system; or

- completion/turn-in of assignments from student to teacher (potentially via email or online).

School systems may select from these options or implement **another locally approved daily measurement**, provided it is defined in the instructional plan and consistently documented.

Districts and open-enrollment charter schools receive the same amount of funding per student for a full-time virtual program, or full-time hybrid program as it would for the same course or program offered fully in person.

#### 12.2.2.3 Full-time Virtual and Hybrid Campuses

School systems must be authorized by TEA to operate a full-time virtual or hybrid campus.

- **Full-Time Virtual Campus:** a school district or open-enrollment charter school campus at which at least 50 percent of the enrolled students are enrolled in a full-time virtual program authorized under the TEC, Chapter 30B.
- **Full-Time Hybrid Campus:** a school district or open-enrollment charter school campus at which at least 50 percent of the enrolled students are enrolled in a full-time hybrid program authorized under the TEC, Chapter 30B.

School systems operating a full-time virtual or hybrid campus must meet the requirements of providing 75,600 operational minutes or 43,200 instructional minutes for qualifying programs. See 3.8 Calendar for more information. ADA eligibility for students enrolled in the campus is determined by the ADA eligibility code reported by the school system.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in a full-time virtual or hybrid campus, the student must be scheduled for at least 120 minutes of instruction per day for half-day attendance, or at least 240 minutes of instruction per day for full-day attendance.

For purposes of recording daily attendance for a student in a full-time virtual or hybrid campus, a student is reported as present for each day the student is enrolled on the campus.

For full-time virtual or hybrid campuses, ADA will be calculated using the number of enrolled full-time equivalent students multiplied by the average attendance rate of the district or open-enrollment charter school offering the campus, excluding students enrolled in those virtual or hybrid campuses. If a reliable attendance rate is not available, the statewide average will be used instead.[221]

### *12.2.3 Enrollment in a Virtual or Hybrid Course, Full-Time Program, or Full-Time Campus, and Receipt of Special Program Services*

A student's enrollment in one or more virtual or hybrid courses, a full-time program, or a full-time campus offered under the TEC, Chapter 30B, does not necessarily preclude a district from serving the student in other special programs, such as special education, CTE, bilingual/ESL education, or PRS. Nor does it necessarily preclude a 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 virtual or hybrid course, full-time

[221] TEC, §30B.106(a)

program, or full-time campus will meet the needs of a student with a disability must be made by the student's ARD committee in a manner consistent with state and federal law.[222]

### *12.2.4 Additional Virtual or Hybrid Course, Full-Time Program, or Full-Time Campus Requirements and Information*

A student taking a virtual or hybrid course offered through the TEC, Chapter 30B, is considered to be enrolled in a virtual or hybrid course, program, or campus when he or she begins receiving instruction and actively engages in instructional activities in the subject area or course.

A student taking a virtual or hybrid course offered through the TEC, Chapter 30B, is considered to be enrolled in a virtual or hybrid course, program, or campus, and must be reported as withdrawn from the virtual or hybrid course, program, or campus when the student is no longer actively participating in the course or program.

A student who has begun enrollment in a virtual course, through the published virtual course list on the agency's website, and transfers from one educational setting to another is entitled to continue enrollment in the course.

A school district or open-enrollment charter school may **not** require a student to enroll in a virtual or hybrid course.[223] An open-enrollment charter school may require a student to attend a full-time virtual or full-time hybrid campus.[224]

A school district or open-enrollment charter school may provide virtual and hybrid course(s) to a student who is not eligible to enroll in a public school in this state, or is not enrolled in the school district or open-enrollment charter school.[225] A student to whom this paragraph applies:

- is not considered to be a public school student and is not eligible to generate FSP funding, 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 a virtual or hybrid course.

Any **charter school** wishing to provide a full-time virtual or hybrid program 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 before the implementation of the virtual or hybrid program**. Changing the instructional program would be a substantive amendment request in accordance with 19 TAC §100.1035(c).

Any **charter school** wishing to provide a full-time virtual or hybrid campus must submit an expansion amendment request to the commissioner of education and **receive commissioner approval. Additionally, the school must be authorized through the virtual and hybrid campus authorization process** before implementation of the virtual and hybrid campus.

