

## Chapter 89. Adaptations for Special Populations

### Subchapter EE. Commissioner's Rules Concerning the Communities In Schools Program

#### §89.1501. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Case-managed student--A student who is assessed to be in need of and receives Communities In Schools (CIS) services to address academic, attendance, behavior, and/or social service needs related to improving student achievement according to the requirements in the grant application.
- (2) Developing program--An entity funded through the replication process for the purposes of establishing and implementing a local CIS program within a five-year period following the requirements in the grant application.
- (3) Local CIS program--A Communities In Schools 501(c)(3) non-profit organization established in accordance with the program model and state guidelines authorized by state law and meeting all the requirements in the grant application for establishing and maintaining a local CIS program.

*Statutory Authority: The provisions of this §89.1501 issued under the Texas Education Code, §33.154 and §33.156.*

*Source: The provisions of this §89.1501 adopted to be effective July 4, 2005, 30 TexReg 3867; amended to be effective February 26, 2009, 34 TexReg 1237; amended to be effective December 27, 2011, 36 TexReg 8820; amended to be effective September 13, 2016, 41 TexReg 7086; amended to be effective July 13, 2021, 46 TexReg 4141.*

#### §89.1503. Funding.

- (a) Equitable funding formula. As authorized by the Texas Education Code (TEC), §33.156, the Texas Education Agency (TEA) shall establish the funding of local Communities In Schools (CIS) programs in accordance with this section. State and federal funds remaining after allocations described in subsection (c)(1) of this section shall be allocated to local CIS programs.
- (b) Developing programs.
  - (1) A developing program may receive a funding amount each year for a minimum of five years, including the first-year start-up funding for planning purposes. Priority will be given to developing programs as funds are allocated.
  - (2) A developing program that has met all the requirements for establishing a local CIS program before the fifth year may request to be considered as a local CIS program for funding determined under subsection (c)(2) of this section if approved by the TEA.
- (c) Allocation.
  - (1) Annually, after federal and state funds for the CIS program have been set aside for administration, no more than 10% in total may be allocated for the following:
    - (A) CIS database development and maintenance;
    - (B) grant opportunities, as applicable, in accordance with subsection (f) of this section; and
    - (C) state leadership activities benefitting local CIS programs in accordance with the TEC, §33.154.
  - (2) Local CIS programs shall receive a funding amount each year to be allocated based on the following criteria:
    - (A) an equal base amount of funds, as determined by the TEA;

- (B) no less than 50% nor more than 80% of the specified funding amount based on the relative proportion of the number of case-managed students to be served by each local CIS program to the total number of case-managed students to be served by all local CIS programs;
- (C) no less than 5.0% nor more than 15% of the specified funding amount based on the weighted financial resources of the individual communities and school districts, if less than the average financial resources of all school districts participating in the program.
  - (i) Data elements used for calculation of the financial resources allocation. Weighted financial resources will be determined using the following data elements from the most recent school year for which final data are available:
    - (I) taxable property values determined in accordance with Texas Government Code, Chapter 403, Subchapter M, for school districts listed in each program's current grant application;
    - (II) weighted average daily attendance (WADA), as reported by the school districts and verified by the TEA, in school districts listed in each program's current grant application; and
    - (III) the number of eligible students at the campus level, as reported by the school districts and verified by the TEA, in school districts listed in each program's current grant application.
  - (ii) Method used for calculation of the weighted financial resources. Weighted financial resources of a local CIS program are calculated in the following way.
    - (I) The weighted average taxable property value per WADA (wealth per WADA) for all local CIS programs is determined by first multiplying the wealth per WADA for each district within the CIS program by the district's WADA, summing the results for all districts, and then dividing the resulting sum by the total WADA in the CIS program.
    - (II) The average wealth per WADA for all CIS programs is then calculated.
    - (III) A local CIS program with a below-average wealth per WADA receives weighted financial resources. The weighted financial resources for a local CIS program with a below-average wealth per WADA are calculated as follows.
      - (-a-) The weighted eligible students number is derived by dividing the eligible students number by the ratio of the local CIS program's wealth per WADA to the average program wealth per WADA.
      - (-b-) The weighted eligible students numbers for all programs with a below-average wealth per WADA are summed.
      - (-c-) The ratio of each individual program's weighted eligible students to the total weighted eligible students is applied to the total amount allocated for the financial resources allocation. This amount forms the program's financial resources allocation.
  - (3) If a local CIS program declines to accept allocated grant funds, the TEA may redistribute grant funding competitively, equally, or based on a formula among participating local CIS programs.
  - (d) CIS program replication and expansion. Should the legislature authorize an increase in the funds appropriated for the state CIS program or should funds become available because of loss of program funding or grant revocation, the TEA may designate an amount of the increase to be reserved for replication and/or expansion.

