ATTACHMENT II
Text of Adopted Amendments to 19 TAC

Chapter 61. School Districts

Subchapter II. Commissioner's Rules Concerning High School Allotment

§61.1091. Definitions.

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

(1) Academically rigorous course work--Academically rigorous course work is an academically intense and high-quality program of study that provides students with the information and skills necessary to successfully enroll in entry-level courses at an institution of higher education without the need for developmental course work. Academically rigorous coursework includes four years of high school level mathematics and four years of high school level science.

(2) Advanced academic opportunity--An advanced academic opportunity includes the following:

(A) honors [~~advanced~~] courses, such as College Board advanced placement and International Baccalaureate courses, and others as defined in §74.30 of this title (relating to Identification of Honors [~~Advanced~~] Courses), with the exception of the Social Studies Advanced Studies;

(B) dual enrollment courses for which students receive both high school and college credit, as limited by §74.25 of this title (relating to High School Credit for College Courses);

(C) an original research/project as described in [~~defined by~~] §74.54 of this title (relating to Distinguished Achievement High School Program--Advanced High School Program) or by §74.64 of this title (relating to Distinguished Achievement High School Program--Advanced High School Program); and

(D) advanced technical credit courses.

(3) College readiness program--A college readiness program is any program, activity, or strategy designed to do either of the following:

(A) increase the number of students who are academically prepared to enroll in entry-level courses at institutions of higher education without the need for developmental course work; or

(B) increase the number of students who enroll in institutions of higher education.

(4) Developmental course work--As defined in §4.53 of this title (relating to Definitions), developmental course work is [~~refers to~~] non-degree-credit course work designed to address a student's deficiencies.

(5) High school allotment--The high school allotment is the funding [~~refers to funds~~] allocated under the Texas Education Code (TEC), §42.160 [~~§42.2516(b)(3)~~] .

(6) High school completion and success initiative--A high school completion and success initiative is any program, activity, or strategy designed to do the following:

(A) improve student achievement in high school; and

(B) increase the number of students who graduate from high school.

(7) Institution of higher education--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.

(8) School district--For the purposes of this subchapter, an open-enrollment charter school is considered a school district.

§61.1092. Payment of the High School Allotment.

(a) In accordance with the Texas Education Code (TEC), Chapter 42, Subchapter C [~~E~~] , the Texas Education Agency (TEA) will [~~shall~~] distribute funds to school districts for the purpose of payment of the high school allotment, as specified by the provisions in this subchapter.

(b) Each school district must [~~shall~~] provide to the TEA an estimate of student enrollment for Grades 9-12 for the school district in a manner established by the commissioner of education.

(c) High school allotment funds will [~~shall~~] be distributed to each school district as a part of regularly scheduled state aid payments according to the district's Foundation School Program payment schedule.

(d) School districts must [~~shall~~] account for the receipt and expenditure of funds distributed under the TEC, §42.160 [~~§42.2516(b)(3)~~] , in accordance with §109.41 of this title (relating to Financial Accountability System Resource Guide). The commissioner may establish specific [~~Specific~~] procedures for reporting the receipt and expenditure of high school allotment funds [~~may be established by the commissioner~~] .

§61.1093. Use of Funds.

In accordance with the Texas Education Code, §39.234(a) [~~§39.114(a)~~] , high school allotment funds may be spent on the following, which, unless otherwise noted, must [~~shall~~] be targeted toward Grades 6-12:

(1) programs that provide underachieving students, as defined by local policy, with the following:

(A) instruction in study skills for success in college level work;

(B) academic and community support for success in college preparatory classes;

(C) support to participate in academic competitions; and

(D) information about and access to college and financial aid;

(2) activities designed to increase the number of students who take preparatory college entrance examinations and college entrance examinations;

(3) programs that increase the number of students who enroll and succeed in College Board advanced placement courses and International Baccalaureate courses;

(4) programs that increase the number of students who take College Board advanced placement examinations and International Baccalaureate examinations;

(5) programs that expand participation in dual enrollment or concurrent enrollment courses;

(6) activities designed to increase access for underachieving students to college and financial aid;

(7) activities designed to create a college-going culture within a district or on a campus;

(8) early college high school programs that provide at-risk students and other students with the opportunity to graduate from high school with an associate's degree or 60 hours of credit toward a baccalaureate degree;