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[222] TEC, §30B.052(b)
[223] TEC, §30B.052(a)
[224] TEC, §30B.104
[225] TEC, §30B.055

### *12.2.5 Examples*

**Example 1**
A student is scheduled for and receiving instruction in four traditional classes for 200 minutes each day and is also enrolled in one virtual course through the virtual course list and is reported with an ADA eligibility code of 1 – Eligible for Full-Day Attendance. A campus may choose to set the virtual or hybrid course to have the same number of instructional minutes per day as the corresponding in-person course offered at the same school.

The student's daily attendance is determined by whether the student is present or absent on campus at the official attendance-taking time or at the alternative attendance taking time set for that student.

**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 virtual courses 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 on campus at the official attendance-taking time or at the alternative attendance-taking time set for that student.

**Example 3**
A student who is scheduled for and receiving instruction in one traditional class for 55 minutes each day and is enrolled in two virtual courses from the virtual course list is reported with an ADA eligibility code of 2 – Eligible for Half-Day Attendance.

The student's daily attendance is determined by whether they are present or absent on campus at the official attendance-taking time or at the alternative attendance-taking time set for that student.

**Example 4**
A student is enrolled in a full-time hybrid program and has three in-person courses and four virtual courses each day. The student's ADA eligibility code of 1 – Eligible for Full-Day Attendance. The hybrid program's approved instructional plan and policy states daily attendance is measured by daily assignment submissions.

Daily attendance is determined by the student's submission of the assigned work on the same day it is assigned by the teacher.

**Example 5**
A student attends an authorized full-time virtual campus that operates on a block schedule and receives all instruction virtually. The student attends 4 courses for 360 minutes each day.

The student is marked present for each instructional day during which they are enrolled in the full-time virtual campus.

## 12.3 Texas Virtual School Network (TXVSN)

The state virtual school network includes the TXVSN catalog of supplemental online courses for grades six 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. Section 15 of SB 569, enacted in May 2025, authorizes the TXVSN to continue operating through the 2026–2027 school year as it existed prior to the passage of SB 569. Beginning with the 2025–2026 school year, funding for campuses will follow the requirements outlined in the TEC, §30B.106.

Courses approved through the TXVSN review process first became available for grades nine through 12 through the TXVSN course catalog in January 2009. In August 2024, the TXVSN course catalog expanded to include middle school classes to support LEAs with the implementation of middle school advanced mathematics requirements.

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,[226] 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://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/curriculum-and-instruction/learning-support-and-programs/texas-virtual-school-network/texas-virtual-school-network-online-schools-program.

For more information on the TXVSN and to view the list of available courses in the TXVSN course catalog, visit the TXVSN website at https://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 offered through the TXVSN catalog or TXVSN OLS. They do not apply to any other form of electronically delivered instruction. See 12.4 Virtual Instruction Options for information on remote instruction. See 12.5 On-Campus Online Courses for requirements related to time spent in on-campus online courses not provided through the TXVSN. See 12.6 Self-Paced Computer Courses for requirements related to time spent in self-paced computer courses.

### *12.3.1 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

[226] as defined by 20 USC, §1001

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

### 12.3.1.1 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 12.3.1 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[227] 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

### 12.3.1.2 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.

[227] 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.

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.

**and**

- DoD-issued orders or other DoD-issued documentation showing that the military member has been deployed or transferred outside of Texas.

## *12.3.2 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 open-enrollment 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.[228]

### 12.3.2.1 TXVSN Course Catalog for Grades Six through 12

Enrollment in courses for grades six through 12 taken through the TXVSN course catalog may apply toward ADA eligibility status regardless of whether or not the student is physically present at the school when taking the online course.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in one or more TXVSN courses for grades six 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.[229]

[228] TEC, §30A.153(a) as it existed prior to the passage of Senate Bill 569, 89th Texas Legislature, 2025 (SB 569), and as effectively continued until the end of the 2026-2027 school year, per section 15 of the bill.
[229] TEC, §30A.153(a-1) as it existed prior to the passage of Senate Bill 569, 89th Texas Legislature, 2025 (SB 569), and as effectively continued until the end of the 2026-2027 school year, per section 15 of the bill.

