2013-2014
New School Designation

For open-enrollment charters
interested in applying for
2013-2014 New School Designation.

TEA Contacts

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New School Designation for Existing Charters

Allowed through -

- Federal non-regulatory guidance in the Elementary and Secondary Education Act (ESEA), Section 5202(d)(1);
- The Charter School Program (CSP) grant awarded to Texas by the United States Department of Education (USDE); and
- 19 Texas Administrative Code (TAC) §100.1033(c)(6)

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Federal Non-Regulatory Guidance

- A state educational agency (SEA) **may not award** CSP subgrants to multiple charters established under a single charter where the charter schools are merely extensions of each other.

- An SEA **may award** CSP subgrants to multiple charters established under a single charter if each of the charter schools meets the CSP definition of "charter school" and the schools are truly separate and distinct from each other.

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19 TAC §100.1033(c)(6)

A new school amendment is an expansion amendment that permits a charter holder to establish an additional charter school under an existing open-enrollment charter.

Charter holders of charter schools that receive new school designations from the commissioner are eligible to participate in the charter school program competitive grant process when federal funding for the Texas charter school program is available.

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19 TAC §100.1033(c)(6)(A)

The commissioner may approve a new school amendment for a charter only if:

(i) the charter holder meets all requirements applicable to an expansion amendment and a substantive amendment set forth in this section and has operated at least one charter school in Texas for a minimum of five consecutive years;

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19 TAC §100.1033(c)(6)(A)

(ii) the charter has been evaluated under the accountability rating system established in §97.1001 of this title (relating to Accountability Rating System) with at least 50% of the student population in grades assessed by the state accountability system, has an accreditation status of Accredited, and meets the following:

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(I) evaluated in 2011 under the standard accountability procedures and received a district rating of Exemplary or Recognized for three of the last five years with at least 75% of the campuses rated under the charter also being rated Exemplary or Recognized and no campus with an unacceptable rating in the most recent state accountability ratings; or

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19 TAC §100.1033(c)(6)(A)

(II) evaluated in 2011 under the alternative education accountability (AEA) procedures and received a district rating of AEA: Academically Acceptable or a standard rating of Academically Acceptable or higher for five of the last five years with:

(-a-) all rated campuses under the charter receiving an acceptable or higher rating in the 2011 accountability ratings; and

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(-b-) if evaluated using AEA procedures, the district-level assessment data demonstrate that at least 30% of the students in each of the following student groups (if evaluated) met the standard as reported by the sum of all grades tested on the standard accountability indicator in each subject area assessed in the 2011-2012 AEIS: African American, Hispanic, White, Special Education, Economically Disadvantaged, Limited English Proficient, and At Risk;

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19 TAC §100.1033(c)(6)(A)

(iii) no charter campus has been placed in Stages 2-5 in the No Child Left Behind school improvement program for failure to meet Adequate Yearly Progress in the 2012 data;

(iv) the charter is not under any sanction imposed by TEA authorized under TEC, Chapter 39; Chapter 97, Subchapter EE, of this title (relating to Accreditation Status, Standards, and Sanctions); or federal requirements;

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19 TAC §100.1033(c)(6)(A)

(v) the charter holder completes an application approved by the commissioner;

(vi) the new charter school will serve at least 50 students;

(vii) the amendment complies with all requirements of this paragraph; and

(viii) the commissioner determines that the amendment is in the best interest of the students of Texas.

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19 TAC §100.1033(c)(6)(B)

In addition to the requirements of subparagraph (A) of this paragraph, the commissioner may approve a new school amendment only on making the following written findings:

(i) the proposed school satisfies each element of the definition of a public charter school as set forth in the ESEA, Section 5210(1);

(ii) the proposed school is not merely an extension of an existing charter school;

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19 TAC §100.1033(c)(6)(B)

(iii) the proposed school is separate and distinct from the existing charter school(s) established under the open-enrollment charter; and

(iv) the open-enrollment charter, as amended, includes a separate written performance agreement for the proposed school that meets the requirements of the ESEA, Section 5210(1)(L), and TEC, §12.111(a)(3) and (4).

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19 TAC §100.1033(c)(6)(C)

In making the findings required by subparagraph (B)(i) and (iii) of this paragraph, the commissioner shall consider:

(i) the terms of the open-enrollment charter as a whole, as modified by the new school amendment; and

(ii) whether the proposed school shall be established and recognized as a separate school under Texas law.

