

ADMISSION CRITERIA

The Texas School for the Deaf is a state agency established to provide educational services to persons who:

1. are 21 years of age or younger on September 1 of any school year;
2. have been determined to be eligible for educational services as a student who is deaf/hard of hearing and who may have one or more additional disabilities; and
3. are residents of Texas.

TSD does not serve:

1. students whose needs are appropriately addressed in a home or hospital setting or a residential treatment facility; or
2. students whose primary, ongoing needs are related to a severe or profound emotional, behavioral, or cognitive deficit.

Tex. Educ. Code § 30.051(a)

Applicants who do not meet TSD's admission criteria will not be eligible for admission. If TSD determines that a prospective student is not eligible for admission, TSD will provide resources to the family or the local education agency (LEA) upon request. If TSD determines that a current student no longer meets admission criteria, the student and/or parents/guardians will be provided written notice of withdrawal and referred to the student's LEA for services.

DEFINITIONS

In applying the statutory criteria for students, TSD will apply the following definitions:

1. "Home Setting" – The student requires a home environment due to constant medical or intensive physical needs that cannot safely be met in the TSD campus-based program or dorms without individual monitoring, or the student requires services in a homebound instructional arrangement due to medical or physical needs that cannot be safely met in TSD's campus-based program. This includes medical procedures and/or therapies that require home health agencies or private duty nurses to provide. TSD is not considered a home environment.
2. Students who have a severe medical or serious chronic health condition which prohibits participation in the educational program on a school. TSD is not able to provide homebound services across the state of Texas. If a student requires homebound services, TSD will inform the LEA of the student's need for homebound and will assist the parent, guardian, or adult student in enrolling and obtaining these services including providing all educational records needed for services to be initiated.
3. "Hospital setting" – TSD does not admit students who are hospitalized for a medical condition that requires the student to stay there for an extended period of time and that requires a LEA to provide appropriate educational services.

4. "Residential treatment facility." TSD does not admit students who need to be educated in a residential treatment facility that provides 24-hour custody or care of students who reside in the facility for detention, treatment, or any non-educational purpose. Students who require a residential treatment facility are not eligible for admission or continued enrollment in TSD and will be referred to their LEA for services.
5. "Ongoing" - The characteristics of the student's condition have been evident over time and across situations. There is reason to believe that the characteristics of the condition are likely to continue. It is not behavior that is a temporary reaction to a situational trauma.
6. **"Severe or profound emotional or behavioral issues"** include severe disturbances of behavior, mood, thought processes, or interpersonal relationships that require one or more of the following:
 - An ongoing level of intensive supervision or therapeutic support;
 - Routine use of restraint, self-harm screenings, or calls to mental health deputies
 - Intensive medical treatments;
 - Routine removal from the classroom; or
 - Any intervention requiring intensive behavioral supports.

Student safety is of utmost concern in this population of vulnerable students. Therefore, self-injurious, violent/assaultive or threatening behavior may disqualify an applicant or make a TSD student no longer eligible to attend TSD. In these instances, TSD will refer students to their LEA and will assist the parent, guardian, or adult student in enrolling and obtaining services, including providing all educational records needed for services to be initiated.

7. **"Severe or profound cognitive deficit:"** TSD is not intended to serve students whose assessed intellectual and adaptive functioning are within the severe to profound range. This includes students who, even when provided specialized, intensive services are anticipated to require life-long support and supervision for most aspects of personal care (feeding, dressing, bathing, toileting, and grooming) and self direction skills (self-control, making choices, following a schedule, following time limits, and starting/completing tasks.

The student must be able to acquire the following adaptive and life skills:

- Functional academic and communication skills, including sign language acquisition
- Independently navigating TSD's campus with or without accommodations
- Social interaction skills
- Independent living skills
- Recreation and leisure skills
- Use of assistive technology

Adaptive and life skills factors that TSD may consider in determining the student's eligibility for admission include the student's

- Developmental history
- Educational records and assessments

- Medical history and assessments
- Cognitive/intellectual assessments
- Motor skills

ONE OR MORE DISABILITIES In judging whether an applicant has “severe or profound”- emotional, behavioral or cognitive deficits, the ARD Committee shall consider the effect of multiple impairments, the combination of which causes such acute educational needs outside of IEP related services provider that the student cannot be reasonably accommodated at TSD.

REGULATIONS The Superintendent is authorized to adopt any regulations necessary or proper, in his/her sole and absolute discretion, to implement this policy and to provide for a smooth and efficient functioning admissions procedure.

