Chapter 102. Educational Programs

Subchapter EE. Commissioner's Rules Concerning Pilot Programs

§102.1051. Financial Literacy Pilot Program.

(a) Program purpose. In accordance with the Texas Education Code (TEC), §29.915, the Texas Education Agency (TEA) shall establish and implement a financial literacy pilot program to provide students in participating school districts with the knowledge and skills necessary as self-supporting adults to make critical decisions relating to personal financial matters.

(b) Application. School districts must submit a letter of interest to the TEA division responsible for curriculum, including a commitment to use the curriculum designated by the pilot and to participate in any training required by the pilot. No more than 100 school districts will be selected to participate in the program. If more than 100 letters of interest are received, districts will be selected to reflect the following criteria:

(1) balance between large and small districts;

(2) representation of the various geographic regions of the state; and

(3) representation of the overall demographics of the state.

(c) Notification. The TEA will notify each applicant in writing of the selection or non-selection for participation.

(d) Implementation. Districts shall participate in training and use materials identified in accordance with the TEC, §29.915(c).

(e) Evaluation. Each participating district shall report information on implementation of the program to the TEA in accordance with requirements specified by the commissioner of education.

(f) Funding. Implementation of the pilot is contingent upon sufficient funding in accordance with the TEC, §29.915(e).

Statutory Authority: The provisions of this §102.1051 issued under the Texas Education Code, §29.915.

Source: The provisions of this §102.1051 adopted to be effective June 11, 2006, 31 TexReg 4612; amended to be effective May 6, 2010, 35 TexReg 3496.

§102.1053. Mathematics Instructional Coaches Pilot Program.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Approved service provider--An entity, as described in subsection (c) of this section, that has been approved through a request for qualifications (RFQ) process and designated by the commissioner of education as qualified to deliver intensive mathematics coaching and professional development to school districts approved to participate in the Mathematics Instructional Coaches Pilot Program.

(2) Mathematics Instructional Coaches Pilot Program--A pilot program established and implemented by the Texas Education Agency (TEA) in accordance with the Texas Education Code (TEC), §21.4541. Under the pilot program, participating school districts shall receive grants to provide teachers who instruct students in mathematics at the middle school, junior high school, or high school level with assistance in developing content knowledge and instructional expertise. Each participating school district must contract with an approved service provider.

(3) School district--For the purposes of this section, the definition of a school district includes an open-enrollment charter school.

(4) Shared services arrangement (SSA)--A shared services arrangement is an agreement between two or more school districts and/or education service centers that provides services for entities involved.

(b) Pilot program participation.

(1) Eligibility.

(A) Eligibility for participation in the Mathematics Instructional Coaches Pilot Program will be determined annually by the commissioner in accordance with the TEC, §21.4541, and eligibility criteria outlined in the TEC, §39.358.

(B) Education service centers (ESCs) established under the TEC, §8.001, are not eligible to apply for participation in the pilot program as the fiscal agent for an SSA or as a member in an SSA.

(2) Application process.

(A) An eligible school district must apply through the request for application (RFA) process to participate in the pilot program and include a description of how grant funds will be allocated.

(B) An eligible school district submitting an RFA on behalf of other school districts participating in an SSA must agree to serve as the fiscal agent for the grant and will be held responsible for all compliance and audit recoveries.

(C) Eligible applicants must meet all deadlines, requirements, and guidelines outlined in the RFA.

(3) Notification. The TEA will notify each applicant in writing of its selection or non-selection for participation in the Mathematics Instructional Coaches Pilot Program.

(4) Use of funds. The entire amount of a grant award must be used for the Mathematics Instructional Coaches Pilot Program as described in the RFA.

(5) Conditions of operation.

(A) Each successful applicant must operate a Mathematics Instructional Coaches Pilot Program in accordance with requirements detailed in the TEC, §21.4541, and must:

(i) select an approved service provider, as described in subsection (c) of this section, from the list provided by the TEA;

(ii) enter into a contractual relationship for mathematics instructional coaching and professional development services with the approved service provider; and

(iii) design and implement an action plan for the Mathematics Instructional Coaches Pilot Program in collaboration with the approved service provider.

(B) In addition, each successful applicant may enter into an SSA limited to no more than ten eligible districts. A school district may submit or be a member of an SSA for no more than one grant application.