- (1) Replication. The TEA may determine and retain a funding amount for replication of the CIS program in areas of the state that are not served by a participating CIS program. Replication funds may be made available through a competitive request for application process or through any other process the TEA deems necessary. First-year replication funding may be a one-time planning grant for the development of a business plan.
- (2) Expansion. The TEA may determine and retain a funding amount for expansion of the CIS program.
- (e) CIS program merger. For purposes of funding, only local CIS programs geographically adjacent to one another may merge into one CIS program. If two or more local CIS programs merge into one CIS program, the equal base allotment as determined in subsection (c)(2)(A) of this section may be allocated to the merged CIS program for a maximum of two years after the merger takes place. After two years, the merged CIS program will be considered a single CIS program within the funding formula and receive one equal base allotment. Local CIS programs seeking to merge for funding purposes must submit to TEA, prior to the posting of the subsequent school year's CIS Grant Program Guidelines, a proposed plan for the merger describing the need for the merger and the local educational agencies to be served.
- (f) Special initiatives. If the TEA partners or contracts with other agencies or entities to implement special initiatives, activities, or programs that support dropout prevention efforts, local CIS programs will have the discretion of whether to participate in the special initiatives. Selection of local CIS programs for participation may be determined by the TEA and the partner, or contractor, depending on the variables of the initiative.

*Statutory Authority: The provisions of this §89.1503 issued under the Texas Education Code, §33.154 and §33.156.*

*Source: The provisions of this §89.1503 adopted to be effective February 26, 2009, 34 TexReg 1237; amended to be effective December 27, 2011, 36 TexReg 8820; amended to be effective September 13, 2016, 41 TexReg 7086; amended to be effective July 13, 2021, 46 TexReg 4141.*

**§89.1504. Demonstration of Community Participation.**

- (a) Each local Communities In Schools (CIS) program must provide cash contributions to operate the CIS program in an amount equal to at least 25% of the total funding allocated to the local CIS program by the Texas Education Agency (TEA). The contribution may be met using private, local, or state sources. Developing programs must comply with this provision beginning in the second year of operation.
- (b) The TEA may choose not to award funding to a local CIS program if the TEA determines that the total estimated allocation by the TEA and the local CIS program's matching contribution of 25% is insufficient to adequately serve the required number of case-managed students as determined in §89.1507 of this title (relating to Case-Managed Students) or serve them within the required maximum number of case-managed students per site staff member as determined in the grant application.

*Statutory Authority: The provisions of this §89.1504 issued under the Texas Education Code, §33.154 and §33.156.*

*Source: The provisions of this §89.1504 adopted to be effective December 27, 2011, 36 TexReg 8820; amended to be effective September 13, 2016, 41 TexReg 7086; amended to be effective July 13, 2021, 46 TexReg 4141.*

**§89.1505. Eligibility and Grant Application.**

- (a) A local Communities In Schools (CIS) program or a developing program must submit a grant application each year in accordance with procedures established by the commissioner of education.
- (b) To remain eligible for grant funding, a local CIS program or a developing program must meet all deadlines and requirements set forth in §89.1511 of this title (relating to Performance Standards and Revocation of Grant Award) and in the grant application.

*Statutory Authority: The provisions of this §89.1505 issued under the Texas Education Code, §33.154 and §33.156.*

*Source: The provisions of this §89.1505 adopted to be effective February 26, 2009, 34 TexReg 1237; amended to be effective September 13, 2016, 41 TexReg 7086.*

**§89.1507. Case-Managed Students.**

- (a) Each local Communities In Schools (CIS) program is required to serve a specific number of case-managed students each year. The specific number of case-managed students to be served will be identified in the annual grant application.
- (b) To determine the number of case-managed students to be served by each local CIS program, the Texas Education Agency (TEA) will apply one of the following calculations:
  - (1) the relative proportion of the number of eligible students attending the campuses served or to be served by the respective local CIS program to the number of eligible students in all campuses served or to be served by all CIS programs;
  - (2) the relative proportion of the number of campuses served or to be served according to the most recent data by the respective local CIS program to the number of campuses served or to be served by all CIS programs; or
  - (3) the relative proportion of the specified number of case-managed students for the respective local CIS program as identified in the current year's grant application to the total number of case-managed students for all CIS programs.

*Statutory Authority: The provisions of this §89.1507 issued under the Texas Education Code, §33.154 and §33.156.*

*Source: The provisions of this §89.1507 adopted to be effective February 26, 2009, 34 TexReg 1237; amended to be effective December 27, 2011, 36 TexReg 8820; amended to be effective September 13, 2016, 41 TexReg 7086; amended to be effective July 13, 2021, 46 TexReg 4141.*