APPLICANT IS NOT ABLE TO BE ADEQUATELY ASSESSED If, in the sole and absolute discretion of TSD, its staff, agents, or consultants, the documentation and records submitted by the applicant are insufficient to determine eligibility for admission under this policy, or the child may not be reasonably assessed to determine whether or not the child meets the enrollment criteria set forth in Tex. Educ. Code § 30.051, the child will be conclusively presumed to be ineligible and that he or she has primary, ongoing needs related to one or more severe or profound emotional, behavioral, or cognitive deficits. A determination that the applicant cannot be tested sufficiently to make a legitimate determination shall be at the sole and absolute discretion of TSD, its staff, agents and/or consultants.

PLACEMENT DETERMINATION Once a completed application has been received, the TSD Special Education/Admissions Department will determine whether the student is admitted, not admitted, or whether additional information is needed.

If the Special Education/Admissions Department makes a determination that an applicant is not qualified for admission the parent, guardian, or adult student will be sent a letter indicating the decision and the reason(s) the student does not meet eligibility criteria for admission to TSD. If the referral to TSD was made by the and the LEA they will be notified as well.

If the student is determined to be eligible for admission, a date and time for the Admissions ARD meeting will be scheduled. The purpose of this ARD will be to develop the student’s individualized education program (IEP) including related services and the student’s schedule. TSD will provide comparable services and will follow the goals, objectives, and service minutes to the best of its ability until a programming ARD can be held by the corresponding department.

If the Special Education/Admissions Department is unclear whether a student meets the eligibility criteria, additional information from the previous school or the parent/guardian may be requested. In addition, an on-site visit to the LEA may be conducted.

TSD may choose to admit a prospective student on a provisional basis for observation and/or further evaluation. Admission on a provisional basis does not guarantee permanent admission.

Once an ineligibility determination is made, the temporary period shall terminate and the parent(s) or guardian(s) and the LEA shall be notified of the decision by the admissions office, and the Special Education/Admissions Department will refer the student back to the local school district. For

purposes of stay put, a temporary admission shall not constitute the last agreed upon placement and until a final determination of qualification for admission is made by TSD, the LEA shall remain the applicant's home school district.

ELIGIBILITY FOR ENROLLMENT IN THE RESIDENTIAL PROGRAM

Applicants eligible for TSD's day program are not automatically enrolled into the residential program. Enrollment into TSD's residential program (dorm living) is a separate and distinct consideration even for a student currently enrolled in TSD's day program. TSD provides dorm opportunities for eligible students who live outside of the Austin-metro area. Eligibility for the residential program includes:

- The student resides beyond a typical 60-minute commute each way between home and TSD;
- The student has the ability to respond independently and appropriately to life-threatening situations (as appropriate for the age of the student);
- The student does not have a history of persistent or pervasive behavior that poses a threat to themselves and or others, including but not limited to evidence of targeting/bullying behavior, substance abuse, fire starting, sexual predatory behavior, suicidal ideation, or assault.
- The student does not have a history of repetitive or pervasive non-compliance with residential expectations/rules;
- The student is enrolled in second grade or above.

EMERGENCY CONTACTS

All TSD students must have a parent, guardian, or emergency contact who is a resident of Texas and able to pick-up their student in the event of an emergency.

HOMELESS STUDENTS

TSD shall admit any homeless child who otherwise meets the admission criteria established in Texas Education Code § 30.051.

Homeless students can be considered for TSD's residential program so long as they have a designated place to stay on the weekends and any period of time when the school is closed.

Any request for an exception to the above eligibility must be presented for approval by Division Director, Social Worker, or designee.

As used herein, a person is homeless if:

- a. "Homeless children" under the McKinney-Vento Homeless Assistance Act, means children or youths who lack a fixed, regular, and adequate nighttime residence and includes:
 - (1) Children 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;

- (2) Children 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;
 - (3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - (4) Migratory children living in circumstances described above. "Migratory child" means a child who made a qualifying move in the preceding 36 months:
 - (a) As a migratory agricultural worker, or a migratory fisher, or;
 - (b) With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher. [See EEB]
- b. A person is homeless for purposes of Education Code 25.001(b)(5), regardless of the residence of the person, of either parent, or of the child's guardian or other person having lawful control, if:
- (1) The person lacks a fixed, regular, and adequate nighttime residence; or
 - (2) The person has 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, including a car, park, abandoned building, bus or train station, airport, or camping group;
 - (3) The person lives in a supervised publicly or privately operated shelter designated to provide temporary living accommodations (including hotels and motels paid for by government programs for low-income individuals or by charitable organizations, congregate shelters and transitional housing);
 - (4) The person resided in a shelter or place not meant for human habitation and is exiting an institution where he or she temporarily resided;
 - (5) The person will imminently lose their housing, has no subsequent residence identified, and lacks the resources or support networks needed to obtain other housing; and
 - (6) The person is an unaccompanied youth or part of a homeless family with children and youth defined as homeless under other federal statutes who:
 - (a) Has experienced a long-term period without living independently in permanent housing;
 - (b) Has experienced persistent instability as measured by frequent moves over such period; and