(6) Program evaluation. Each school district operating an approved Mathematics Instructional Coaches Pilot Program must comply with evaluation procedures established by the commissioner as detailed in the RFA.

(7) Revocation for grantee.

(A) The commissioner may revoke grantee participation in the pilot program based on any of the following factors:

(i) noncompliance with requirements and assurances outlined in the RFA and/or the provisions of this section;

(ii) lack of program success as evidenced by progress reports and program data;

(iii) failure to meet performance standards specified in the RFA; or

(iv) failure to provide accurate, timely, and complete information as required by the TEA to evaluate the effectiveness of the pilot program.

(B) A decision by the commissioner to revoke authorization of a grant award is final and may not be appealed.

(8) Recovery of funds. The commissioner may audit the use of grant funds and may recover funds against any state provided funds.

(c) Approved service providers.

(1) Eligibility. The following entities that are TEA-certified continuing professional education providers are eligible to apply for approved service provider status:

(A) academies and training centers established in conjunction with a Texas Science, Technology, Engineering, and Mathematics (T-STEM) center;

(B) regional education service centers;

(C) institutions of higher education;

(D) private organizations with significant experience in providing mathematics instruction, as determined by the commissioner;

(E) county departments of education; and

(F) school districts, under the following condition. A school district's statewide assessments in mathematics (summed across all grade levels and for "All Students" only) must meet or exceed the Recognized standard. The TEA will determine eligibility, using the most current results, which can be found in the latest district Academic Excellence Indicator System (AEIS) report.

(2) Identification and selection. In accordance with the TEC, §21.4541(c) and (d), the TEA will identify and select approved service providers through a RFQ process. Failure to adhere to established RFQ requirements and assurances will result in non-selection as a service provider.

(3) Notification. The TEA will notify each applicant in writing of its selection or non-selection as an approved service provider.

(4) Condition of operation. A school district designated as an approved service provider may not be reimbursed with Mathematics Instructional Coaches Pilot Program funds for providing coaching services to teachers employed by the district.

(5) Renewal or revocation for service provider.

(A) Each approved service provider must submit a renewal application every two years in order to maintain eligibility to participate in the Mathematics Instructional Coaches Pilot Program as an approved service provider.

(B) The commissioner may deny renewal of or revoke participation in the Mathematics Instructional Coaches Pilot Program for a service provider based on any of the following factors:

(i) noncompliance with requirements and assurances outlined in the RFQ and/or the provisions of this section and the TEC, §21.4541;

(ii) lack of program success as evidenced by required progress reports and program data;

(iii) failure to meet performance standards specified in the RFQ;

(iv) failure to provide accurate, timely, and complete information as required by the TEA to evaluate the effectiveness of the service provider and the pilot program; or

(v) refusal to serve participants in the Mathematics Instructional Coaches Pilot Program.

(C) A decision by the commissioner to deny renewal or revoke approval of a service provider is final and may not be appealed.

Statutory Authority: The provisions of this §102.1053 issued under the Texas Education Code, §21.4541.

Source: The provisions of this §102.1053 adopted to be effective July 1, 2008, 33 TexReg 5005.

§102.1054. Intensive Summer Pilot Program.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Intensive Summer Pilot Program--A pilot program established and implemented by the Texas Education Agency (TEA) in accordance with the Texas Education Code (TEC), §29.098. The pilot program is to provide eligible school districts with financial grants to establish programs in which school districts provide intensive academic instruction during the summer to students identified as being at risk of dropping out of school. Each district awarded funds under this pilot program shall design, establish, and operate an intensive summer program in partnership with an institution of higher education and must provide intensive academic instruction in English language arts, mathematics, and science in Grades 9-12 and in reading and mathematics in Grades 6-8.

(2) School district--For the purposes of this section, the definition of school district includes an open-enrollment charter school.

(3) Shared services arrangement (SSA)--A shared services arrangement is an agreement between two or more school districts and/or education service centers that provides services for entities involved.

(b) Eligibility.

(1) In accordance with the TEC, §39.358, a school district is eligible to apply for funding under the Intensive Summer Pilot Program if the school district exhibited during each of the three preceding school years characteristics that strongly correlate with high dropout rates.

(2) Eligibility for participation in the Intensive Summer Pilot Program will be determined annually by the commissioner of education based on the latest available data and research and in accordance with the TEC, §29.098, and eligibility criteria outlined in the TEC, §39.358.