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. Each course is considered to be 60 minutes of daily classroom instruction for purposes of the two-through-four-hour rule.

For purposes of recording daily attendance for a student in TXVSN courses for grades six through 12, the student's daily attendance is determined by whether that student was present or absent at the official attendance-taking time. If the student is not scheduled to be on campus at the official attendance-taking time, the student's daily attendance is determined by 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 the ADA eligibility status of a student enrolled in TXVSN catalog courses for a semester based upon in-person attendance.

### 12.3.2.2 TXVSN OLS Program

Enrollment in a full-time TXVSN OLS program that is offered by an officially recognized TXVSN online school may apply toward ADA eligibility status. To be eligible to generate ADA, students must be scheduled for and receive instruction in accordance with minimum daily instructional time requirements. Specifically, students must be scheduled for and provided at least 120 minutes of instruction per day to be eligible for half-day attendance, and at least 240 minutes of instruction per day to be eligible for full-day attendance.

For purposes of determining and reporting the ADA eligibility code of a student enrolled in a full-time TXVSN OLS (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.) Students enrolled in online courses offered by an officially recognized TXVSN online school are not subject to the three-course maximum.

For purposes of recording the student's daily attendance, a student is reported as present for each day the student is enrolled on the campus.

For full-time hybrid or virtual campuses, ADA will be calculated using the number of enrolled full-time equivalent students multiplied by the average attendance rate of the district or open-enrollment charter school offering the campus, excluding students enrolled in those hybrid or virtual campuses. If a reliable attendance rate is not available, the statewide average will be used instead.

### 12.3.2.3 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 a district from serving the student in other special programs, such as special education, CTE, bilingual/ESL education, or PRS. Nor does it necessarily preclude a 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.[230]

### 12.3.3 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 a TXVSN catalog course and transfers from one educational setting to another is entitled to continue enrollment in the course.

A 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[231] enroll in electronic courses through the TXVSN.[232] 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.

### 12.3.4 Examples

**Example 1**

[230] TEC, §30A.007 as it existed prior to the passage of Senate Bill 569, 89th Texas Legislature, 2025 (SB 569), and as effectively continued until the end of the 2026-2027 school year, per section 15 of the bill.
[231] Subject to the TEC, §30A.155 as it existed prior to the passage of Senate Bill 569, 89th Texas Legislature, 2025 (SB 569), and as effectively continued until the end of the 2026-2027 school year, per section 15 of the bill.
[232] TEC, §30A.107(c) as it existed prior to the passage of Senate Bill 569, 89th Texas Legislature, 2025 (SB 569), and as effectively continued until the end of the 2026-2027 school year, per section 15 of the bill.

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 six through 12 is reported with an ADA eligibility 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 on campus at the official attendance-taking time or at the alternative attendance-taking time set for that student.

**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 six 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 on campus at the official attendance-taking time or at the alternative attendance-taking time set for that student.

**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 on campus at the official attendance-taking time or at the alternative attendance-taking time set for that student.

**Example 4**
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 on campus at the official attendance-taking time or at the alternative attendance-taking time set for that student.

*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 5**
A student in grades nine through 12 who is enrolled in a 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.

**Example 6**
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.

# 12.4 Virtual Instruction Options

**Key Definitions**
**Virtual Instruction** refers to the provision of education in which the primary instructional delivery method is online, allowing students to engage in learning activities remotely. This includes synchronous and asynchronous instruction in which students and teachers are in different physical locations.

**Hybrid Instruction** refers to a method of delivering education that combines both in-person and virtual learning. This means that students may attend some instructional minutes physically on campus while engaging virtually in a course at other times, without needing to be present on campus.

Virtual instruction may be eligible for state funding and generation of ADA if offered through TXVSN, a school with a TXVSN waiver, or approved remote or hybrid dropout recovery program.