(9) programs that provide academic support and instruction to increase the number of students who complete the Recommended High School Program or the Distinguished Achievement Program as defined in Chapter 74, Subchapter E, of this title (relating to Graduation Requirements, Beginning with School Year 2004-2005) [~~,~~] or Chapter 74, Subchapter F, of this title (relating to Graduation Requirements, Beginning with School Year 2007-2008);

(10) strategies that create small learning communities, advocacy programs, or advisory programs for students;

(11) programs or activities that create individualized high school graduation and postsecondary plans for students;

(12) programs that ensure that students have access to rigorous curriculum, effective instruction, and timely formative assessment;

(13) programs that create opportunities for middle and high school educators and college and university faculty to jointly identify college and secondary curricular requirements and expectations and develop means to align these requirements and expectations;

(14) summer transition programs and other programs that provide academic support and instruction for students entering Grade 9; and

(15) other high school completion and success initiatives as approved by the commissioner of education.

§61.1094. Exceptions for Alternative Uses of Funds.

In accordance with the Texas Education Code , §39.234(b) [~~(TEC), §39.114(b)~~] , before the beginning of each [~~the 2008-2009~~] school year, the commissioner of education will [~~shall~~] identify school districts that are eligible for exceptions for alternative uses of high school allotment funds.

§61.1095. Allowable Expenditures.

(a) A school district may use high school allotment funds to support a program or activity that is currently in place in the district or on a campus, provided that the program satisfies at least one of the permissible uses of funds identified in the Texas Education Code (TEC), §39.234(a) [~~§39.114(a)~~] , and further defined in §61.1093 of this title (relating to Use of Funds).

(b) A school district may spend high school allotment funds on the following, provided these items are for uses identified in the TEC, §39.234(a) [~~§39.114(a)~~] , and further defined in §61.1093 of this title:

(1) tuition and fees;

(2) textbooks and other instructional materials;

(3) transportation;

(4) equipment, including science laboratory equipment;

(5) technology;

(6) parent and community involvement and outreach;

(7) professional development;

(8) technical assistance services;

(9) performance reward and incentive programs for students;

(10) personnel costs, including salaries and benefits;

(11) stipends and extra-duty pay; and

(12) performance reward and incentive programs established in district policy or employment contracts.

(c) School districts may pool high school allotment funds to implement multidistrict [~~multi-district~~] programs for the uses of funds identified in the TEC, §39.234(a) [~~§39.114(a)~~] , and further defined in §61.1093 of this title.

§61.1097. Additional High School Completion and Success Initiatives Approved by the Commissioner.

(a) To [~~In order to~~] implement high school completion and success initiatives for students in Grades 6-12 other than those programs, activities, and strategies identified for Grades 6-12 in the Texas Education Code (TEC), §39.234(a) [~~§39.114(a)~~] , or further defined in §61.1093 of this title (relating to Use of Funds), a

school district must apply to the Texas Education Agency (TEA), by a date set by the commissioner of education. The application must include a standard application as required by the TEA division responsible for approving high school completion and success initiatives under this subchapter. No application is needed to implement programs under [~~in accordance with~~] §61.1093 of this title.

(b) The TEA will [~~shall~~] review and consider approval of applications submitted under this section.

(c) The TEA may consider criteria that include, but are not limited to, the following when determining whether to approve an application:

(1) indications that the initiative will improve student performance in relation to the performance indicators established in §61.1099 of this title (relating to School District Annual Performance Review);

(2) evidence that activities under the initiative address the needs of the target population participating in the initiative;

(3) indications that the design of the initiative reflects up-to-date knowledge about high school completion and success and/or college readiness and effective practices;

(4) the qualifications, experience, or certifications of personnel or external consultants involved in the initiative; and

(5) the appropriateness of proposed expenditures.

(d) A school district that receives approval from the TEA to implement a high school completion and success initiative under this section may be required to reapply [~~re-apply~~] for approval each year.

(e) The TEA may identify specific programs, activities, and strategies that are approved for use in the expenditure of high school allotment funds in addition to those identified in the TEC, §39.234(a) [~~§39.114(a)~~] , or further defined in §61.1093 of this title.

§61.1098. Policy Advisory Group.

(a) The commissioner of education may create an advisory group composed of stakeholders, including the following:

(1) representatives from school districts;

(2) representatives from institutions of higher education;

(3) experts with high school completion and success and college readiness experience; and

(4) other interested stakeholders.

