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## Sec. 1. PREKINDERGARTEN PROGRAMS

### a) *General Applicability*

This policy shall only apply if UT Tyler University Academy open-enrollment charter contract issued by the State of Texas authorizes UT Tyler University Academy to operate a prekindergarten program. If UT Tyler University Academy is not authorized to operate a prekindergarten program, nothing in this policy will require prekindergarten operations.

### b) *Tuition-Free Program*

UT Tyler University Academy shall offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least four years of age. UT Tyler University Academy may offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least three years of age.

i. *Exemption*

UT Tyler University Academy may apply to the Commissioner of Education for an exemption from the requirement that it provide a free prekindergarten program if UT Tyler University Academy would be required to construct classroom facilities in order to provide the program.

ii. *Half-Day Basis*

A tuition-free prekindergarten class may be operated on a half-day basis for children under four years of age and shall be operated on a full-day basis for children who are at least four years of age.

iii. *Program Eligibility*

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless, as defined by federal law, 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;
4. Is the 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, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty; or
6. Is or ever has been in:



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a. the conservatorship of the Department of Family and Protective Services following an adversary hearing under Texas Family Code 262.201; or
b. foster care in another state or territory, if the child resides in this state;

7. Is the child of a person eligible for the Star of Texas Award as:
   a. A peace officer under Texas Government Code § 3106.002;
   b. A firefighter under Texas Government Code § 3106.003; or
   c. An emergency medical first responder under Texas Government Code § 3106.004.

A child who is eligible for enrollment under items 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

iv. *Public Notice*

The Superintendent shall develop a system to notify the population in the community with children eligible or enrollment of the availability of the program. The system must include public notices issued in English and Spanish.

v. *Transportation*

UT Tyler University Academy is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.

vi. *High-Quality Prekindergarten Required*

A free prekindergarten class for children who are at least four years of age must comply with the program standards required for high-quality prekindergarten programs under Texas Education Code Chapter 29, Subchapter E-1.

**Sec. 2. PRESCHOOL-AGED CHILDREN**

If UT Tyler University Academy offers preschool, UT Tyler University Academy must provide a free appropriate public education ("FAPE") in the least restrictive environment to preschool-aged students even if UT Tyler University Academy does not provide free preschool programs to all preschool-aged children.

*34 C.F.R. §§ 300.101(a)-(b) and 300.116.*

UT Tyler University Academy may provide opportunities for the participation of the preschool students with disabilities in other preschool programs operated by public agencies or by locating classes for preschool students with disabilities in regular elementary schools. However, UT Tyler University Academy is not required to initiate preschool programs or to establish extensive contact programs with private schools which serve both students with disabilities and students without disabilities solely to satisfy the requirements regarding placement in the least restrictive environment.

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*OSEP Policy Memo 89-23; 34 C.F.R. § 300.102(a).*
UT Tyler University Academy shall develop a system to notify residents within UT Tyler University Academy's boundaries with children who are at least three but younger than six and who are eligible for enrollment in a special education program of the availability of such programs.

*Tex. Educ. Code § 29.009.*

**Sec. 3. TRANSITION OF CHILDREN FROM PART C**

By the third birthday of a child participating in early intervention programs the UT Tyler University Academy must ensure that an individualized education program ("IEP") or an individualized family service plan ("IFSP"), has been developed and is being implemented for the child.

In the case of a child with a disability aged three through five the ARD committee must consider an IFSP that contains the IFSP content (including the natural environments statement, educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures.

*34 C.F.R. § 300.323(b).*

**Sec. 4. COMMUNICATION MODE OF DEAF OR HARD OF HEARING CHILD**

The comprehensive statewide plan for the education of children with visual impairments must:

1. Adequately provide for comprehensive diagnosis and evaluation of each school-age child with a serious visual impairment;
2. Include the procedures, format, and content of the IEP for each child with a visual impairment;
3. Emphasize providing educational services to children with visual impairments in their home communities whenever possible;
4. Include methods to ensure that children with visual impairments receiving special education services in school districts receive, before being placed in a classroom setting or within a reasonable time after placement: (A) evaluation of the impairment; and (B) instruction in an expanded core curriculum, which is required for students with visual impairments to succeed in classroom settings and to derive lasting, practical benefits from the education provided by school districts, including instruction in: (i) compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum; (ii) orientation and mobility; (iii) social interaction skills; (iv) career planning; (v) assistive technology, including optical devices; (vi) independent living skills; (vii) recreation and leisure enjoyment; (viii) self-determination; and (ix) sensory efficiency;
5. Provide for flexibility on the part of school districts to meet the special needs of children with visual impairments through: (A) specialty staff and resources provided by the district; (B) contractual arrangements with other qualified public or private agencies; (C) supportive assistance from regional education service centers or adjacent school districts; (D) short-



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term or long-term services through the Texas School for the Blind and Visually Impaired or related facilities or programs; or (E) other instructional and service arrangements approved by the agency;

6. Include a statewide admission, review, and dismissal ("ARD") process;
7. Provide for effective interaction between the visually impaired child's classroom setting and the child's home environment, including providing for parental training and counseling either by school district staff or by representatives of other organizations directly involved in the development and implementation of the IEP for the child;
8. Require the continuing education and professional development of school district staff providing special education services to children with visual impairments;
9. Provide for adequate monitoring and precise evaluation of special education services provided to children with visual impairments through school districts; and
10. Require that school districts providing special education services to children with visual impairments develop procedures for assuring that staff assigned to work with the children have prompt and effective access directly to resources available through: (A) cooperating agencies in the area; (B) the Texas School for the Blind and Visually Impaired; (C) the Central Media Depository for specialized instructional materials and aids made specifically for use by students with visual impairments; (D) sheltered workshops participating in the state program of purchases of blind-made goods and services; and (E) related sources.

Each eligible blind or visually impaired student is entitled to receive educational programs according to an IEP that:

1. Is developed in accordance with federal and state requirements for providing special education services;
2. Is developed by a committee composed as required by federal law;
3. Reflects that the student has been provided a detailed explanation of the various service resources available to the student in the community and throughout the state;
4. Provides a detailed description of the arrangements made to provide the student with the evaluation and instruction; and
5. Sets forth the plans and arrangements made for contacts with and continuing services to the student beyond regular school hours to ensure the student learns the skills and receives the required instruction.

In the development of the IEP for a student with a visual impairment, proficiency in reading and writing is a significant indicator of the student's satisfactory educational progress.

The IEP for a student with a visual impairment must include instruction in braille and the use of braille unless the student's ARD committee determines and documents that braille is not an appropriate literacy medium for the student.

The ARD committee's determination must be based on an evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs.

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Braille instruction may be used in combination with other special education services appropriate to the student's educational needs and shall be provided by a teacher certified to teach students with visual impairments.

*Tex. Educ. Code § 30.002.*



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