## *12.4.1 Virtual and Hybrid Schools with a TXVSN Waiver*

TXVSN waiver schools that previously operated under the TEC, §29.9091, or the TEC, §48.0071,[233] or participated in the Virtual Program Accelerator during the 2022–2023 school year may continue to operate, as they did previously through the 2026-2027 school year, with student eligibility to participate in these options remaining consistent with prior years.

The eligibility requirements to apply for the waiver are listed below. LEAs must have:

- operated a full-time, online school under the TEC, §29.9091, in 2022– 2023 or
- been TEA virtual accelerator participants in 2022-2023.

Additionally, LEAs must also meet the following requirements:

- an accountability rating of C or higher, and
- an accredited status.

If an eligible student participates in a recognized TXVSN online school and meets the requirements for enrollment in a Texas school district or open-enrollment charter school, the student is eligible to generate FSP funding.

[233] Both the TEC, §29.9091, and the TEC, §48.0071, expired on September 1, 2023.

For purposes of recording the student's daily attendance, a student is reported as present for each day the student is enrolled on the campus.

For full-time hybrid or virtual campuses, ADA will be calculated using the number of enrolled full-time equivalent students multiplied by the average attendance rate of the district or open-enrollment charter school offering the campus, excluding students enrolled in those hybrid or virtual campuses. If a reliable attendance rate is not available, the statewide average will be used instead.

For more details on funding, as well as ADA eligibility codes, and the classification of full-day and half-day attendance for TXVSN online school students, please refer to 12.3 Texas Virtual School Network (TXVSN).

More detailed information regarding the TXVSN waiver option can be found in the TXVSN Extended Learning Options FAQ, available on the TXVSN website.

### 12.4.2 Remote or Hybrid Dropout Recovery Program

Eligible students may participate in courses offered through an approved remote or hybrid dropout recovery education program under the TEC, §29.081(e-2), if they are enrolled in a Texas public school district or open-enrollment charter school.

A remote or hybrid dropout recovery education program under the TEC §29.081(e-2), must operate as one of the following models under the TEC, Chapter 30B[234]:

- a full-time hybrid program as defined in the TEC, §30B.001;
- a full-time virtual program as defined in the TEC, §30B.001; or
- a full-time hybrid or virtual campus authorized under the TEC, Chapter 30B

These students will be included in a district or school's ADA for funding purposes in the same manner as students enrolled in full-time virtual programs or campuses under the TEC, Chapter 30B. For additional definitions and requirements governing full-time virtual and hybrid programs and campuses authorized under Chapter 30B, see 12.2 Virtual and Hybrid Education.

For more information, see 11.6.4 Attendance Accounting and FSP Funding for OFSDP Participation through a Remote or Hybrid Dropout Recovery Education Program.

### 12.4.3 Remote Instruction

For the purposes of this subsection, remote instruction means synchronous 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.

[234] TEC§29.081(9)

Except for the methods mentioned above and distance learning classes, remote or virtual instruction is generally not eligible for funding and ADA generation. However, the remainder of 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 §100.1035(c).**

### 12.4.3.1 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, **with the approval of a waiver request**, count that instruction as classroom time for FSP funding purposes and count the student in attendance for FSP funding purposes, provided the following requirements are met:

- The student is unable to attend school because of a temporary medical or psychological condition.[235]
- The student's temporary medical or psychological condition is documented by a physician licensed to practice in the United States.

**Note:** A student who has an infant (0-6 months) considered medically fragile and who meets the criteria in the bullets listed above may also be considered for the GEH program.

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. If a waiver is granted, the affected student will generate attendance according to the two-through-four hour rule and based on if the student is virtually "present" at the official attendance-taking time.

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

[235] Pregnancy, in and of itself, is not considered a medical condition. See  for information on remote PRS compensatory education home instruction.

remote conferencing and the GEH program simultaneously. See 3.7 General Education Homebound (GEH) Program for GEH requirements. See 12.4.3.3 Remote Homebound Instruction—Regular Education Students for requirements specific to remote GEH instruction.

