

CLOSING THE GAP

Authorities: 20 USC §§ 1400, 6314, 6315; 34 CFR Part 300; Elementary and Secondary Education Act/Every Student Succeeds Act; Texas Education Code; 19 TAC Chapter 89

[Additional Resources](#)

| DOCUMENT/ PRACTICE | FEDERAL AND STATE REQUIREMENTS | CITATIONS |
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| | ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (ESEA) | |
| P | In 2015, Congress passed the Every Student Succeeds Act, which reauthorizes the ESEA to ensure that every student achieves and replaces the previous version of the law, the No Child Left Behind Act, which was enacted in 2002. | ESEA/ESSA |
| P | A targeted assistance school program must serve participating students identified as eligible for targeted assistance by using methods and instructional strategies to strengthen the academic program of the school through activities, which may include a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (IDEA) Part B. | 20 USC 6315(b)(2)(B)(ii) |
| P | An eligible school operating a schoolwide program must develop a comprehensive plan that includes a description of the strategies that the school will be implementing to address school needs, including a description of how such strategies will address the needs of all students in the school, but particularly the needs of those at risk of not meeting the challenging state academic standards, through activities which may include implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the IDEA Part B. | 20 USC 6314(b)(7)(A)(iii)(III) |
| | EARLY INTERVENING SERVICES | |
| P | The education of students with disabilities can be made more effective by providing incentives for whole-school approaches, scientifically-based | 20 USC 1400(c)(5)(F) |

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| | early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label students as disabled in order to address the learning and behavioral needs of such students. | |
| P | In implementing coordinated, early intervening services, the local education agency (LEA) may carry out activities that include: | 300.226(b) |
| P | <ul style="list-style-type: none"> Professional development, which may be provided by entities other than LEAs, for teachers and other school staff to enable such personnel to deliver scientifically-based academic instruction and behavioral interventions, including scientifically-based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and | 300.226(b)(1) |
| P | <ul style="list-style-type: none"> Providing educational and behavioral evaluations, services, and supports, including scientifically-based literacy instruction. | 300.226(b)(2) |
| P | The provision of early intervening services does not limit or create a right to a free appropriate public education under the IDEA. | 300.226(c) |
| P | Early intervening services must not delay appropriate evaluation of a student suspected of having a disability. | 300.226(c) |
| | BILINGUAL EDUCATION PROGRAM | |
| P | Each LEA with an enrollment of 20 or more emergent bilingual students with limited English proficiency , in any language classification in the same grade level, must offer bilingual education or special language programs. | TEC 29.053(c) 89.1203(7) |
| P | Each LEA that is required to offer bilingual education and special language programs must offer the following for emergent bilingual students with limited English proficiency : | TEC 29.053(d) |
| P | <ul style="list-style-type: none"> Bilingual education in kindergarten through the elementary grades; | TEC 29.053(d)(1) |

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| P | <ul style="list-style-type: none"> Bilingual education, instruction in English as a second language (ESL), or other transitional language instruction approved by the Texas Education Agency in post-elementary grades through eighth grade; and | TEC 29.053(d)(2) |
| P | <ul style="list-style-type: none"> Instruction in ESL in grades 9-12. | TEC 29.053(d)(3) |
| | AFTER-SCHOOL AND SUMMER INTENSIVE MATHEMATICS INSTRUCTION PROGRAMS | |
| P | The LEA may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics instruction to: | TEC 29.088(a) |
| P | <ul style="list-style-type: none"> Students who are not performing at grade level in mathematics to assist those students in performing at grade level; | TEC 29.088(a)(1) |
| P | <ul style="list-style-type: none"> Students who are not performing successfully in a mathematics course to assist those students in successfully completing the course; or | TEC 29.088(a)(2) |
| P | <ul style="list-style-type: none"> Other students as determined by the LEA. | TEC 29.088(a)(3) TEC 29.088(a)(1) TEC 29.088(a)(2) |
| P | Before providing a program of after-school or summer intensive mathematics, the board of trustees of the LEA must adopt a policy for: | TEC 29.088(b) |
| P | <ul style="list-style-type: none"> Determining student eligibility for participating in the program that: | TEC 29.088(b)(1) |
| P | <ul style="list-style-type: none"> <ul style="list-style-type: none"> Prescribes the grade level or course a student must be enrolled in to be eligible; and | TEC 29.088(b)(1)(A) |

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| P | <ul style="list-style-type: none"> Provides for considering teacher recommendations in determining eligibility; | TEC 29.088(b)(1)(B) |
| P | <ul style="list-style-type: none"> Ensuring that parents of, or persons standing in parental relation to eligible students, are provided notice of the program; | TEC 29.088(b)(2) |
| P | <ul style="list-style-type: none"> Ensuring that eligible students are encouraged to attend the program; | TEC 29.088(b)(3) |
| P | <ul style="list-style-type: none"> Ensuring that the program is offered at one or more locations in the LEA that are easily accessible to eligible students; and | TEC 29.088(b)(4) |
| P | <ul style="list-style-type: none"> Measuring student progress on completion of the program. | TEC 29.088(b)(5) |
| P | After-school and summer intensive mathematics instruction programs provided under this section must be paid for with funds appropriated for that purpose. | TEC 29.088(d) TEC 29.088 |
| | AFTER-SCHOOL AND SUMMER INTENSIVE SCIENCE INSTRUCTION PROGRAMS | |
| P | The LEA may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide science instruction to: | TEC 29.090(a) |
| P | <ul style="list-style-type: none"> Students who are not performing at grade level in science to assist those students in performing at grade level; | TEC 29.090(a)(1) |
| P | <ul style="list-style-type: none"> Students who are not performing successfully in a science course to assist those students in successfully completing the course; or | TEC 29.090(a)(2) |

