Sec. 1. NON-DISCRIMINATION IN ADMISSIONS

It is the policy of Midland Academy Charter to comply with all state and federal regulations regarding admission and not to discriminate during the admission and the lottery process on the basis of sex; national origin; ethnicity; religion; disability; academic, artistic, or athletic ability; or the district the child would otherwise attend. *Education Code 12.111(a)(5)*.

Sec. 2. GENERAL ELIGIBILITY FOR ADMISSION

Midland Academy Charter shall generally admit all persons who reside within Midland Academy Charter's geographic boundaries and for whom Midland Academy Charter operates a grade level sought and who, as of September 1 of any school year, are at least five years of age and under 21 years of age, or are at least 21 years of age and under 26 years of age and admitted by Midland Academy Charter to complete the requirements for a high school diploma, if the person meets any of the following conditions:

1. The applicant and either parent reside in Midland Academy Charter's geographic boundaries.
2. The applicant does not reside in Midland Academy Charter's geographic boundaries, but one of the parents resides within Midland Academy Charter's geographic boundaries and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the applicant.
3. The applicant and his or her guardian or other person having lawful control under a court order reside within Midland Academy Charter's geographic boundaries.
4. The applicant is under the age of 18 and has established a separate residence in Midland Academy Charter's geographic boundaries separate and apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the applicant's presence in Midland Academy Charter is not for the primary purpose of participation in extracurricular activities. However, Midland Academy Charter is not required to admit an applicant under this provision if the applicant:
   a. Has engaged in conduct or misbehavior within the preceding year that has resulted in removal to a disciplinary alternative education program or expulsion;
   b. Has engaged in delinquent conduct or conduct in need of supervision and is on probation or other conditional release for that conduct; or
   c. Has been convicted of a criminal offense and is on probation or other conditional release.
5. The applicant is homeless, regardless of the residence of the applicant, of either parent of the applicant, or of the applicant's guardian or other person having lawful control of the applicant.
6. The applicant is a foreign exchange student placed with a host family that resides in Midland Academy Charter's geographic boundaries by a nationally recognized foreign exchange program, unless Midland Academy Charter has applied for and been granted a waiver by the Commissioner because:

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   a. Admission would impose a financial or staffing hardship on Midland Academy Charter;
   b. Admission would diminish Midland Academy Charter's ability to provide high-quality education services for Midland Academy Charter's domestic students; or
   c. Admission would require domestic students to compete with foreign exchange students for educational resources.
7. The applicant resides at a residential facility, as defined in Education Code 5.001, located within Midland Academy Charter's boundaries.
8. The applicant resides in Midland Academy Charter's boundaries and is 18 or older or the applicant's disabilities of minority have been removed.
9. The applicant does not reside in Midland Academy Charter's boundaries, but a grandparent resides in Midland Academy Charter's boundaries and provides a substantial amount of after-school care for the applicant as determined by the Board.
10. The applicant and either parent of the applicant reside in a residence homestead that is located on a parcel of property any part of which is located in Midland Academy Charter's geographic boundaries.

Education Code 25.001.

Sec. 3. <u>APPLICATION REQUIREMENT</u>

Midland Academy Charter requires applicants to submit a complete TEA Charter Student Admission Application form in order to be considered for admission. Midland Academy Charter will accept new applications between March 14 - March 31.

In order to be eligible for admission, the applicant or qualifying occupant specified by Education Code 25.001(b) must generally reside in the geographic boundaries set by the Midland Academy Charter, and satisfy any other admissions criteria specified in this policy. *See* Sec. 10 below.

Sec. 4. <u>LOTTERY PROVISIONS</u>

A "lottery" for purposes of this policy is a non-weighted, random selection process that determines the order of enrollment of student applicants. A lottery based on grade level is to be conducted if the number of applicants exceeds the maximum enrollment. The lottery will be conducted on the second Wednesday in April, via lottery selection. The principal or designee of each campus will conduct the lottery, with supervision by at least one member of the sponsoring entity or his or her designee and a representative from the Midland Academy Charter Central Office. This ensures that the admissions list and the waiting list are selected randomly. Results of the lottery shall be certified by a notary public.