Your district can submit a request for a waiver using the Remote Conferencing and Remote Homebound Waiver in TEA's automated waiver application system, which is available in TEAL. When submitting a waiver request, cite the following requirements in question 2 of the General Questions section:

- 19 TAC §129.1025 and
- face-to-face instruction policy.

(Note that only 19 TAC §129.1025 needs to be cited if the student is scheduled to be off campus at the official attendance-taking time.)

A student served through remote conferencing may be eligible to generate weighted funding for programs such as CTE or bilingual/ESL education, provided requirements for the applicable program(s) are met. See the applicable sections of this handbook for specific program requirements. In submitting a waiver request, explain how any applicable program requirements will be satisfied if your district intends to claim weighted funding. Funding may be claimed beginning on the date the waiver is approved.

### 12.4.3.2 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.

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, **with the approval of a waiver request**, count that instruction as classroom time for FSP funding purposes, including in the calculation of contact hours. To do so, the following conditions must be met:

- The student's ARD committee must have determined, in a manner consistent with state and federal law,[236] 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.

**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.

The waiver request must include an explanation of the circumstances. Waivers will be granted on a case-by-case basis.

If a waiver is granted, the affected student will generate attendance according to the two-through-four hour rule and based on whether the student is physically present on campus at the official attendance taking time if the student is scheduled to be on campus at that time or is virtually "present" at the official attendance-taking time if the student is scheduled to be off-campus at that time.

Please note that the remote conferencing instruction described in this 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 12.4.3.4 Remote Homebound Instruction—Students Receiving Special Education and Related Services. If a student is eligible to be placed in the special

[236] including provisions related to LRE and FAPE requirements

education homebound instructional setting, it is the responsibility of the student's ARD committee to determine whether it is more appropriate to place the student in that setting or in another setting that is provided via remote conferencing.

Your district can submit a request for a waiver using the Remote Conferencing and Remote Homebound Waiver in TEA's automated waiver application system, which is available in TEAL. When submitting a waiver request, cite the following requirements in question 2 of the General Questions section:

- 19 TAC §129.1025 and
- face-to-face instruction policy.

(Note that only 19 TAC §129.1025 needs to be cited if the student is scheduled to be off campus at the official attendance-taking time.)

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. If the waiver is approved, funding for remote conferencing for students receiving special education services may be retroactively claimed on the date services begin in remote conferencing in accordance with the ARD committee determination and proof of an approved waiver must be available for audit.

### 12.4.3.3 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 waiver using the Remote Conferencing and Remote Homebound Waiver in 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 question 2 of the General Questions 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 (note that due to character limits, citing "In person instruction per SAAH 3.7.3 Funding Chart" is sufficient) or

- 9.10 Confinement and Earning Eligible Days Present of the handbook, which is adopted annually through 19 TAC §129.1025 (note that due to character limits, citing "In person instruction per SAAH 9.10" is sufficient).

These waivers will only be granted in extremely severe medical or psychological circumstances, and a waiver must be submitted for each individual student.

### 12.4.3.4 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 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,[237] 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 waiver using the Remote Conferencing and Remote Homebound Waiver in TEA's automated waiver application system, which is available in TEAL. When submitting a waiver request, cite the following requirement in question 2 of the General Questions 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

[237] including provisions related to LRE and FAPE requirements

Funding and Homebound Documentation Requirements of the handbook, which is adopted annually through 19 TAC §129.1025 (note that due to character limits, citing "In person instruction per SAAH 4.7.2.5" is sufficient).

A waiver must be submitted for each individual student.

### *12.4.4 Distance Learning*

In 12.4 Virtual Instruction Options, 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 12.3 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.

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.

## 12.5 On-Campus Online Courses

This subsection addresses time spent in an online course **that is provided on a student's campus and is not provided through the TEC, Chapter 30B, a school with a TXVSN waiver, or an approved remote or hybrid dropout recovery program**. For information on funding eligibility of courses provided through the TXVSN, see 12.3 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 12.4 Virtual Instruction Options. Time that a student spends in an online course that is not provided through the TXVSN or the other virtual instruction options in 12.4 Virtual Instruction Options 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[238] 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.

[238] 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 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,[239] 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.