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| P | <ul style="list-style-type: none"> Other students as determined by the LEA. | TEC 29.090(a)(3) TEC 29.090(a)(1) TEC 29.090(a)(2) |
| P | Before providing a program of after-school or summer intensive science instruction program, the board of trustees of the LEA must adopt a policy for: | TEC 29.090(b) |
| P | <ul style="list-style-type: none"> Determining student eligibility for participating in the program that: | TEC 29.090(b)(1) |
| P | <ul style="list-style-type: none"> <ul style="list-style-type: none"> Prescribes the grade level or course a student must be enrolled in to be eligible; and | TEC 29.090(b)(1)(A) |
| P | <ul style="list-style-type: none"> <ul style="list-style-type: none"> Provides for considering teacher recommendations in determining eligibility; | TEC 29.090(b)(1)(B) |
| P | <ul style="list-style-type: none"> Ensuring that parents of, or persons standing in parental relation to eligible students, are provided notice of the program; | TEC 29.090(b)(2) |
| P | <ul style="list-style-type: none"> Ensuring that eligible students are encouraged to attend the program; | TEC 29.090(b)(3) |
| P | <ul style="list-style-type: none"> Ensuring that the program is offered at one or more locations in the LEA that are easily accessible to eligible students; and | TEC 29.090(b)(4) |
| P | <ul style="list-style-type: none"> Measuring student progress on completion of the program. | TEC 29.090(b)(5) |
| P | After-school and summer intensive science instruction programs provided under this section must be paid for with funds appropriated for that purpose. | TEC 29.090(d) TEC 29.090 |
| | BASIC SKILLS PROGRAMS FOR HIGH SCHOOL STUDENTS | |

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| P | The LEA may apply to the commissioner of education for funding of special programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner: | TEC 29.086(a) |
| P | <ul style="list-style-type: none"> The LEA may, with the consent of a student's parent or guardian, assign a student to a basic skills program; and | TEC 29.086(a) |
| P | <ul style="list-style-type: none"> A basic skills program may not exceed 210 instructional days. | TEC 29.086(a) TEC 29.086 |
| P | A basic skills program must: | TEC 29.086 |
| P | <ul style="list-style-type: none"> Emphasize basic skills in areas of the required curriculum; | TEC 29.086(b) TEC 28.002 |
| P | <ul style="list-style-type: none"> Offer students the opportunity to increase credits required for high school graduation under state or LEA policy; | TEC 29.086(b) |
| P | <ul style="list-style-type: none"> Comply with the minimum levels of student enrollment and standards of student progress established by the commissioner; | TEC 29.086(d) |
| P | <ul style="list-style-type: none"> Include criteria that permit measurement of student progress; | TEC 29.086(c) |
| P | <ul style="list-style-type: none"> Annually evaluate the progress of students in the program; and | TEC 29.086(c)(1) |
| P | <ul style="list-style-type: none"> Submit the results of the evaluation to the commissioner at the end of the school year. | TEC 29.086(c)(2) |
| | LIFE SKILLS PROGRAM FOR STUDENT PARENTS | |

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| P | The LEA may provide an integrated program of educational and support services for students who are pregnant or who are parents. | TEC 29.085(a) |
| P | The LEA must solicit recommendations for obtaining community support for the students and their children from organizations for parents of students in the LEA and from other community organizations. | TEC 29.085(c) |
| P | The program must include: | TEC 29.085(b) |
| P | <ul style="list-style-type: none"> Individual counseling, peer counseling, and self-help programs; | TEC 29.085(b)(1) |
| P | <ul style="list-style-type: none"> Career counseling and job readiness training; | TEC 29.085(b)(2) |
| P | <ul style="list-style-type: none"> Day-care for the students' children on the campus or at a day-care facility in close proximity to the campus; | TEC 29.085(b)(3) |
| P | <ul style="list-style-type: none"> Transportation for children of students to and from the campus or day-care facility; | TEC 29.085(b)(4) |
| P | <ul style="list-style-type: none"> Transportation for students, as appropriate, to and from the campus or day-care facility; | TEC 29.085(b)(5) |
| P | <ul style="list-style-type: none"> Instruction related to knowledge and skills in child development, parenting, and home and family living; and | TEC 29.085(b)(6) |
| P | <ul style="list-style-type: none"> Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs. | TEC 29.085(b)(7) |
| P | LEAs may operate <u>SHARED SERVICES ARRANGEMENTS</u> for a life skills program for student parents. | TEC 29.085(d) |

| Last Updated: ~~Thursday, January 25, 2018~~Friday, October 22, 2021