Sec. 5. <u>DEVELOPMENT OF WAITING LIST</u>

April 13 – August 1 Midland Academy Charter will continue to receive applications.. As space becomes available, applicants will be called from the waiting list beginning with applicants with

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the lowest number assignment. Applicants selected by lottery will be "deemed admitted" and may proceed from provisional admission (Texas Education Code Section 25.002) to enrollment.

Sec. 6. ADMISSION PROCESS OF RETURNING STUDENTS

Returning students (students who currently attend Midland Academy Charter and intend to return the next school year) are exempted from the lottery if they notify Midland Academy Charter of their intent to return for the next school year. The designated window to notify the school of their intent to return will be February 1st - February 14th.

Sec. 7. SIBLINGS POLICY AND CHILDREN OF THE SCHOOL'S FOUNDERS AND EMPLOYEES

Siblings of returning students currently enrolled at a Midland Academy Charter campus and who timely notify Midland Academy Charter of their intent to return for the next school year are exempt from the lottery and, space permitting, are automatically enrolled. For this policy "sibling" shall mean a biological or legally adopted brother or sister residing in the same household as the applicant. Cousins, nieces, nephews and unrelated children sharing an address with the applicant are not siblings. Sibling enrollment is dependent on available space and does not guarantee enrollment of each listed sibling.

Children of Midland Academy Charter's founders, teachers, and staff (so long as the total number of students allowed constitutes only a small percentage of the total enrollment) are exempt from lottery requirements, as permitted by federal guidance on the Charter Schools Program.

Sec. 8. APPLICATIONS SUBMITTED OUTSIDE THE DESIGNATED APPLICATION PERIOD

If a student applies to Midland Academy Charter outside of the designated application period, the student will be placed on a waiting list in the order of the date in which the application is received.

Sec. 9. STUDENTS WITH DOCUMENTED HISTORIES OF A CRIMINAL OFFENSE AND/OR MISCONDUCT

As authorized by Education Code § 12.111(a)(5)(A), Midland Academy Charter shall exclude from enrollment those students who have a documented history of a criminal offense, a juvenile court adjudication, or other discipline problems under Subchapter A, Chapter 37 of the Education Code.

Sec. 10. DOCUMENTS AND INFORMATION APPLICANTS ARE REQUIRED TO PROVIDE

Applicants must complete and submit the common admission application form developed and made available by the Texas Education Agency ("TEA") under Education Code 12.1173.

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Applicants are not required to provide transcripts or other academic records until after they are offered admission.

Sec. 11. VERIFICATION OF RESIDENCY AND IMMUNIZATION RECORDS FOR ENROLLMENT

Verification of residency and current immunization records are required for all students enrolling. Every student enrolling for the first time must present a signed statement from a physician or documentation of immunizations as required by the Texas Department of Health, no later than 30 days after enrolling. Students who submit an affidavit from a physician stating immunizations should not be administered for medical reasons, and students who submit an affidavit signed by the student's parent or guardian declining immunizations for reasons of conscience, will be excepted from this requirement. The parent or guardian must furnish records that verify the identity of the student.

A person's "residence," for the purpose of this policy is the true, fixed and permanent place where the qualifying occupant ordinarily lives and sleeps, not less than four nights during the school week and to which, when temporarily absent from the residence, the occupant intends to return. The qualifying occupant specified by Education Code 25.001(b) must generally reside in the authorized geographic boundaries of Midland Academy Charter, as described in the Midland Academy Charter. A person who is homeless, as defined by 42 U.S.C. 11302, need not reside within the geographic boundaries of Midland Academy Charter. In order to verify residency for enrollment, acceptable evidence of residency includes:

- Current property tax bill with parent/guardian's name and property address;
- Current rental or lease agreement with parent/guardian's name, student name, and address, as well as manager or owner's name and telephone number;
- Documents related to the purchase of the residence with the parent/guardian's name and property address;
- Mail dated within 60 days before the application date from the following sources:
  - Social Security Administration;
  - A Texas State government agency;
  - Utility companies;
  - Credit card bill;
  - Financial institutions; including checking or savings;
  - Insurance companies;
  - State and Federal Revenue documents;
  - Paycheck information; and
  - Other sources or documents demonstrating residency.