(3) An eligible school district may enter into an SSA with other eligible school districts in order to establish an Intensive Summer Pilot Program that serves students from school districts identified in the SSA.

(4) An eligible school district which submits a single grant application on behalf of itself and several other school districts participating in an SSA agrees to serve as the fiscal agent for the grant and will be held responsible for all compliance and audit recoveries.

(c) Application.

(1) An eligible school district must apply through the request for application (RFA) process to participate in the Intensive Summer Pilot Program.

(2) Eligible applicants must meet all deadlines, requirements, and guidelines outlined in the RFA.

(3) An eligible school district that applies to participate in the Intensive Summer Pilot Program must describe in its application how grant funds, in-kind contributions, and donations (including matching funds) will be allocated.

(4) An eligible school district applying as the fiscal agent for an SSA must complete and submit the required SSA form as part of the grant application.

(d) Notification. The TEA will notify each applicant in writing of its selection or non-selection for participation in the Intensive Summer Pilot Program.

(e) Program funding and use of funds.

(1) In accordance with the TEC, §29.098, programs will be funded on a per-student participant amount not to exceed $750 per student. Grant awards must be matched by not less than $250 for each participating student in other federal, state, or local funds, including donations.

(2) In accordance with the TEC, §29.098, the entire amount of a grant awarded under the Intensive Summer Pilot Program must fund the program as described in the RFA, including the description of how grant funds, in-kind contributions, and donations will be allocated. In-kind contributions may include facilities use, support services, transportation, and volunteers. Donations may include the minimum district matching contribution of not less than $250 per participating student in other federal, state, or local funds, including private donations. The district matching requirement may be met with matching funds and/or in-kind contributions.

(3) A school district participating in the Intensive Summer Pilot Program may use grant funds for other necessary costs such as implementing the optional allowable activities outlined in the program requirements section of the RFA and in the guidelines related to specific costs appendix to the RFA.

(f) Conditions of pilot program operation. Each school district operating an approved Intensive Summer Pilot Program:

(1) must operate the pilot program in accordance with the TEC, §29.098, and the requirements outlined in the RFA; and

(2) may include additional classes and activities, as outlined in the RFA, to supplement the pilot program's instructional core curriculum of mathematics, science, English language arts, and reading. Additional optional activities must be aligned with the program goals and requirements provided in the RFA.

(g) Program evaluation. Each school district operating an approved Intensive Summer Pilot Program must comply with evaluation procedures established by the commissioner as detailed in the RFA.

(h) Revocation.

(1) The commissioner may revoke participation in the Intensive Summer Pilot Program based on any of the following factors:

(A) noncompliance with requirements and assurances outlined in the RFA or the provisions of this section;

(B) lack of program success as evidenced by progress reports and program data;

(C) failure to meet performance standards specified in the RFA; or

(D) failure to provide accurate, timely, and complete information as required by the TEA to evaluate the effectiveness of the pilot program.

(2) A decision by the commissioner to revoke authorization of a grant award is final and may not be appealed.

(i) Recovery of funds. The commissioner may audit the use of grant funds and may recover funds against any state provided funds.

Statutory Authority: The provisions of this §102.1054 issued under the Texas Education Code, §29.098.

Source: The provisions of this §102.1054 adopted to be effective July 31, 2008, 33 TexReg 5925.

§102.1055. Collaborative Dropout Reduction Pilot Program.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Collaborative Dropout Reduction Pilot Program--A pilot program established and implemented by the Texas Education Agency (TEA) in accordance with the Texas Education Code (TEC), §29.096. The pilot program is to provide eligible school districts with financial grants to implement a local collaborative dropout reduction program. Only an eligible school district may apply for funding under this program and must serve as the fiscal agent for the pilot program. A school district awarded a grant under this pilot program shall coordinate the delivery of research-based intervention services and programs among local entities such as local businesses, local government or law enforcement agencies, nonprofit organizations, faith-based organizations, and institutions of higher education to comprehensively reduce the dropout rate in the community and to increase the job skills, employment opportunities, and continuing education opportunities of students who might otherwise have dropped out of school.

