Sec. 1. UNSATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS

a) Accelerated Instruction: Grades 3–8

Each time a student fails to perform satisfactorily on an assessment instrument in the third, fourth, fifth, sixth, seventh, or eight grade, Midland Academy Charter shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

Education Code 28.0211(a-1), (a-2), (n-1)

b) Accelerated Instruction: High School Grades

Each time a high school student fails to perform satisfactorily on an End-of-Course ("EOC") assessment instrument, Midland Academy Charter shall provide to the student accelerated instruction in the subject assessed by the assessment instrument.

Education Code 28.0217, 39.025(b-1).

Sec. 2. ACCELERATED INSTRUCTION REQUIREMENTS

Accelerated instruction for students who fail to perform satisfactorily on State Assessments (STARR exams for students in grades 3-8, and EOC exams for students in grades 9-12):

1. May require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations; and
2. Must comply with the requirements for accelerated instruction required under Education Code 28.0211.

Education Code 28.0217(b).

Accelerated instruction for students who fail to perform satisfactorily on State Assessments (STARR exams for students in grades 3-8, and EOC exams for students in grades 9-12) shall be provided in the appliable subject area during the subsequent summer or school year and either;

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under Education Code 21.3521 for the subsequent school year in the applicable subject area; or
2. Provide the student supplemental instruction.

Education Code 28.0211(a-1).

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a) Supplemental Instruction

If Midland Academy Charter receives funding under Education Code 29.0881, the Coronavirus Response and Relief Supplemental Appropriations Act, or the American Rescue Plan Act of 2021, the supplemental instruction provided by Midland Academy Charter must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;
3. Be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year;
4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
5. Include effective instructional materials designed for supplemental instruction;
6. Be provided to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group;
7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of Midland Academy Charter; and
8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

Education Code 28.0211(a-4).

b) Student Transportation

Midland Academy Charter shall be responsible for providing transportation to students required to attend accelerated instruction programs if these programs occur outside of regular school hours.

Education Code 28.0211(j).

c) Limitations on Removing Students

In providing accelerated instruction, Midland Academy Charter may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum for the grade level in which the student is enrolled; or
2. Recess or other physical activity that is available to other students enrolled in the same grade level.

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Education Code 28.0211(a-3).

d) Placement After Promotion

A student who fails to perform satisfactorily on an state assessment instrument and is promoted to the next grade level must be assigned in the subsequent school year in each subject in which the student failed to perform satisfactorily to a teacher who meets all state and federal qualifications to teach that subject and grade.

Education Code 28.0211(n).

Sec. 3. ACCELERATED LEARNING COMMITTEE

Midland Academy Charter shall establish an Accelerated Learning Committee ("ALC") for each student who does not perform satisfactorily on:

1. The third grade mathematics or reading assessment instrument;
2. The fifth grade mathematics or reading assessment instrument; or
3. The eight grade mathematics or reading assessment instrument.

Education Code 28.0211(a).

Each committee shall be composed of the principal or designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. Midland Academy Charter shall notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee.

Education Code 28.0211(c).

An ALC shall, not later than the start of the subsequent school year, develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the school year. The educational plan developed by an ALC must be documented in writing, and a copy must be provided to the student's parent or guardian.

Education Code 28.0211(f),(f-1).

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If a student who fails to perform satisfactorily on an assessment instrument specified above fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, the Superintendent or designee[1] shall meet with the student's ALC to:

1. Identify the reason the student did not perform satisfactorily; and
2. Determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next administration of the assessment instrument, whether:
    a. The educational plan developed for the student must be modified to provide the necessary accelerated instruction for that student; and
    b. Any additional resources are required for the student.

Education Code 28.0211(f-4).

During the school year, the student shall be monitored to ensure that he or she is progressing in accordance with the educational plan developed by the ALC. Midland Academy Charter shall administer to the student the assessment instrument for the grade level in which the student is placed at the time Midland Academy Charter regularly administers the assessment instruments for that school year.

Sec. 4. <u>PARENTAL INPUT ON ACCELERATED INSTRUCTION</u>

a) Parent Appeal of Educational Plan

The Superintendent or designee shall develop a process to allow a parent to contest the content or implementation of an educational plan developed by a student's accelerated learning committee. This process shall recognize the Board's final authority to hear or decide parent and student grievances. The grievance process shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level. The Superintendent or designee shall ensure that the parent appeal process is made available to students and parents through the Student and Parent Handbook.

Education Code 28.0211 (f-3)

The Board shall retain final authority to hear or decide parent and student grievances. *19 TAC 100.1033(b)(14)(C)(i)*. The Board may conduct a closed meeting when hearing or deciding a parent or student grievance as allowed by applicable law.

Gov't Code Ch. 551, Subch. D.

b) Parent Requests Concerning Classroom Assignments

[1] The Superintendent's designee may be an employee of a regional education service center and may not be a person who served on the student's ALC.

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The Superintendent or designee shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily on an assessment instrument for math or reading in the third, fifth, or eighth grade, request for a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available. This process shall be included in Midland Academy Charter's Student and Parent Handbook.

Education Code 28.0211(a-5).

c) Parental Notification of Performance and Accelerated Instruction

In addition to providing the accelerated instruction, Midland Academy Charter shall notify the student's parent or guardian of:

1. The student's failure to perform satisfactorily on the assessment instrument;
2. The accelerated instruction program to which the student is assigned; and
3. The possibility that the student might be retained at the same grade level for the next school year.

Whenever Midland Academy Charter is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, Midland Academy Charter shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language.

Education Code 28.0211(d), (h).

Sec. 5. <u>SPECIAL EDUCATION STUDENTS</u>

The admission, review, and dismissal ("ARD") committee of a student who participates in Midland Academy Charter's special education program and who does not perform satisfactorily on an assessment instrument and/or administered under Education Code 39.023(a) or (b) must meet to determine the manner in which the student will participate in an accelerated instruction program.

Education Code 29.0211(i).

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