

**Texans Can! Shared Service Arrangement
Austin Can!, Dallas Can!, Fort Worth Can!,
Houston Can! & San Antonio Can!**

SPECIAL EDUCATION POLICIES

Board Adopted November 2004

Topics

Confidentiality
Eligibility Folder

CONFIDENTIALITY

(Authority: 34 C.F.R., Part 300; Texas Education Code (TEC))

Texans Can! Shared Service Arrangement maintains the confidentiality of all Special Education records and has developed procedures to implement confidentiality requirements consistent with federal regulations. Parents or adult students are advised of their rights pertaining to student records at least once annually.

- A. Parent access** –The parent (or adult student) may inspect and review educational records during school business hours. The requesting parent may inspect, review, or be informed of only the specific information about his or her child's records.
- B. Availability** – Records will be made available to the parent (or adult student) without any unnecessary delay and before any meeting regarding an Individualized Education Program (IEP), or any hearing related to the placement of the student, or the provision of FAPE and in no case more than 45 days after a request has been made.
- C. Copies** – Parent(s) (or adult students) may request copies of any documents in the student's records but the school is generally required to give copies only if failure to do so would effectively deny access.
- D. Cost of copies** – The district maintains the right to charge a fee for copies of records but not if a fee will prevent parent access to the copies. No fee will be charged to search or retrieve any information to which the parent (or adult student) has a right.
- E. Consent** – Except for specific exceptions, a parent shall provide a signed and dated written consent before a school may disclose education records. The consent must specify records that may be disclosed, purpose of disclosure and parties to whom disclosure may be made. Exceptions to prior consent as outlined in FERPA, Section 99.31, are:
- to school officials with legitimate educational interests
 - to schools in which a student seeks or intends to enroll
 - to Federal, State, and local authorities conducting an audit, evaluation, or enforcement of education programs
 - in connection with financial aid, such as a college loan
 - to organizations conducting studies on behalf of educational institutions
 - to parents of a dependent student
 - to comply with a judicial order or subpoena
 - in a health or safety emergency
 - directory information
 - to state and local officials in connection with serving the student under the juvenile justice system
- F. Amendment** –The parent (or adult student) may request an amendment to any information in the education record. Texans Can! Shared Service Arrangement will reply in a reasonable time period with a refusal or amendment. If the parent (or adult student) still disagrees, a hearing may be requested and will be carried out in accordance with all state and federal regulations.
- G. Destruction of records** – Schools may not destroy records if a request for access is pending.

ELIGIBILITY FOLDER
(Authority: 19 T.A.C. Chapter 89)

The District's Special Education department maintains an eligibility folder for each individual with a disability receiving Special Education services in addition to the individual cumulative records. The eligibility folder includes, but is not limited to:

1. Copies of referral data
2. Documentation of Notices and Consents
3. Evaluation reports and supporting data including eligibility reports
4. Admission, Review, and Dismissal (ARD)/IEP committee reports
5. Individualized Education Program (IEP)

Additionally, the eligibility folder may contain reports of progress to parents/legal guardians of students with disabilities who receive Special Education, which are developed and recorded with at least the same frequency as those provided to any student in general education.

The eligibility folders are maintained according to the policies and procedures regarding confidentiality, and are located in a locked file cabinet. A list of persons who have access to the files is attached to the file cabinet in public view, and access logs are maintained in each student's eligibility folder as to the date, the person accessing the file and their position, and the reason for access.

The classroom teacher(s) who provide services to the student with disabilities will have the opportunity to provide input and request assistance regarding the implementation of the student's IEP. Each teacher receives a copy of relevant sections of the Individualized Education Program (IEP) in relation to the responsibilities of that teacher in the implementation of the IEP in the classroom. The classroom teacher will also be provided any instructions or suggestions for teaching adaptations or strategies that enable the student to progress in the general curriculum and attain goals and objectives as indicated in the IEP.

Texans Can! Charter Schools

This handbook serves as the Student Handbook for all TEXANS CAN! Schools.

STUDENT HANDBOOK & CODE OF CONDUCT

Board Adopted June 2006

Topics

Directory Information
FERPA & HIPPA Statements
Student Records

TEXANS CAN! Inc., is a 501 (c)(3) nonprofit corporation created to provide alternative educational opportunities for at-risk students in Texas. The corporation currently operates ten schools: Dallas Can! Academy, which has four campuses, Fort Worth Can! Academy, which has two campuses, Houston Can! Academy, which has two campuses, Austin Can! Academy and San Antonio Can! High School.