**§89.1511. Performance Standards and Revocation of Grant Award.**

- (a) Performance standards for a local Communities In Schools (CIS) program regarding the number of case-managed students served.
  - (1) A local CIS program that fails to serve the number of case-managed students indicated in its grant application by the end of the school year of any given year may receive a reduced case-managed student target the following grant year and a proportional reduction in funding.
  - (2) A local CIS program that exceeds the required maximum number of case-managed students per site staff member as determined in the grant application may receive a reduced case-managed target and a proportional reduction in funding.
  - (3) Following the end of a given school year, a local CIS program that fails to serve the number of case-managed students identified in its grant application or fails to meet the ratio of students per site staff member on at least one campus as established in the grant application must submit to the Texas Education Agency (TEA) a Program Improvement Plan (PIP) detailing how the CIS program will reach the case-managed student target or reduce the ratio as required. The PIP must include the following:
    - (A) local program contact information;
    - (B) the number of case-managed students listed in the grant application;
    - (C) the actual number of case-managed students served;
    - (D) an explanation detailing the reasons the local CIS program did not serve the number of case-managed students indicated in its grant application or exceeded the maximum ratio of students per site staff member on at least one campus;
    - (E) a list of the proposed strategies and initiatives that will be implemented to meet the case-managed student target or reduce the ratio of students per site staff member;
    - (F) timelines for each proposed strategy and initiative, including how the effectiveness of each strategy will be monitored, who will monitor each strategy, and when monitoring will occur; and

- (G) a list of fiscal, logistical, and human resources necessary to meet the case-managed student target or maximum ratio of students per site staff member.
- (4) A local CIS program may have its grant award non-renewed, reduced, or revoked if it fails to meet its case-managed student target or the ratio of students per site staff member as identified in the grant application for three years out of a four-year period.
- (b) Performance standards for a local CIS program regarding state targets in academic achievement, behavior, dropout rates, graduation, and promotion/retention.
  - (1) In accordance with the Texas Education Code (TEC), §33.154(a)(2), performance standards that consider student academic achievement, behavior, dropout rates, graduation, and promotion/retention shall be established for local CIS programs within the annual grant application.
  - (2) Each local CIS program shall report data to the TEA that indicates performance on the established standards. Pursuant to the TEC, §33.154(a)(7)(B), each school district that participates in a CIS program shall provide to the local CIS or developing program necessary student information and data for each student whose parent or legal guardian has authorized in writing that educational records be shared with the CIS program and the TEA. Such information and data may include records on a student's academic achievement, promotion, attendance, disciplinary referrals, free/reduced-price lunch status, at-risk status, or health-related information in accordance with the written authorization obtained by the local CIS program from the student's parent or legal guardian. A local CIS program or developing program may provide this information and data to the TEA in accordance with the grant application.
  - (3) Local CIS programs shall report student growth performance standards using the indicators outlined in the grant application.
  - (4) The TEA shall notify local CIS programs that did not meet performance standards in any area, within a 5.0% variance, following the end of each school year.
  - (5) A local CIS program that fails to meet performance standard(s) in any area within a 5.0% variance must submit to the TEA a PIP detailing how the CIS program will improve in the performance standard by the end of the next grant year period. The PIP shall include the following:
    - (A) local program contact information;
    - (B) a list of the performance standard(s) as listed in the grant application with the program's associated performance percentages;
    - (C) an explanation detailing the reason(s) the local CIS program did not meet the performance standard(s);
    - (D) a list of the proposed strategies and initiatives that will be implemented to meet the performance standard(s) that were not met;
    - (E) timelines for each proposed strategy and initiative, including how the effectiveness of each strategy will be monitored, who will monitor each strategy, specific data to be reviewed, and when monitoring will occur; and
    - (F) a list of fiscal, logistical, and human resources necessary to reach the performance standard(s).
  - (6) The TEA will review and provide feedback on PIPs.
  - (7) TEA reserves the right to create an Action Plan to address deficiencies in grantee performance. The Action Plan would set forth actions aligned to the expectations within the CIS Grant Program Guidelines.
- (d) Performance standards for a developing program. A developing program that does not meet the requirements for establishing a local CIS program as specified in the request for application may have its grant funding non-renewed or revoked in accordance with subsection (e)(2) of this section.

- (e) Revocation of grant award.
  - (1) The commissioner may deny renewal of or future eligibility for the grant award of a local CIS program based on any of the following:
    - (A) non-compliance with the grant application assurances and/or requirements;
    - (B) failure to improve after being placed on a PIP for three consecutive years; or
    - (C) failure to comply with a TEA Action Plan.
  - (2) The commissioner may deny renewal of or revoke the grant award of a developing program based on any of the following:
    - (A) non-compliance with the grant application assurances and/or requirements;
    - (B) lack of program success as evidenced by progress reports and program data;
    - (C) failure to meet performance standards specified in the application; or
    - (D) failure to provide accurate, timely, and complete information as required by the TEA to evaluate the effectiveness of the developing program.
  - (3) A decision by the commissioner to deny renewal or revoke authorization of a grant award is final and may not be appealed.
  - (4) Revoked funds may be used for CIS program replication and/or expansion in accordance with §89.1503(d) of this title (relating to Funding).
  - (5) A program whose grant has been non-renewed or revoked is eligible to apply for replication funding in accordance with §89.1503(d) of this title after one year from the fiscal year the grant was non-renewed or revoked.

*Statutory Authority: The provisions of this §89.1511 issued under the Texas Education Code, §33.154 and §33.156.*

*Source: The provisions of this §89.1511 adopted to be effective February 26, 2009, 34 TexReg 1237; amended to be effective December 27, 2011, 36 TexReg 8820; amended to be effective September 13, 2016, 41 TexReg 7086; amended to be effective July 13, 2021, 46 TexReg 4141.*