(2) Collaborative partner--A collaborative partner is a public or private entity which participates in a Collaborative Dropout Reduction Pilot Program and contributes to collaborative efforts through the provision of funds, services, personnel, and/or in other ways deemed appropriate to assist in reaching program goals. Collaborative partners may include, but are not limited to, entities such as school districts, local businesses, other local governments or law enforcement agencies, nonprofit organizations, faith-based organizations, and institutions of higher education.

(3) Lead educational staff member--A person working as part of the Collaborative Dropout Reduction Pilot Program that is responsible for program coordination, outreach, recruitment, and other activities necessary to implement and manage the program. The lead educational staff member may be a full- or part-time paid staff person, or the position may be filled by a volunteer. The lead educational staff member may be an employee of the district awarded a grant under this program, or an employee/volunteer from one of the partners in the local collaborative.

(4) Outreach--Activities designed to raise awareness and provide information, solicit participation and/or contributions, recruit students and other stakeholders, and involve the local community in collaborative initiatives.

(5) School district--For the purposes of this section, the definition of school district includes an open-enrollment charter school.

(6) Shared services arrangement (SSA)--A shared services arrangement is an agreement between two or more school districts and/or education service centers that provides services for entities involved.

(b) Eligibility.

(1) In accordance with the TEC, §39.358, a school district is eligible to apply for funding under the Collaborative Dropout Reduction Pilot Program if the district exhibited during each of the three preceding school years characteristics that strongly correlate with high dropout rates.

(2) Eligibility for participation in the Collaborative Dropout Reduction Pilot Program will be determined annually by the commissioner of education based on the latest available data and research and in accordance with the TEC, §29.096, and eligibility criteria outlined in the TEC, §39.358.

(3) An eligible school district may enter into an SSA in order to apply for grant funds. An SSA is limited to no more than ten eligible districts. A school district may submit or be a member of an SSA for no more than one Collaborative Dropout Reduction Pilot Program grant application. A collaborative partner, other than a school district, may be included in more than one SSA.

(4) An education service center (ESC) established under the TEC, §8.001, is not eligible to apply as a fiscal agent for an SSA but may be a collaborative partner with eligible districts.

(5) An eligible school district which submits a single grant application on behalf of itself and several other school districts participating in an SSA agrees to serve as the fiscal agent for the grant and will be held responsible for all compliance and audit recoveries.

(c) Application.

(1) An eligible school district must apply through the request for application (RFA) process to participate in the Collaborative Dropout Reduction Pilot Program.

(2) Eligible applicants must meet all deadlines, requirements, and guidelines outlined in the RFA.

(3) An eligible school districts that applies to participate in the pilot program must identify and include in its application:

(A) the source(s) of matching funds from the participating collaborating partners as specified in the grant application; and

(B) a description of how the program will be sustained beyond the life of the grant funding.

(d) Notification. The TEA will notify each applicant in writing of its selection or non-selection for participation in the Collaborative Dropout Reduction Pilot Program.

(e) Local collaborative agreement.

(1) Each eligible school district selected to participate must submit a copy of a local collaborative agreement, such as a memorandum of understanding, to the TEA prior to implementation of the pilot program.

(2) The local collaborative agreement must include the minimum standards specified in the TEC, §29.096(e), and a detailed description of the following:

(A) the source(s) of matching funds;

(B) how matching funds will be used by the pilot program;

(C) a description of the services, activities, commitments, assurances, responsibilities, obligations, and understandings of each collaborative partner; and

(D) decision-making procedures between the school district and collaborative partner(s).

(f) Use of funds.

(1) In accordance with the TEC, §29.096, the entire amount of a grant awarded under the Collaborative Dropout Reduction Pilot Program must fund programs in adherence with guidelines and requirements provided in the RFA.

(2) A school district participating in the Collaborative Dropout Reduction Pilot Program may allocate no more than 15% of total project funds, which include the state grant award and local match, for administrative expenses. Of the amount used for administrative costs, no more than 5.0% may be state grant award funds. Up to an additional 10% may be matching funds, but in no case can administrative costs exceed 15% of the total project funds. A school district may use in-kind contributions for administrative expenses. In-kind contributions may include the use of facilities, office space, and equipment and the provision of administrative services and supplies.

(3) Allowable costs include, but are not limited to:

(A) costs associated with implementing the local Collaborative Dropout Reduction Program in the following four service areas: workforce skill development, academic support, attendance improvement, and student and family support services; and

(B) costs associated with a designated lead educational staff member to conduct outreach activities designed to identify and involve eligible students as well as public and private entities to participate in the program.

