# Chapter 102. Educational Programs

## Subchapter II. Commissioner's Rules Concerning Texas High Performance Schools Consortium

### §102.1201. Texas High Performance Schools Consortium.

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

(1) Consortium--A group of school districts selected to participate in the Texas High Performance Schools Consortium as established under the Texas Education Code (TEC), §7.0561, for the purpose of informing the governor, legislature, and commissioner of education concerning methods for transforming public schools in Texas by improving student learning through the development of innovative, next-generation learning standards and assessment and accountability systems.

(2) Consortium principles--The following four principles shall be addressed by the consortium as mandated by the TEC, §7.0561:

(A) digital learning--engagement of students in digital learning, including, but not limited to, engagement through the use of electronic textbooks and instructional materials adopted under the TEC, Chapter 31, Subchapters B and B-1, and courses offered through the state virtual school network under the TEC, Subchapter 30A;

(B) learning standards--emphasis on learning standards that focus on high-priority learning standards identified in coordination with school districts and open-enrollment charter schools participating in the consortium;

(C) multiple assessments--use of multiple assessments of learning capable of being used to inform students, parents, school districts, and open-enrollment 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

(D) local control--reliance on local control that enables communities and parents to be involved in the important decisions regarding the education of their children.

(3) Curricular goal--A measurable learning outcome expected as a result of student participation in instruction covering a specific portion of the curriculum.

(4) High-priority learning standards--Learning standards that are manageable in number and of high importance in student learning such as those that have been identified by the Texas Education Agency (TEA) as "readiness standards." Additional high-priority learning standards will be identified no earlier than the 2013-2014 school year in coordination with school districts and open-enrollment charter schools participating in the consortium.

(5) Learning standards--Standards that a student must master to be successful in a competitive, postsecondary environment, including standards approved by the State Board of Education as part of the Texas Essential Knowledge and Skills.

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

(b) Eligibility. To be eligible to apply for participation in the consortium, the following criteria must be met, as applicable.

(1) A school district and its participating campus(es) must not have been awarded the lowest performance rating as its most recent state academic accountability rating under §97.1001 of this title (relating to Accountability Rating System).

(2) Either a school district or its participating campus(es) must have received either national, statewide, or regional public acknowledgment, from an organization relying on expertise in the field of education, for district-wide or campus-wide excellence in academic performance or innovative practices in one of the areas described by the consortium principles in subsection (a)(2) of this section.

(3) In accordance with the TEC, §7.0561(c), an open-enrollment charter school must have been awarded an exemplary rating as its most recent state academic accountability rating under §97.1001 of this title.

(4) A school district and an open-enrollment charter school must be in compliance with the TEA audit requirements determined under §109.41 of this title (relating to Financial Accountability System Resource Guide).

(5) A school district and an open-enrollment charter school shall also meet other criteria determined by the commissioner and specified in the request for application (RFA).

(c) Application.

(1) An eligible school district must apply through the RFA process to be considered as a participant in the consortium.

(2) An eligible school district must submit an application fee not to exceed $500 to cover the costs of the application review process.

(3) In the application, a school district must:

(A) identify the individual who will serve as the school district's coordinator for consortium activities and point of contact for participation in the consortium;

(B) designate which campus or campuses will participate in the consortium;

(C) provide a detailed action plan to support improved instruction of and learning by students that includes the following features:

(i) a description of how the school district and its campuses currently are addressing or plan to address the four consortium principles specified in subsection (a)(2) of this section;

(ii) a detailed description of the curricular goals to be addressed in the action plan;

(iii) a description of how resources will be acquired to support teachers in improving student learning;

(iv) an analysis of evidence that demonstrates the accuracy of any assessment(s) used or planned to be used in the school district to measure the quality of learning, including the methodology and metrics employed; and

(v) a description of any waiver(s) for a prohibition, requirement, or restriction for which the school district wishes to apply;

(D) provide evidence that school district stakeholders, including parents, teachers, students, and community members, have participated in the development and/or review and approval of the action plan;

(E) provide evidence that the application and action plan have been considered and approved by the school district's board of trustees;

(F) include assurances that the school district and its board of trustees will conform to the policies and procedures governing the operation of the consortium, as established by the commissioner, addressing such issues as attendance, reporting, financial support, and mentoring; and

(G) meet any additional requirements specified in the RFA.

(d) Criteria and methodology for selecting participants in the consortium.

(1) Applications will be selected based on quality of the application and the extent to which the district's participation ensures representation in the following categories in compliance with the TEC, §7.0561(c).

(A) Type. Using definitions of type as set forth in the TEA's District Type Data for 2009-10, the commissioner shall select at least one district in each of the following categories:

(i) urban, as represented by categories titled Major Urban and Other Central City;

(ii) suburban, as represented by categories titled Major Suburban and Other Central City Suburban;

(iii) non-metropolitan, as represented by categories titled Independent Town, Non-Metropolitan: Fast-Growing, Non-Metropolitan: Stable; and

(iv) rural, as represented by the category titled Rural.

(B) Size. Using student enrollment figures reported to the TEA for the previous school year, the commissioner shall select at least one district in each of the following categories:

(i) large district: district with a student population of 10,000 or more students;

(ii) mid-size district: district with a student population between 1,000 and 9,999; and

(iii) small district: district with a student population of 999 or fewer.

(C) Student demographics. Using the most recent available data in the TEA's Public Education Information Management System, the commissioner shall select districts whose student demographics, when aggregated with other consortium participants, will result in a diverse student population that is representative of the state's overall public school student population in the following categories:

(i) ethnicity and race;

(ii) economically disadvantaged;

(iii) English language learners;

(iv) students identified to receive special education services; and

(v) students identified as gifted and talented.

(2) In selecting school districts, the commissioner shall ensure, in accordance with the TEC, §7.0561(d), that the aggregate number of students enrolled in campuses participating in the consortium does not exceed 5.0% of the total number of students enrolled in Texas public schools based on student enrollment figures reported to the TEA for the previous school year. In order to ensure compliance with this statutory requirement:

(A) a school district may designate in its application the entire district or only one or more campus(es) to participate in the consortium; and

(B) the commissioner may require a school district to reduce the number of campuses designated in the school district's application as a condition for participation in the consortium.

(3) The commissioner may select no more than 20 school districts to participate in the consortium.

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

(f) Financing of consortium.

(1) For the purpose of implementing this section, the commissioner or a school district participating in the consortium may accept gifts, grants, or donations from any source, including a private entity or governmental entity.

(2) To recover TEA costs, the commissioner may charge a participation fee of at least $2,500 annually and not to exceed $10,000 annually to each school district selected to participate in the consortium. The commissioner may adjust the fee proportionate to the number of campuses the district has designated to participate in the consortium. Each school district's participation fee shall be reduced by the application fee amount paid in accordance with subsection (c)(2) of this section.

*Statutory Authority: The provisions of this §102.1201 issued under the Texas Education Code, §7.0561.*

*Source: The provisions of this §102.1201 adopted to be effective May 6, 2012, 37 TexReg 3402.*