If, at any time, a student's or qualifying occupant's residence is in question, Midland Academy Charter may ask for additional documents for verification. If the parent or legal guardian cannot provide evidence of residency because the parent or legal guardian is living with a relative or

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friend, Midland Academy Charter may accept a notarized statement by the relative or friend with the following stipulation:

- Notarized statement must state that the parent or legal guardian and child are living with the relative/friend;
- Notarized statement must state the name of the relative or friend who is on the relative or friend's proof of residence;
- Notarized statement must state the same address of the relative or friend who is on the relative or friend's proof of residence;
- A copy of the relative or friend's proof of residence must be attached to the notarized statement (meeting the documentation criteria described above); and
- The notarized statement must be signed by the same name of relative or friend who is on the relative or friend's proof of residence.

A person whose parent or guardian is 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, may establish residency by providing to Midland Academy Charter a copy of a military order requiring the parent's or guardian's transfer to a military installation in or adjacent to Midland Academy Charter's attendance zone. Such proof of residence shall be provided to Midland Academy Charter not later than the 10th day after the arrival date specified in the military order requiring the parent's or guardian's transfer. For purposes of this provision, the term "residence" includes residence in a military temporary lodging facility. *Education Code 25.001(c-1)-(c-2).*

Subsequently, within 60 days, at least two current documents, Midland Academy Charter must be provided confirmation of residency from one or more of the following sources:

- Credit card companies;
- U. S. Treasury;
- Social Security Administration, including benefits letter;
- Texas State government agencies (including city and county agencies);
- Utility companies;
- Financial institutions including checking, savings, or investment account statements;
- Insurance companies; or
- State and Federal Revenue departments.

Midland Academy Charter may conduct home-visits, at any time, to confirm residency of applicants and enrolled students. Falsification of residence on an enrollment form is a criminal offense.

Sec. 12. <u>ADULT STUDENT ATTENDANCE REQUIREMENT FOR CONTINUED ADMISSION</u>

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A person who voluntarily attends school after his or her 19th birthday shall attend school each school day for the entire period the program of instruction is offered. Midland Academy Charter may revoke, for the remainder of the school year, the enrollment of a person who has more than five absences in a semester that are not excused under Education Code 25.087, except that Midland Academy Charter may not revoke the enrollment on a day on which the person is physically present at school. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school grounds and a criminal trespass warning may be issued. Prior to revoking the person's enrollment, Midland Academy Charter shall issue a warning letter to the person, after the third unexcused absence, stating that the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester. As an alternative to revoking enrollment, Midland Academy Charter may impose a behavior improvement plan. *Education Code 25.085(e).*

Sec. 13. STUDENT RESIDENCY SEPARATE FROM PARENT/GUARDIAN

In order to protect the best interests of students enrolled, for purposes of students under the age of 18 who have established a residence apart from the person's parent, guardian, or other person having lawful control, such persons must establish their separate residency and verify it with documentation acceptable to Midland Academy Charter in the same manner as other students. However, a student under 18 and not living with parents or guardian, who has engaged in conduct in the preceding year that has resulted in a disciplinary removal, alternative placement or expulsion, or who has engaged in delinquent conduct or conduct in need of supervision and is on probation or other conditional release for that conduct, or has been convicted of a criminal offense and is on probation or other conditional release, shall not be admitted to Midland Academy Charter. The Superintendent or designee shall follow "Students with Documented Histories of a Criminal Offense and/or Misconduct," above, in making such determination.