(g) Conditions of pilot program operation. Each school district operating an approved Collaborative Dropout Reduction Pilot Program must operate the program in accordance with the TEC, §29.096, and the requirements outlined in the RFA and must:

(1) coordinate the delivery of research-based intervention services and programs among local entities such as local businesses, local government or law enforcement agencies, nonprofit organizations, faith-based organizations, and institutions of higher education to comprehensively reduce the dropout rate in the community and to increase the job skills, employment opportunities, and continuing education opportunities of students who might otherwise have dropped out of school;

(2) serve students in Grades 9, 10, 11, and 12 or any combination thereof;

(3) comply with all deadlines, requirements, and assurances established in the RFA;

(4) provide services in the areas of workforce development, academic support, student and family support services, and attendance improvement;

(5) serve a minimum of students (as specified in the grant application) per grant period; and

(6) designate governance responsibilities to a school district official for the purposes of managing the implementation and operation of the pilot program.

(h) Program evaluation. Each school district operating an approved Collaborative Dropout Reduction Pilot Program must comply with evaluation procedures established by the commissioner as detailed in the RFA.

(i) Revocation.

(1) The commissioner may revoke participation in a Collaborative Dropout Reduction Pilot Program and require the school district that received an award to repay some or all of the grant award based on any of the following factors:

(A) noncompliance with requirements and assurances outlined in the RFA and/or the provisions of this section and the TEC, §29.096;

(B) failure to meet performance measures specified in the RFA; or

(C) failure to provide accurate, timely, and complete information as required by the TEA to evaluate the effectiveness of the pilot program.

(2) A decision by the commissioner to revoke authorization of a grant award is final and may not be appealed.

(j) Recovery of funds. The commissioner may audit the use of grant funds and may recover funds against any state provided funds.

Statutory Authority: The provisions of this §102.1055 issued under the Texas Education Code, §29.096.

Source: The provisions of this §102.1055 adopted to be effective July 31, 2008, 33 TexReg 5927.

§102.1056. Dropout Recovery Pilot Program.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Advanced technical credit--Credit earned by a high school student who meets established guidelines for successful completion of an articulated content-enhanced technical course included on the list of courses in the Statewide Articulated Crosswalk established by the Advanced Technical Credit Program, a program accepted by participating colleges and universities for students interested in preparing for college and a technical career that requires postsecondary education.

(2) Dropout Recovery Pilot Program--A pilot program established and implemented by the Texas Education Agency (TEA) in accordance with the Texas Education Code (TEC), Chapter 39, Subchapter L. The pilot program is to provide eligible entities with financial grants to identify and recruit students who have dropped out of Texas public schools and provide them services designed to enable them to earn a high school diploma or demonstrate college readiness.

(3) Eligible student--For the purposes of this section, an eligible student is defined as a student who is 25 years of age or less and who:

(A) was assigned by a Texas public secondary school a leaver code in the Public Education Information Management System (PEIMS) that corresponds to the definition of a dropout for that school year in which the student withdrew;

(B) was enrolled in a Texas public secondary school and during the last regular school year in which the student was enrolled the student was not in attendance for at least 30 consecutive school days. Between this period of non-attendance and enrollment in the Dropout Recovery Pilot Program, the student may not have been enrolled in any Texas public secondary school, private school, or home school; or

(C) has a notarized affidavit from the student's parent or legal guardian stating that the student has dropped out of a Texas public secondary school, as defined in subparagraph (A) or (B) of this paragraph, and is not currently enrolled in a Texas public secondary school, private school, or home school.

(4) Institution of higher education (IHE)--An institution of higher education is any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in the TEC, §61.003.

(5) Nonprofit organization--An organization that meets the requirements of the United States Code, Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, Section 501(a).

(6) P-16 Individualized graduation plan (P-16 IGP)--A document with a prekindergarten through postsecondary focus, detailing a student's plans regarding courses to be taken during high school in order to succeed in entry-level courses offered at IHEs. A P-16 IGP shall include the following:

(A) the most recent assessment scores and strategies to improve these scores if they fall below the student's appropriate grade level;

(B) the educational goals of the student;

(C) any diagnostic information, appropriate monitoring and intervention and other evaluation strategies;

(D) a description of participation of the student's parent(s) or guardian, including consideration of their educational expectations for the student; and

(E) a description of innovative methods to be used to promote the student's advancement and preparation to enter higher education prepared to succeed in entry-level courses.

