



# TCSA Model Board Policy Series

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400.160. Miscellaneous Provisions Relating to Students

## **INTRODUCTION**

The Model Board Policies for Charter Schools is a series of publications by the Texas Charter Schools Association (TCSA). These publications are an educational tool for charter school leaders to aid in the operation and management of open-enrollment charter schools in Texas.

### **Overall Policy Framework**

Each module in the Board Policy Series provides a summary of federal and state statutes, regulations, and related materials applicable to open enrollment charter schools. Citations to these materials are provided throughout the module and many contain a hyperlink so the actual statutory or regulatory provision can be accessed on the Internet. The summary is designated by the LEGAL AUTHORITY tab on the right edge of each page.

After the LEGAL AUTHORITY portion of the module you will find the model policy section designed to comply with current statutory and regulatory requirements described in the LEGAL AUTHORITY summaries. These policies are designated by the red CHARTER BOARD POLICY tab on the right edge of each page.

These are suggested policies to address the requirements set forth in this Module. Prior to adoption of the model policies by the Board of a charter school, each policy should be customized by including the school's name and by tailoring the language, if appropriate, to fit the specific needs, culture and requirements of the school. TCSA recommends that the Board of a charter school consult with and obtain the advice of the school's legal counsel in connection with adopting policies to comply with laws governing charter schools.

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

### **Scope of Service & Copyright Notice**

This policy module prepared by the TCSA is designed and intended as a resource of information for charter schools and is not to be construed as legal advice. It should be used in connection with consulting and obtaining the advice of the school's legal counsel to ensure compliance with applicable legal requirements.

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## **Module 400: Students**

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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## **Legal Abbreviations Used In the TCSA Model Board Policy Series**

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Atty. Gen. Op.	Attorney General Opinion
C.F.R	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

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## **400.160. MISCELLANEOUS PROVISIONS RELATING TO STUDENTS**

### **A. Religious Expression**

1. Class Room Assignments
  - a. Students may express their beliefs about religion in written and oral assignments free from discrimination based on the religious content of their submissions.
  - b. Students may not be penalized or rewarded on account of the religious content of their work.

[Tex. Educ. Code §25.153.](#)

2. Student's Freedom to Organize Religious Groups and Activities
  - a. Students may organize religious gatherings before, during, and after school to the same extent that students are permitted to organize other non-curricular student activities and groups.
  - b. Religious groups must be given the same access to school facilities, and advertising of meetings, as is given to other non-curricular groups without discrimination based on the religious content of the students' expression.

[U.S.C.A §§4071 – 74; Tex. Educ. Educ. §25.154.](#)

3. Student's Right to Pray
  - a. A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A person may not require, encourage, or coerce a student to engage in or refrain from such prayer or meditation during any school activity.

[Tex. Educ. Code §25.901.](#)

### **B. Homeless Students**

1. Liaison
  - a. Each charter holder shall assign a staff person as the charter holder liaison for homeless children.
  - b. The liaison shall ensure that:
    - i. Homeless children are identified by charter school personnel;
    - ii. Homeless children enroll in, and have an equal opportunity to succeed in, the charter holder's schools;

- iii. Homeless families and children receive educational services for which they are eligible;
- iv. Public notice of the educational rights of homeless children is disseminated where such children receive services (e.g. homeless shelters); and
- v. Enrollment disputes are mediated.

[42 U.S.C §11432\(g\)\(6\)\(A\).](#)

2. Enrollment

- a. Under the McKinney-Vento Homeless Education Assistance Improvements Act, a school shall immediately enroll a homeless child, even if the child is unable to produce records normally required for enrollment.
- b. The school shall promptly contact the child's last school attended to obtain relevant academic and other records. If the child needs immunizations, the school shall refer the child and the child's parent or guardian to the homeless liaison.

3. Segregation

The segregation of homeless children is prohibited.

4. Notice of Rights

- a. During enrollment, and twice during the year while the child is enrolled in the charter school, the charter school shall provide written notice to the parent or guardian of the child that is then signed by the parent or guardian and sets forth the child's rights under the McKinney-Vento Act.
- b. The notice must be in a manner and form understandable to the parent or guardian.
- c. Examples of notices of a child's rights from the National Center for Homeless Education may be found at the following links:  
[http://center.serve.org/nche/downloads/parentposter\\_eng\\_color.pdf](http://center.serve.org/nche/downloads/parentposter_eng_color.pdf)  
[http://center.serve.org/nche/downloads/parentbrochure\\_eng.pdf](http://center.serve.org/nche/downloads/parentbrochure_eng.pdf)

[McKinney-Vento Homeless Education Assistance Improvements Act of 2001, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432, 11434a.](#)

**C. Texas Virtual School Network**

- 1. Enrollment in an Electronic Course through the Texas Virtual School Network (VSN)  
A charter school in which a student is enrolled as a full-time student may not deny the request of a parent to enroll a student in an electronic course through the state virtual school network unless:
  - a. the student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or

- earning an industry certification;
- b. the student seeks to enroll in an course at a time that is not consistent with the enrollment period established by the charter school providing the course;
  - c. the charter school offers a substantially similar course;
  - d. the student seeks to enroll in more than three year-long courses, or the equivalent, at the expense of the school. This subsection does not limit the ability of a student of the charter school to enroll in additional electronic courses at the student's own cost.

*Tex. Educ. Code §26.0031*

2. Inducements Prohibited.

A charter school may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the Texas VSN.

*Tex. Educ. Code §30A.1052*

3. Written Policy and Annual Notice to Parents.

A charter school shall adopt a written policy that provides students with the opportunity to enroll in electronic courses provided through the Texas VSN consistent with the enrollment requirements described above.

A charter school shall, at least once per year, send to a parent of each student enrolled in the middle or high school a copy of the school's policy regarding courses provided through the Texas VSN.

*Tex. Educ. Code §30A.007*

4. State Funding for Enrollment in Electronic Courses

- a. A charter school is entitled to state funding under Tex. Educ. Code §12.106 for a student's enrollment in an electronic course offered through the Texas VSN in the same manner that the school is entitled to funding for a student's enrollment in courses provided in a traditional classroom setting, provided the student successfully completes the electronic course.
- b. A charter school shall receive state funding under Tex. Educ. Code §12.106 for a student's enrollment in not more than three electronic courses during the school year. This limitation does not apply to a student enrolled in a full-time online program that was operating January 1, 2013.

*Tex. Educ. Code §30A.114*

5. Fees for Enrollment in Additional Courses through Texas VSN

A charter school may charge a fee for enrollment in an electronic course provided through the Texas VSN to a student who resides in Texas and:

- a. is enrolled in the charter school as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other districts or open-enrollment charter schools; or
- b. elects to enroll in an electronic course provided through the Texas VSN for which the charter school in which the student is enrolled as a full-time student declines to pay the cost.
- c. A charter school may not charge a fee for a course through the VSN that exceeds the lesser of the cost of providing the course or \$400.

*Tex. Educ. Code §32.005; 19 Tex. Admin. Code §70.1025*