(c)Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

Education Code 25.001(b)(5); 20 U.S.C. 6399; 42 U.S.C. 11434A(2); 42 U.S.C. 11302

FOREIGN EXCHANGE STUDENTS

Because the Governing Board believes that a diverse cultural environment is conducive to a sound and appropriate education, the Superintendent is authorized to accept for admission to TSD any foreign exchange student, who meets TSD admission criteria, who he, in his sole and absolute discretion, believes will benefit from the educational environment offered by TSD. A person is, for purposes of this policy and the regulations adopted by the Superintendent to implement this policy, if any, a foreign exchange student if such person has been placed with a host family that resides in the State of Texas by a nationally recognized foreign exchange program.

HOMESCHOOLED STUDENTS

Texas School for the Deaf may request in writing a letter of assurance from parents/guardians that a student who has withdrawn from TSD is being home-schooled. This letter may require assurances that the home-school curriculum is designed to meet basic education goals including reading, spelling, grammar, mathematics, and a study of good citizenship.

TSD will determine placements and award credit to homeschooled students seeking admission in one of two ways:

1. by reviewing of the curriculum, course of study, and work of the student coming from a home-school environment, or
2. by administering valid and reliable assessment instruments (including Credit by Exam)

19 T.A.C. Section 74.26

NON-ENROLLED STUDENTS

A student enrolled in a private school, including a homeschool, shall not be eligible for concurrent enrollment in TSD nor for participation in curricular or extracurricular activities.

PROOF OF ELIGIBILITY

The School may require evidence that a person is eligible to attend the public free schools of the state at the time it considers an application for admission of the person.

Education Code 25.001(c)

IMMIGRATION STATUS

Denying enrollment to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. *Plyler v. Doe*, 457 U.S. 202 (1982)

SUBSTITUTE FOR PARENT OR GUARDIAN

The Board may allow a person showing evidence of legal responsibility for a

child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. Education Code 25.001(j)

AUTHORIZATION AGREEMENT

A parent, as defined in Family Code 101.024, or both parents of a child may enter into an authorization agreement with the child’s grandparent, adult sibling, or adult aunt or uncle to authorize the relative to perform acts described in Family Code 34.002 in regard to the child, such as:

1. Authorizing medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;
2. Enrolling the child in the School; and
3. Authorizing the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

A parent may also enter into an authorization agreement with a relative or other person with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services (DFPS) to allow the person to perform the acts described above with regard to the child during an investigation of abuse or neglect or while the department is providing services to the parent.

The authorization agreement must conform to the requirements of Family Code Chapter 34.

Only one authorization agreement may be in effect for a child at any time. Execution of a subsequent authorization agreement does not by itself supersede, invalidate, or terminate a prior authorization agreement. An authorization agreement is void if it is executed while a prior authorization agreement remains in effect.

A child who is the subject of an authorization agreement is not considered to be placed in foster care and the parties to the agreement are not subject to any law or rule governing foster care providers. *Family Code 34.0022(b)*

An authorization agreement is for a term of six months and renews automatically for six-month terms unless an earlier expiration date is stated in the agreement, the agreement is terminated under Family Code 34.008, or a court authorizes continuation. *Family Code 34.0075*

For adult students age 18 and over who are under no guardianship, a supported decision making document or medical power of attorney will be required at TSD.

Education Code 25.002(a), 38.001; 19 TAC 129.1(a),(b)

IMMUNITY

A person who is not a party to the authorization agreement who relies in good faith on the authorization agreement, without actual knowledge that the authorization agreement is void, revoked, or invalid, is not subject to civil or criminal liability to any person, and is not subject to professional disciplinary

action, for that reliance if the agreement is completed as required by Family Code Chapter 34.

Family Code 34.007(a)

STUDENTS IN FOSTER CARE

A child placed in foster care by an agency of the state or a political subdivision, and whose foster parents reside in the State of Texas shall be permitted to attend TSD free of any charge, if the student otherwise meets eligibility criteria for admission. No durational residency requirement shall be used to prohibit such a student from fully participating in activities sponsored by TSD.

The student must have an identified foster residence in place for the student when the student is not at TSD, whether enrolled as a day student or a residential student, participating in the School's Homegoing Program, or when School is closed. TSD is not intended or authorized to serve as a foster placement.