(7) School district--For the purposes of this section, the definition of school district includes an open-enrollment charter school.

(8) Shared service arrangement (SSA)--A shared service arrangement is an agreement between two or more eligible applicants (school districts, nonprofit organizations that have demonstrated the ability and capacity to provide educational programs to students in any grade from kindergarten through Grade 12, education service centers, county departments of education) for provision of program services. A nonprofit organization that is not an eligible applicant may participate in the shared service arrangement, but may not serve as the fiscal agent.

(9) Texas Success Initiative (TSI)--An initiative of the Texas Higher Education Coordinating Board established under §4.51 of this title (relating to Purpose).

(b) Eligibility.

(1) The following entities, located in specific regions of the state as established annually in the grant application, are eligible to apply for and receive grant funds under the Dropout Recovery Pilot Program:

(A) school districts;

(B) IHEs;

(C) county departments of education;

(D) nonprofit organizations that have demonstrated the ability and capacity to provide educational programs to students in any grade from kindergarten through Grade 12; and

(E) education service centers established under the TEC, §8.001.

(2) Eligible applicants listed in paragraph (1) of this subsection and other nonprofit organizations may enter into an SSA in order to apply for grant funds. An SSA is limited to no more than ten entities.

(3) The applicant awarded the grant and acting as the fiscal agent for the program must comply with the following conditions of eligibility.

(A) The applicant must have been operating as one of the eligible entities listed in paragraph (1) of this subsection for at least three years prior to the time of grant application.

(B) If an applicant is operating an education program that issues high school diplomas, the applicant must either have:

(i) been granted a charter from the State Board of Education or the local district in which it resides, or a home-rule district in accordance with the TEC, §§12.011, 12.052, and 12.101; or

(ii) earned accreditation through:

(I) the TEA, in accordance with the TEC, §39.071, and §97.1053 of this title (relating to Purpose);

(II) an accrediting entity, operating as a member of the Texas Private School Accreditation Commission; or

(III) another accrediting entity approved by the commissioner of education.

(C) The applicant must be determined by the TEA to be financially stable. The TEA will make this determination using information required of the applicant serving as the fiscal agent and submitted in the grant application, including information provided in the following reports:

(i) an audit report, conducted within the last two years, including a statement of financial position, statement of activities (income), statement of cash flows, note disclosures, and the independent auditor's opinion (standard report);

(ii) if subject to the Single Audit Act of 1996, as amended, the applicant must also include reports in accordance with Government Auditing Standards, as promulgated by the United States Government Accountability Office and Office of Management and Budget Circular A-133; or

(iii) a compilation of financial statements prepared by a certified public accountant, including a report on compiled financial statements, a statement of financial position, statement of activities (income), and statement of cash flow.

(D) All nonprofit organizations, including open-enrollment charter schools but excluding school districts, must submit current proof of nonprofit status. An applicant may show current nonprofit status by any of the following means:

(i) a copy of a letter from the Internal Revenue Service recognizing that contributions to the organization are tax deductible under the Internal Revenue Code, Section 501(c)(3);

(ii) a statement from a state taxing body or the state attorney general certifying that the organization is a nonprofit organization operating within the state and that no part of its net earnings may lawfully benefit any private shareholder or individual;

(iii) a certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or

(iv) any item described in this subparagraph if that item applies to a state or national parent organization, together with a statement by the parent organization that it is a local nonprofit affiliate.

(c) Application.

(1) An eligible applicant must submit an application in accordance with procedures determined by the commissioner and detailed in the Request for Application (RFA). The application must include a P-16 Strategic Plan that indicates how implementation of this program will address deficiencies in the grantee's overall P-16 strategy.

(2) Each eligible applicant must meet all deadlines, requirements, and guidelines outlined in the RFA.

(d) Notification. The TEA will notify each applicant in writing of selection or non-selection for funding under the Dropout Recovery Pilot Program. In the case of an application selected for funding, notification to the applicant will include the contractual conditions the applicant agrees to accept as a condition of grant award.