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19 TAC §100.1033(c)(6)(D)

In making the findings required by subparagraph (B)(ii) and (iii) of this paragraph, the commissioner shall consider whether the proposed school and the existing charter school(s) have separate sites, employees, student populations, and governing bodies and whether their day-to-day operations are carried out by different officers.

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19 TAC §100.1033(c)(6)(D)

The presence or absence of any one of these elements, by itself, does not determine whether the proposed school will be found to be separate or part of an existing school. However, the presence or absence of several elements will inform the commissioner's decision.

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19 TAC §100.1033(c)(6)(E)

In making the finding required by subparagraph (B)(iv) of this paragraph, the commissioner shall consider:

(i) whether the proposed school and the existing charter school(s) have distinctly different requirements in their respective written performance agreements; and

(ii) the extent to which the performance agreement for the proposed school imposes higher standards than those imposed by TEC, §12.104(b)(2)(L).

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19 TAC §100.1033(c)(6)(F)

Failure to meet any standard or requirement outlined in this paragraph or agreed to in a performance agreement under subparagraph (B)(iv) of this paragraph shall mean the immediate termination of any federal charter school program grant and/or any waiver exempting a charter from some of the expansion amendment requirements that may have been granted to a charter holder as a result of the new school designation.

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Application for New School Designation, 2013-2014

A charter seeking new school designation from the commissioner must complete and submit:

- An application for new school designation;
- A Charter Amendment Request Form - ADDITIONAL SITE EXPANSION, including all corresponding documentation as listed on the checklist of that form; and
- Any other amendment request forms and corresponding documentation that are necessary to implement the new school.

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Application for New School Designation, 2013-2014

The Application for New School Designation along with the Charter Amendment Request Form - ADDITIONAL SITE EXPANSION, corresponding documentation, and any other amendment request forms with documentation are due to the Division of Charter School Administration **on or before FRIDAY, JANUARY 11, 2013.**

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Application for New School Designation, 2013-2014

The Application for New School Designation requires the applicant to –

1. State the address for the proposed new school;
2. State the grade levels to be served;
3. Explain if this new campus will benefit from funding through a federal charter school grant awarded to any entity other than the TEA;

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Application for New School Designation, 2013-2014

4. Explain how the proposed school is unique and not merely an extension of an existing charter school, including an explanation of:

   - Whether the new school will have a separate site;
   - Whether the new school will have separate employees;
   - Whether the new school will have separate student populations;

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Application for New School Designation, 2013-2014

4. Explain how the proposed school is unique and not merely an extension of an existing charter school, including an explanation of:

   - Whether the new school will have a separate governing body;
   - Whether the day-to-day operations will be carried out by different officers; and

5. Describe the lottery process to be used if the new school is oversubscribed.

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Application for New School Designation, 2013-2014

In addition, the application must include a written performance agreement that the proposed school has with the charter holder that explains how the new school –

- Meets the federal definition of charter school as defined in Public Law 107-110;
- Outlines the ways, other than those from Slide 23, in which this agreement is different from the requirements of the existing school;

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Application for New School Designation, 2013-2014

- Discusses three to five **higher student performance standards** for the new school than for schools currently operated by the charter that are specific, realistic, and measurable and use the following format with specific information included where there are parentheses:

  By (DATE CERTAIN), (PERCENT) of (ALL STUDENTS or A SPECIFIC STUDENT GROUP or STUDENT GROUPS) will achieve (LEVEL OF PERFORMANCE) on the (SPECIFIC ASSESSMENT); and

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Example of a performance standard:

In *Fall 2013*, *80%* of *all students who are assessed* will have achieved *acceptable performance* on the *reading/ELA State Assessment of Academic Readiness*.

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- Provides a board resolution stating that the board accepts the agreement and supports the application for new school designation.

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Application for New School Designation, 2013-2014

The Application for New School Designation along with the Charter Amendment Request Form - ADDITIONAL SITE EXPANSION, corresponding documentation, and any other amendment request forms necessary to implement the new school are due to the Division of Charter School Administration **on or before**

FRIDAY, JANUARY 11, 2013.

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The Texas Public Charter School Start-Up Grant

Upcoming webinar about the CSP grant process and application

- https://www2.gotomeeting.com/register/649238818
- January 23, 2013
- 9:00 a.m. – 12:00 p.m.

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