Sec. 14. ADMISSION OF HOMELESS STUDENTS

a) *Definitions*

"Enroll" and "enrollment" include attending classes and participating fully in school activities.

"Homeless child" or "homeless children" 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;

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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.

"School of origin" means the school that the child attended when permanently housed or the school in which the child was last enrolled, including a preschool. When a child completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools, as applicable.

"Unaccompanied youth" includes a homeless child or youth not in the physical custody of a parent or guardian.

b) *General Requirements*

As a condition of receiving federal funds under the McKinney-Vento Homeless Assistance Act, Midland Academy Charter shall, according to a homeless child's best interest:

1. Continue the child's education in the school of origin for the duration of homelessness;
   a. If the child's family becomes homeless between academic years or during an academic year; and
   b. For the remainder of the academic year, if the child becomes permanently housed during an academic year; or
2. Enroll the child in any Midland Academy Charter school that non-homeless students who live in Midland Academy Charter's geographic boundaries are eligible to attend.

42 U.S.C. 11432(g)(3)(A).

In determining the best interest of a homeless child, Midland Academy Charter shall:

1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the request of the child's parent or guardian, or in the case of an unaccompanied youth the youth;
2. Consider student-centered factors related to the child's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children, giving priority to the request of the child's parent or guardian or the unaccompanied youth;
3. If, after conducting the best interest determination based on consideration of the presumption in item 1 above and the student-centered factors in item 2 above, Midland Academy Charter determines that it is not in the child's best interest to attend the school of origin or the school requested by the parent or guardian or the unaccompanied youth,

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provide the parent, guardian, or unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal as set forth in Sec. 13-f below; and

4. In the case of an unaccompanied youth, ensure that the homeless liaison assists in placement and enrollment decisions under these provisions, gives priority to the views of such unaccompanied youth, and provides the notice to such youth of the right to appeal as set forth in Sec. 13-f below.

42 U.S.C. 11432(g)(3)(B).

Midland Academy Charter shall not stigmatize or segregate a student who is homeless.

c) *Information from Parents*

Midland Academy Charter may require the parent or guardian of a homeless child to submit contact information. *42 U.S.C. 11432(g)(3)(H).*

d) *Enrollment*

Midland Academy Charter shall immediately enroll a homeless child, depending on available seats, even if the child:

1. Is unable to produce records normally required for enrollment, such as previous academic record, records of immunization and other required health records, proof of residency, or other document; or
2. Has missed application or enrollment deadlines during any period of homelessness.

42 U.S.C. 11432(g)(3)(C).

e) *Enrollment in School of Origin*

In determining the best interest of the student for the purpose of continuing the student's education in the school of origin, Midland Academy Charter shall presume that keeping the student in his or her school of origin is in the student's best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth. Midland Academy Charter shall also consider the best interests of the student with regard to the impact of moving schools on the student's achievement, education, health, and safety, including such relevant factors as:

1. Continuity of instruction;
2. Age and grade placement of the student;
3. Distance of the commute and its impact on the student's education or special needs;
4. Personal safety of the student;

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5. The student's eligibility and need for any specialized services and supports, such as Section 504, special education and related services, or bilingual or English as a second language services;
6. Length of anticipated stay in a temporary shelter or other temporary location, if applicable;
7. Likely area of the family's or youth's future housing;
8. Time remaining in the school year; and
9. School placement of siblings.

Services, including transportation that Midland Academy Charter is required to provide shall not be considered in determining the student's school of attendance.

f) ***Disputes Concerning Enrollment***

If a dispute arises over eligibility, or school selection or enrollment in a school:

1. The child shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
2. The parent or guardian of the child or an unaccompanied youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by Midland Academy Charter, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
3. The parent, guardian, or unaccompanied youth shall be referred to the homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
4. In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.