(b) The advisory group may review activities and programs implemented with high school allotment funds and make recommendations to the commissioner regarding the following:

(1) standards for evaluating the success and cost-effectiveness of high school completion and success and college readiness programs implemented with high school allotment funds;

(2) criteria for identifying and disseminating promising practices and strategies; and

(3) guidance for school districts and campuses in establishing and improving high school completion and success and college readiness programs implemented with high school allotment funds.

(c) If requested by the commissioner, the advisory group will [~~shall~~] make recommendations regarding standards for selecting and methods for recognizing school districts and campuses with exceptional high school completion and success and college readiness programs implemented with high school allotment funds.

§61.1099. School District Annual Performance Review.

(a) At an open meeting of the board of trustees, each school district must [~~shall~~] establish annual performance goals for programs, activities, and strategies implemented with high school allotment funds related to the following performance indicators:

(1) percentage of students graduating from high school;

(2) enrollment in advanced courses, including College Board advanced placement courses, International Baccalaureate courses, and dual or college credit courses;

(3) percentage of students successfully graduating on the Recommended High School Program or Distinguished Achievement Program described in Chapter 74, Subchapter E, of this title (relating to Graduation Requirements, Beginning with School Year 2004-2005) [~~,~~] or Chapter 74, Subchapter F, of this title (relating to Graduation Requirements, Beginning with School Year 2007-2008);

(4) percentage of students who achieve the higher education readiness component qualifying scores on the English language arts section of the exit-level Texas Assessment of Knowledge and Skills (TAKS); and

(5) percentage of students who achieve the higher education readiness component qualifying scores on the mathematics section of the exit-level TAKS.

(b) Annually, the board of trustees of each school district must [~~shall~~] review its progress in relation to the performance indicators specified in subsection (a) of this section. Progress should be assessed based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status.

(c) Each school district must [~~shall~~] ensure that decisions about the continuation or establishment of programs, activities, and strategies implemented with high school allotment funds are based on:

(1) state assessment results and other student performance data;

(2) standards for success and cost-effectiveness as established by the commissioner of education under [~~in accordance with~~] the Texas Education Code (TEC), §39.233(a)(1) [~~§39.113(a)(1)~~] ; and

(3) guidance for improving high school completion and success and college readiness programs as established by the commissioner under the [~~in accordance with~~] TEC, §39.233(a)(2) [~~§39.113(a)(2)~~] .

§61.1100. Evaluation of Programs.

(a) The Texas Education Agency (TEA) will [~~shall~~] evaluate programs implemented with high school allotment funds based on the following:

(1) performance indicators as established in §61.1099 of this title (relating to School District Annual Performance Review); and

(2) standards for success and cost-effectiveness as established by the commissioner under [~~in accordance with~~] the Texas Education Code , §39.233(a)(1) [~~(TEC), §39.113(a)(1)~~] .

(b) In addition to the evaluation on the indicators identified in subsection (a) of this section, school districts will [~~shall~~] be evaluated based on the academic quality indicators in the TEA's performance-based monitoring system and other compliance requirements.

§61.1101. Standards for Selecting and Methods for Recognizing Districts and Campuses Offering Exceptional Programs.

(a) In accordance with the Texas Education Code (TEC), §39.233(a)(3) [~~§39.113(a)(3)~~] , by January 1 of each year, [~~beginning in 2008,~~] the commissioner of education will [~~shall~~] select for recognition districts and campuses that offer exceptional high school completion and success and college readiness programs implemented with high school allotment funds.

(b) The commissioner must establish standards for selecting school districts and campuses with exceptional high school completion and success and college readiness programs [~~shall be established by the commissioner of education~~] .

(c) The standards for selection will [~~shall~~] be based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status. Standards for selection will [~~shall~~] include consideration of district and campus performance in relation to the following:

(1) performance indicators as established in §61.1099 of this title (relating to School District Annual Performance Review);

(2) standards for success and cost-effectiveness as established by the commissioner under [~~in accordance with~~] the TEC, §39.233(a)(1) [~~§39.113(a)(1)~~] ; and

(3) district or campus improvement relative to districts and campuses that exhibit similar characteristics of students served by the campus or district, including, but not limited to, past academic performance, socioeconomic status, ethnicity, and limited English proficiency.

(d) The commissioner must establish methods for recognizing school districts and campuses that offer exceptional high school completion and college readiness programs implemented with high school allotment funds [~~shall be established by the commissioner~~] .