Education Code 25.001(f)

LEGAL SURNAME

A student must be identified by the student's legal surname as it appears on the student's birth certificate or other document suitable as proof of the student's identity, or in a court order changing the student's name. Education Code 25.0021

REQUIRED DOCUMENTATION

If a parent or other person with legal control of a child enrolls the child in TSD, the parent or other person, or the school district in which the child most recently attended school, shall furnish to TSD all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the Commissioner of Education in the Student Attendance Accounting Handbook;
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state;
3. A record showing that the child has the immunizations required by Education Code 38.001, proof that the child is not required to be immunized, or proof that the child is entitled to provisional admission (See FFAB)
4. Medical and dietary information and documents necessary to ensure appropriate medical management of the student while attending TSD, including disclosure of food allergy that, in the judgment of the parent or other person with legal control shall be disclosed to TSD to enable TSD to take any necessary precautions regarding the child's safety [see FB and FFAF]; and specify the food to which the child is allergic and the nature of the allergic reaction.

Students shall not be denied enrollment or be removed solely because they fail to provide the documentation required in items 1 and 2, above.

TSD shall maintain the confidentiality of the provided information, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with School policy under Education Code 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g. [\[See FL\]](#)

“Severe food allergy” means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

Education Code 25.022(a)-(c)

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

A parent or other person with legal control of a child under a court order must furnish information under items 1, 2, and 3 prior to enrollment at TSD.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child’s student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1)

CHILD IN DFPS POSSESSION

DFPS is required to follow the TSD admissions procedure for any child in their care. If the child meets the TSD admission criteria, DFPS shall ensure that the required documentation is furnished to TSD prior to enrollment.

INCONSISTENT DOCUMENTATION

If a child is enrolled under a name other than the name that appears in the identifying documents or records, TSD shall notify the missing children and missing persons information clearinghouse of the child's name as shown on the identifying records and the name under which the child is enrolled.

MISSING DOCUMENTATION

If the required documents and other records are not furnished to TSD the family will be encouraged to enroll the child in the LEA.

FALSE INFORMATION

When accepting a child for enrollment, TSD shall inform the parent or other person enrolling the child that presenting false information or false records for identification is a criminal offense under Penal Code 37.10 (Tampering with Governmental Records) and that enrolling the child under false documents makes the person liable for tuition or other costs as provided below. Education Code 25.002(d)

In addition to the penalty under Penal Code 37.10, a person who knowingly falsifies information on a form required for a student's enrollment in a district (or TSD) is liable to a district if the student is not eligible for enrollment, but is enrolled on the basis of false information. For the period during which the ineligible student is enrolled, the person is liable for the maximum tuition fee a district may charge or the amount a district has budgeted per student as

maintenance and operating expense, whichever is greater. Education Code 25.001(h)

TSD may include on its enrollment form notice of the legal penalties and liability for falsifying information on the form. Education Code 25.001(i)

PLACEMENT OF TRANSFERS CREDITS AND RECORDS

TSD shall accept all credits earned toward state graduation requirements by students in accredited Texas school districts, including credits earned in accredited summer school programs. Credits earned in local credit courses may be transferred at TSD's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from a district the student previously attended. 19 TAC 74.26(a)(1)

TSD shall grant a student credit toward the academic course requirements for high school graduation for courses the student successfully completes in Texas Youth Commission educational programs. Education Code 30.104

TSD shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. Education Code 37.001(d)

NONPUBLIC SCHOOLS

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. TSD may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. 19 TAC 74.26

FIRST GRADE

A child may be enrolled in the first grade if the child is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or completed kindergarten, in the public schools of another state prior to transferring to a Texas public district. Education Code 48.003(c)

SCREENING

The TSD Supervisor of Student Health Services, with consultation from other specialist as needed, shall ensure that each student admitted to TSD has complied with requirements for screening of vision, special senses, and communication disorders, abnormal spinal curvature screening and acanthosis nigricans screening for darkening of skin found in body folds or armpit, navel, etc. or has submitted an affidavit of exemption. The student or minor student's parent, managing conservator or guardian may substitute professional examinations for those screenings.

Health and Safety Code 36.005(a) and (b) 37.002(a), 95.003(c).

PEST CONTROL INFORMATION

At the time a student is registered, TSD shall inform parents, guardians, or managing conservators that the school periodically applies pesticides indoors and that information on the application of pesticides is available on request. Occupations Code 1951.455

ADMISSION APPEAL PROCESS

The parent or guardian of a student applicant who has been denied admission may appeal that decision to the Superintendent. The parent or guardian of the applicant may compose a short letter detailing the reason(s) for the appeal. The appeal letter must be received no later than two weeks from the date of the admission decision notification. The appeal letter must be sent to admissions@tsd.texas.gov. Applicants submitting appeals will be notified of the decision within three weeks of receipt of the appeal (in most cases) via the

personal email address from which the appeal was filed. Appeal letters must be submitted by the parent or applicant—not by anyone acting on their behalf. Appeal letters written by anyone other than the applicant’s parent/guardian will not be considered. Decisions rendered by the Superintendent are final, non-negotiable, and not appealable to the TSD Governing Board.