## 12.6 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[240] 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.

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,[241] 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 Virtual and Hybrid Education and 12.3 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 12.4 Virtual Instruction Options. For information about CTE independent study courses, see 5.8 Career and Technical Education Project-Based Capstone.

[239] 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.
[240] 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.
[241] 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.

# 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) (Effective Until September 1, 2026):** 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 Weights Effective on September 1, 2026**
**For the 2026-2027 school year, the commissioner shall determine the formulas through which school districts receive funding under the TEC, §48.102 and §48.1021. In determining the formulas, the commissioner shall ensure the estimated statewide amount provided by the sum of the allotments under the TEC, §48.102 and §48.1021, for the 2026-2027 school year is approximately $250 million greater than the amount that would have been provided under the allotment under the TEC, §48.102, as that section existed on September 1, 2025, for that school year, calculating both amounts using the basic allotment in effect for the 2026-2027 school year. See the TEC, §48.1022(b).**

**Special Education Weights Effective Until September 1, 2026 — 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 $150 for each student in ADA enrolled in a TEA-designated P-TECH program.**

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 codes 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 the CTEProgramReportingPeriodAttendance Entity in the Texas Education Data Standards 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 the CTE course code. (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.

The P-TECH must be designated by TEA and listed in the references section of the Texas Education Standards. Campuses report the students enrolled in the TEA-designated P-TECH in TSDS PEIMS Submissions 1 and 3 using StudentCharacteristic (C344) 07 (P-TECH).

The following P-TECH students will generate funding in TSDS PEIMS submission 3:

- P-TECH students in grades 9 through 12 who are coded with the descriptor 07 (P-TECH)
- P-TECH students in the Year 5 program who are coded with the StudentCharacteristic (E3063) descriptor 07 (P-TECH) and the StudentCharacteristic (E3063) descriptor 26 (P-TECH, Year 5)
- P-TECH students in the Year 6 program who are coded with the StudentCharacteristic (E3063) descriptor 07 (P-TECH) and the StudentCharacteristic (E3063) descriptor 27 (P-TECH, Year 6)

**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).**

For each student in emergent bilingual in alternative language education method using dual language immersion one-way or two-way program model receives 0.15 weight. For non-emergent bilingual alternative language education method using dual language one-way or two-way program model receives 0.05 weight.

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. For more specific funding guidance, see the Bilingual Education Allotment (BEA)& Title III, Part A Funding Guidebook.

**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 0.01 and 0.1**
Weight of 0.01 for each student in ADA in kindergarten through third grade, and weight of 0.10 for 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.

# 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
- 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 are enrolled in a TEC, Chapter 12, Subchapter G, Adult High School Charter School Program, under the TEC, §12.251
- students who are chronically absent, as defined by the TEC, §48.009
- students who are required to attend school under the TEC, §25.085, not exempt under the TEC, §25.086, and fail to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year

**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 with parental permission to participate in bilingual education 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 served through alternative methods 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 https://tea.texas.gov/student-readiness-and-high-school/career-and-technical-education.

**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 Commission 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).[242]

**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.[243]

**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 secondary 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.[244]

**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).

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[242] TEC, §29.081(e-f)
[243] TEC, §25.085(b-c)
[244] TEC, §§37.006, 37.007, and 37.008

**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 childhood special education services (ECSE)** – A program that provides special education services to children with disabilities aged three through five years, not in kindergarten. A student over 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 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 criterion for free public prekindergarten, for a student who is eligible to participate in the NSLP established under 42 USC, §1751, et seq.[245]

**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 identified by the Language Proficiency Assessment Committee (LPAC) who is in the process of acquiring English and has another language as the student's primary language; synonymous with English learner (EL) as used in federal regulations.

**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** – (Note: Special education contact hours are phasing out as of 2026-2027.) 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]).

[245] TEC, §5.001(4)

**expulsion** – Expulsion involves a due process hearing resulting in a student being removed to a noneducational setting, a juvenile justice alternative education program (JJAEP), or a disciplinary alternative educational setting (DAEP). A student 10 years of age or older must be expelled from school for certain offenses[246] and may be expelled for others. The student is generally withdrawn from the school he or she was attending on the date that expulsion takes effect unless placed in a virtual expulsion program. 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.)