42 U.S.C. 11432(g)(3)(E).

g) ***Comparable Services***

Midland Academy Charter shall provide a homeless child with services comparable to those offered to other student in the school in which the child is enrolled. *42 U.S.C. 11432(g)(4).*

Sec. 15. <u>ADMISSION OF MILITARY DEPENDENTS</u>

a) ***Applicability***

The provisions of Sec. 14 of this policy shall apply to the children of:

1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;

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2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Sec. 14 of this policy shall not apply to the children of:

1. Inactive members of the national guard and military reserves;
2. Members of the uniformed services now retired, except as provided above;
3. Veterans of the uniformed services, except as provided in this policy; and
4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Education Code 162.002 Article III.

b) *Definitions*

"Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

"Children of military families" means a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

"Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

"Transition" means:

1. The formal and physical process of transferring from school to school; or
2. The period of time in which a student moves from one school in the sending state to another school in the receiving state.

"Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

"Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

Education Code 162.002 Article II.

c) *Eligibility for Enrollment*

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Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

i. *Continued Acceptance*

A transitioning military child, placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

Education Code 162.002 art. VI, § A.

d) *Education Records*

i. *Unofficial Records*

In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parents a complete set of unofficial education records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records, Midland Academy Charter **s**hall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

ii. *Official Records*

Simultaneous with the enrollment and conditional placement of the student, Midland Academy Charter shall request the student's official education record from the sending district.

Education Code 162.002 art. IV, §§ A–B.

e) *Tuition*

Midland Academy Charter is prohibited from charging tuition to:

1. A transitioning military child placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent; or
2. A student who is domiciled in another state and resides in military housing that is located within Midland Academy Charter's boundaries.

Education Code 25.004, 162.002 art. VI, § A.

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f) *Grade-Level Placement*

Students shall be allowed to continue their enrollment at grade level in Midland Academy Charter commensurate with their grade level, including kindergarten, from the sending district at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level shall be eligible for enrollment in the next highest grade level in Midland Academy Charter, regardless of age. A student transferring after the start of the school year shall enter Midland Academy Charter on his or her validated level from an accredited school in the sending state. *Education Code 162.002 art. IV, § D.*

g) *Course Placement*

When the student transfers before or during the school year, Midland Academy Charter shall initially honor placement of the student in educational courses based on the student's enrollment in the sending district and/or educational assessments conducted at the sending district if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude Midland Academy Charter from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). *Education Code 162.002 art. V, § A.*

h) *Educational Program Placement*

Midland Academy Charter shall initially honor placement of the student in educational programs based on current educational assessments conducted at the sending district or participation/placement in like programs in the sending state. Such programs include, but are not limited to:

1. Gifted and talented programs; and
2. English as a second language (ESL).

This does not preclude Midland Academy Charter from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, § B.*

i) *Waivers*

Midland Academy Charter administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered by Midland Academy Charter. *Education Code 162.002 art. IV, §§ A–B, D.*

Sec. 16. <u>DISCREPANCIES IN STUDENT NAME</u>

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The Superintendent or designee shall notify the Missing Children and Missing Persons Information Clearinghouse if a child is enrolled under a name other than the name that appears on the identifying documents. If a student's records have not been received within 30 days of a request, the Superintendent or designee shall notify local law enforcement for a determination of whether the child has been reported as missing. *Education Code 25.002(b).*

Sec. 17. FOOD ALLERGY INFORMATION

The parent of each student enrolled with Midland Academy Charter must complete a form provided by Midland Academy Charter that discloses (1) whether the child has a food allergy or a severe food allergy that should be disclosed to Midland Academy Charter to enable Midland Academy Charter to take any necessary precautions regarding the child's safety and (2) specifies the food(s) to which the child is allergic and the nature of the allergic reaction.

For purposes of this requirement, the term "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.

Midland Academy Charter may also require information from a child's physician if the child has food allergies.

Food allergy information forms will be maintained in the child's student records, and shall remain confidential. Information provided on food allergy information forms may be disclosed to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with Board policy and as permissible under the Family Educational Rights and Privacy Act of 1974 ("FERPA").

Education Code 25.0022(a)-(c).

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