(e) Conditions of pilot program operation. Each grantee operating an approved Dropout Recovery Pilot Program must operate the program in accordance with the requirements outlined in the RFA and must:

(1) conduct an assessment, in accordance with specifications detailed in subsection (f)(4)(B)(ii)-(iii) of this section, for each participating student to determine services needed and create a P-16 IGP for each student based on the assessment;

(2) employ as faculty and administrators persons with baccalaureate or advanced degrees;

(3) meet the following requirement regarding employee criminal history checks:

(A) if a grantee is a school district, the grantee must be in compliance with the TEC, §22.085(f), to remain eligible for the program; or

(B) if a grantee is not a school district, the grantee must obtain criminal history record information as defined in §153.1101(2) of this title (relating to Definitions) on each employee, and an officer of the organization with signature authority must certify that no employee of the organization or person contracted with the organization who has contact with students in the program has been convicted of:

(i) a felony offense under Title 5, Texas Penal Code;

(ii) an offense or conviction of which a defendant is required to register as a sex offender under Code of Criminal Procedure, Chapter 62; and

(iii) an offense under the laws of another state or federal law that is equivalent to an offense under clause (i) or (ii) of this subparagraph; and

(4) ensure that the grant activities funded under the Dropout Recovery Pilot program are non-sectarian.

(f) Funding. Grantees are eligible to receive the following funding.

(1) Base funding. A grantee will receive a base amount of funding, to be determined during the grant application phase, in the first year of operation of the program for the purposes of planning, establishing an appropriate infrastructure to implement the program, and implementing the program for eligible students.

(2) Performance funding. In addition to the base funding, a grantee is eligible to receive performance funding up to a total of $2,000 in the program year (which includes no more than $1,000 in interim benchmark payments and $1,000 in a completion payment) for each eligible student participating in the program based upon the student's academic performance.

(A) Interim benchmark payments. A payment of $250 for any, not to exceed four, of the following benchmarks achieved by an eligible student participating in the program who:

(i) earned the required course credits necessary to advance to the next grade level;

(ii) earned high school graduation credit for a dual credit course that was established through an articulation agreement with an IHE or a private or an independent IHE, as defined in the TEC, §61.003(15);

(iii) earned college credit for a course that is within an IHE's core curriculum, in accordance with §4.28 of this title (relating to Core Curriculum), or an equivalent course offered by a private or an independent IHE, as defined in the TEC, §61.003(15);

(iv) earned a passing score on all subject areas of the statewide student assessment program for a grade level not including the Grade 11 exit-level statewide assessments;

(v) earned a score of three or higher on a College Board advanced placement examination;

(vi) earned a score on the Preliminary SAT®/National Merit Scholarship Qualifying Test or the PLAN® that predicts evidence of readiness, as determined by College Board or ACT®, for placement in College Board advanced placement, International Baccalaureate, or dual credit courses; or

(vii) other benchmarks as approved by the commissioner.

(B) Completion payments. A payment of $1,000 for each participating student who:

(i) earns a high school diploma; or

(ii) demonstrates college readiness by:

(I) achieving a passing score on a TSI testing instrument or earning a TSI exemption based on the score received for an alternative test such as SAT® or ACT®; and

(II) obtaining a General Educational Development (GED) credential; and

(III) earning either:

(-a-) college credit for a course that is within an IHE's approved core curriculum, in accordance with §4.28 of this title, or an equivalent course offered by a private or an independent IHE, as defined in the TEC, §61.003(15); or

(-b-) advanced technical credit.

(3) Other funding for school districts. School districts operating approved Dropout Recovery Pilot Programs may receive Foundation School Program funds for eligible participating students, in accordance with the TEC, §42.003.

(4) Other funding for eligible IHEs, nonprofit organizations, county departments of education, and education service centers. Programs operated by eligible IHEs, nonprofit organizations, county departments of education, and education service centers may receive a payment in an amount not greater than $4,000 ($2,000 per semester) for each eligible student participating in the program each year.

(A) Semester payments of up to $2,000 for each eligible student will be made at the end of each semester contingent upon the eligible student achieving academic progress on the same assessment instrument administered upon initial enrollment in the program and at the end of each subsequent semester.

(B) Programs must adhere to the following in choosing an assessment instrument to assess academic progress as described in subparagraph (A) of this paragraph:

(i) the same assessment instrument must be administered to the participating student for initial testing and at the end of each semester;

(ii) the assessment instrument must be a standardized test or a performance assessment with standardized scoring protocols; and

(iii) the assessment instrument and the performance standards for measuring academic progress must be identified in the grant application and approved by the commissioner prior to grant award.

