

ATTACHMENT I

Statutory Citation Relating to New 19 TAC Chapter 102, Educational Programs, Subchapter II, Commissioner's Rules Concerning Texas High Performance Schools Consortium, §102.1201, Texas High Performance Schools Consortium

Texas Education Code, §7.0561. Texas High Performance Schools Consortium.

- (a) In this section, "consortium" means the Texas High Performance Schools Consortium established under this section.
- (b) The Texas High Performance Schools Consortium is established to inform the governor, legislature, and commissioner concerning methods for transforming public schools in this state by improving student learning through the development of innovative, next-generation learning standards and assessment and accountability systems.
- (c) From among school districts and eligible open-enrollment charter schools that apply using the form and in the time and manner established by commissioner rule, the commissioner may select not more than 20 participants for the consortium. The districts selected by the commissioner must represent a range of district types, sizes, and diverse student populations, as determined by the commissioner in accordance with commissioner rule. To be eligible to participate in the consortium, an open-enrollment charter school must have been awarded an exemplary distinction designation under Subchapter G, Chapter 39, during the preceding school year.
- (d) The number of students enrolled in consortium participants may not be greater than a number equal to five percent of the total number of students enrolled in public schools in this state according to the most recent agency data.
- (e) The application process under Subsection (c) must require school districts and open-enrollment charter schools applying to participate in the consortium to submit a detailed plan designed to both support improved instruction of and learning by students and provide evidence of the accurate assessment of the quality of learning on campuses. The plan submitted by a school district may designate the entire district or one or more district campuses as proposed consortium participants. The plan submitted by a district or open-enrollment charter school must include:
 - (1) a clear description of each assessed curricular goal included in the learning standards adopted in accordance with Subsection (f)(2);
 - (2) a plan for acquiring resources to support teachers in improving student learning;
 - (3) a description of any waiver of an applicable prohibition, requirement, or restriction the district or charter school would want to apply for; and
 - (4) any other provisions required by the commissioner.
- (f) In consultation with interested school districts, open-enrollment charter schools, and other appropriate interested persons, the commissioner shall adopt rules applicable to the consortium, according to the following principles for a next generation of higher performing public schools:
 - (1) engagement of students in digital learning, including engagement through the use of electronic textbooks and instructional materials adopted under Subchapters B and B-1, Chapter 31, and courses offered through the state virtual school network under Subchapter 30A;
 - (2) emphasis on learning standards that focus on high-priority standards identified in coordination with districts and charter schools participating in the consortium;

- (3) use of multiple assessments of learning capable of being used to inform students, parents, districts, and charter schools on an ongoing basis concerning the extent to which learning is occurring and the actions consortium participants are taking to improve learning; and
 - (4) reliance on local control that enables communities and parents to be involved in the important decisions regarding the education of their children.
- (g) The commissioner shall convene consortium leaders periodically to discuss methods to transform learning opportunities for all students, build cross-district and cross-school support systems and training, and share best practices tools and processes.
 - (h) The commissioner or a school district or open-enrollment charter school participating in the consortium may, for purposes of this section, accept gifts, grants, or donations from any source, including a private entity or governmental entity.
 - (i) To cover the costs of administering the consortium, the commissioner may charge a fee to a school district or open-enrollment charter school participating in the consortium.
 - (j) With the assistance of the school districts and open-enrollment charter schools participating in the consortium, the commissioner shall submit reports concerning the performance and progress of the consortium to the governor and the legislature not later than December 1, 2012, and not later than December 1, 2014. The report submitted not later than December 1, 2012, must include any recommendation by the commissioner concerning legislative authorization for the commissioner to waive a prohibition, requirement, or restriction that applies to a consortium participant. That report must also include a plan for an effective and efficient accountability system for consortium participants that balances academic excellence and local values to inspire learning and, at the state level, contingent on any necessary waiver of federal law, may incorporate use of a stratified random sampling of students or other objective methodology to hold consortium participants accountable while attempting to reduce the number of state assessment instruments that are required to be administered to students. The commissioner shall seek a federal waiver, to any extent necessary, to prepare for implementation of the plan if enacted by the legislature. This subsection expires January 1, 2018.