A student under the age of 10, when necessary, must be expelled to a DAEP and receive educational services according to the TEC, §37.007(e)(2).

**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.[247]

**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 from a qualified teacher and are counted present for FSP purposes based on the amount of service they receive at home each week. Students served under this setting must meet all special education eligibility requirements to be counted eligible.

[246] According to the TEC, §37.007, Expulsion for Serious Offenses
[247] TEC, §29.121

**homeless students** – As defined by 42 USC, §11434a, the term "homeless children and youths" —

(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).

**hybrid course** – A course in which a student is in attendance in person for less than 90% of instructional minutes; and the instruction and content may be delivered synchronously, asynchronously over the Internet, in person, or through other means.

**hybrid instruction** – A method of delivering instruction that combines both in-person and virtual learning. This means that students may attend some instructional minutes physically on campus while engaging virtually in a course at other times, without needing to be present on campus.

**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, usually on the student's enrolled campus (not DAEP).[248] The use of in-school suspension (ISS) is not subject to any time limit. A partial day of suspension counts as one day of the ISS assigned days. 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**

[248] TEC, §37.005

**prekindergarten or combined prekindergarten and EE programs 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[249] 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 choose to develop without the approval of the TJJD.[250] Students who engage in conduct that requires placement in an alternative setting according to the TEC, §37.007, 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, Space 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.[251] "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force, the NOAA Commissioned Corps, and the Public Health Services Commissioned Corps.

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[249] 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.
[250] See the TEC, §37.011 and §37.012, for additional information.
[251] pursuant to 10 USC, §1209 and §1211

**multitracks** – Multiple tracks (groups of students and teachers on the same calendar) with staggered instructional blocks and vacation periods.

**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 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 (OSS) is limited, without exception, to three school days per behavior offense incident. A partial day of suspension counts as one day of the three days allowed.[252] (See also **expulsion**, earlier in this section.)

**peace officer** – Under the meaning assigned by the Occupation Code, §1701.001, a person elected, employed, or appointed as a peace officer under the Code of Criminal Procedure, Article 2.12, or other law. The designated list of who meets the definition as a peace officer can be found in the Code of Criminal Procedure, Article 2.12.

**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).)

[252] Under the TEC, §37.005

**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.

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 has met the appropriate criteria to be classified as English proficient and enters year 1 of monitoring as indicated in TSDS PEIMS.

**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.[253] 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.[254]

**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.

**servicemember** – An active-duty member of the armed forces of the United States, or a reserve component of the armed forces of the United States or the Texas National Guard on active-duty orders under the appropriate authority.

[253] TEC, §§37.051–37.056
[254] TEC, §25.081

**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).

**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.[255]

**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 or combined pre-k and EE programs ONLY, the two-through four-hour rule includes recess, breakfast, and lunch.)**

**virtual course** – A course in which instruction and content are delivered primarily over the internet, synchronously or asynchronously.

**virtual instruction** – Instruction that is primarily delivered online, allowing students to engage in learning activities remotely. This includes synchronous and asynchronous instruction in which students and teachers are in different physical locations.

**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.

[255] Texas Family Code, §263.001(a)(4)

**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.

# Resources

Every Student Succeeds Act (ESSA): https://tea.texas.gov/about-tea/laws-and-rules/essa

TSDS PEIMS Data Standards: https://www.texasstudentdatasystem.org/tsds/teds/tweds-upgrade

19 TAC: https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/texas-administrative-code-title-19-part-2 or

https://texas-sos.appianportalsgov.com/rules-and-meetings?interface=VIEW_TAC&title=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: https://tea.texas.gov/data-reports/data-submission/texas-records-exchange-trex/texas-records-exchange-trex

**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 https://tea.texas.gov/a-z-index. 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.

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## COMPLIANCE STATEMENT

**TITLE VI, CIVIL RIGHTS ACT OF 1964; TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1991; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.**

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**Texas Education Agency**
**Austin, Texas**
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