(g) Allowable expenditures. Allowable expenditures with grant funds include, but are not limited to, the following:

(1) textbooks and other instructional materials;

(2) recruiting and promotional materials;

(3) personnel costs, including salaries, benefits, stipends, and incentives;

(4) tutoring services;

(5) test fees;

(6) social services;

(7) transportation;

(8) educational software;

(9) incentive programs for students;

(10) technology;

(11) equipment costs; and

(12) costs associated with distance learning or participation in virtual schools.

(h) Disallowed expenditures. The following expenditures, including but not limited to the following, may not be made with grant funds:

(1) construction;

(2) purchase of buildings;

(3) debt service (including lease-purchase agreements);

(4) expenditures related to religious instruction;

(5) expenditures related to students who are not eligible for the program; or

(6) indirect costs.

(i) Evaluation. Each grantee operating an approved Dropout Recovery Pilot Program must comply with evaluation procedures established by the commissioner as detailed in the RFA.

(j) Subsequent funding. To receive any subsequent funding for the Dropout Recovery Pilot Program, grantees must reapply for funding on an annual basis. In order to remain eligible for any subsequent funding, the grantee must have met all applicable performance standards included in the prior year's grant agreement and submit a new application annually.

(k) Revocation.

(1) The commissioner may revoke the grant award for the Dropout Recovery Pilot Program based on the following factors:

(A) noncompliance with application assurances and/or the provisions of this section;

(B) lack of program success as evidenced by progress reports and program data;

(C) failure to participate in data collection and audits;

(D) failure to meet performance standards specified in the application; or

(E) failure to provide accurate, timely, and complete information as required by the TEA to evaluate the effectiveness of the Dropout Recovery Pilot Program.

(2) A decision by the commissioner to revoke the grant award of a Dropout Recovery Pilot Program is final and may not be appealed.

(l) Access to records. For grantees that are nongovernmental bodies, access must be granted to all records, including those of the controlling or parent entity, involving transactions and payments of program funds.

(m) Technical assistance. The commissioner may create a technical advisory panel made up of experts and practitioners from areas with experience and expertise in dropout recovery to advise the TEA regarding review criteria and implementation issues. The technical advisory panel may provide technical assistance.

(n) Recovery of funds. The commissioner may audit the use of grant funds and may recover funds against any state provided funds.

Statutory Authority: The provisions of this §102.1056 issued under the Texas Education Code, §§39.357, 39.361(c), and 39.366.

Source: The provisions of this §102.1056 adopted to be effective August 28, 2008, 33 TexReg 6821.

§102.1058. Technology-Based Supplemental Instruction Pilot Program.

(a) Program purpose. The Technology-Based Supplemental Instruction Pilot Program is established and implemented by the Texas Education Agency (TEA) in accordance with the Texas Education Code (TEC), §29.919. Under the pilot program, grant funds are provided to eligible school districts to finance technology-based supplemental instruction to students in Grades 6-12 at participating campuses. For the purposes of this section, a school district includes an open-enrollment charter school.

(b) Eligibility. Eligibility for participation in the Technology-Based Supplemental Instruction Pilot Program will be determined by the commissioner of education in accordance with the eligibility criteria specified in the TEC, §29.919.

(c) Application. An eligible school district must apply through the request for applications (RFA) process to participate in the Technology-Based Supplemental Instruction Pilot Program. The application must include a commitment to provide district funding in an amount equal to at least $100 each school year for each student in Grades 6-12 served through the pilot program.

(d) Priority. The commissioner will give priority to a campus that offers a relatively limited course selection to students in comparison to the course selections generally offered to students in metropolitan areas.

(e) Notification. The TEA will notify each applicant in writing of its selection or non-selection for participation.

(f) Implementation. Each participating school district must operate in accordance with the TEC, §29.919, and all terms established in the RFA.

(g) Evaluation. Each participating school district must comply with evaluation procedures established by the commissioner as detailed in the RFA.

(h) Funding. Implementation of the pilot program is contingent upon sufficient funding in accordance with the TEC, §29.919.

Statutory Authority: The provisions of this §102.1058 issued under the Texas Education Code, §29.919.

Source: The provisions of this §102.1058 adopted to be effective May 5, 2010, 35 TexReg 3496.