The term Texans Can! will be used throughout this document to represent Dallas Can! Academy, Fort Worth Can! Academy, Houston Can! Academy, Austin Can! Academy, San Antonio Can! High School and Texans Can! Academy

Directory Information

Directory Information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about the student. If you do not want the school to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing within 30 calendar days after the student starts school. The school has designated the following information as directory information: a student's name, photograph, degrees, honors and awards received, dates of attendance, grade level, and participation in officially recognized activities and sports, and the weight and height of members of athletic teams. Federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.) to provide a military recruiter or an institution of higher education, on request, with the name, address, and telephone number of a secondary student unless the parent has advised the district that the parent does not want the student's information disclosed without the parent's prior written consent.

Student Records

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. A student's school records are confidential and are protected from unauthorized inspection or use. A cumulative record is maintained for each student from the time the student enters Texans Can!, until the student withdraws or graduates. By law, both parents, whether married, separated, or divorced, and students have access to the record of a student who is under 18 or a dependent for tax purposes. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The Principal is custodian of all records for currently enrolled students at the assigned school. The Principal is also custodian of all records for students who have withdrawn or graduated. Records may be reviewed during regular school hours upon completion of the written request form. The records custodian or registrar will respond to reasonable requests for explanation and interpretation of the records.

Parents of a minor or of a student who is a dependent for tax purposes, the student (if 18 or older), and school officials with legitimate educational interests are the only persons who have general access to a student's records. "School officials with legitimate educational interests" include any employees, agents, or Trustees of Texans Can!, or cooperatives of which Texans Can! is a member, or facilities with which Texans Can! contracts for the placement of students with disabilities, as well as their attorneys and consultants, who are:

1. Working with the student
2. Considering disciplinary or academic actions, the student's case, an Individual Education Plan (IEP) for a student with disabilities under IDEA or an individually designed program for a student with disabilities under IDEA or individually designed program for a student with disabilities under Section 504;
3. Compiling statistical data; or
4. Investigating or evaluating programs.

The parent's or student's right of access to, and copies of student records does not extend to all records. Materials that are not considered educational records, such as teachers' personal notes on a student that are shared only with a substitute teacher, records pertaining to former students after they are no longer students at the campus, and records maintained by school law enforcement officials for purposes other than school discipline do not have to be made available to the parents or student.

Certain officials from various governmental agencies may have limited access to the student's records. Texans Can! forwards on request and without prior parental consent to a school in which a student seeks or intends to enroll. Parental consent is required to release the records to anyone else. When the students reaches 18 years of age, only the student has the right to consent to release of records.

A student over 18 and parents of minor students may inspect the student's records and request a correction if the records are inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. If Texans Can! refuses the request to amend the

records, the requester has 30 school days to exercise the right to place a statement commenting on the information in the student's record. Although improperly recorded grades may be challenged, parents and the student are not allowed to contest a student's grade in a course through this process. Parents or the student have the right to file a complaint with the U.S. Department of Education if they believe Texans Can! is not in compliance with the law regarding student records.

Parents may be denied copies of a student's records (1) after the student reaches age 18 and is no longer a dependent for tax purposes; (2) when the student is attending an institution of post-secondary education; (3) if the parent fails to follow proper procedures and pay the copying charge; or (4) when the school is given a copy of a court order terminating the parental rights. If the student qualifies for free or reduced-price meals and the parents are unable to view the records during regular school hours, upon written request of the parent, one copy of the record will be provided at no charge.

Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about the student.

The school has designated the following information as directory information: a student's name, photograph, degrees, honors and awards received, dates of attendance, grade level, and participation in officially recognized activities and sports, and the weight and height of members of athletic teams.

FERPA & HIPAA Notice

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. A student's school records are confidential and are protected from unauthorized inspection or use. A cumulative record is maintained for each student from the time the student enters Texans Can!, until the student withdraws or graduates. By law, both parents, whether married, separated, or divorced, and students have access to the record of a student who is under 18 or a dependent for tax purposes. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights. Texans Can! Schools adhere to the federal regulations under the Health Insurance Portability and Accountability Act (HIPAA) as it relates to the transmittal of any health information in electronic form.