

ATTACHMENT II
Text of Proposed New 19 TAC

Chapter 97. Planning and Accountability

Subchapter EE. Accreditation Status, Standards, and Sanctions

Division 1. Status, Standards, and Sanctions

§97.1062. Applicability of Intervention Pause under District Partnerships or Mathematics Innovation Zones.

- (a) A campus under this section does not include a campus of an open-enrollment charter school unless specifically indicated when applying an intervention pause under Texas Education Code (TEC), §11.174. A campus under this section includes a campus of an open-enrollment charter school when applying an intervention pause under TEC, §28.020.
- (b) A campus shall not qualify for an intervention pause pursuant to TEC, §11.174(f), unless during the school year prior to the operation of a partnership as provided by §97.1077(a) of this title (relating to School Year Under Contract to Operate a District Campus), the campus received an unacceptable performance rating, except as provided by §97.1077(e) of this title.
- (c) A campus that qualifies for an intervention pause pursuant to TEC, §28.020(c), starting with the school year for which the campus received an unacceptable performance rating that followed a school year for which the campus received an acceptable rating, will be subject to any intervention arising from the first unacceptable performance rating and, subject to the campus remaining eligible for the intervention pause, will be provided a one-year intervention pause for interventions that arise from a second consecutive year of unacceptable performance ratings.
- (d) The Texas Education Agency (TEA) will not withdraw or postpone issuing any orders or determinations required or authorized that arise due to the performance rating from the school year prior to the school year in which the campus qualifies for the intervention pause, and any order or determination will resume upon expiration of the intervention pause under subsection (e) of this section.
- (e) Except as otherwise provided by this section and unless extended by the commissioner of education, the TEA will cease to enforce the interventions under TEC, §§39A.101-39A.111, until conclusion of the second consecutive school year of operation under:
 - (1) a partnership as defined by §97.1077(a)(2), (b), or (c) of this title; or
 - (2) designation as a mathematics innovation zone under TEC, §28.020, and applicable rules.
- (f) Any intervention or sanction not covered by subsection (e) of this section shall continue.
- (g) If a campus ceases to qualify for the intervention pause at any point during a school year, the TEA will resume previously ordered interventions and sanctions, order interventions and sanctions based on the rating from that school year, and count that rating for purposes of consecutive years of performance.
- (h) The TEA will not pursue interventions under TEC, §§39A.101-39A.109 and 39A.111, for a campus eligible for an intervention pause if one of the school years eligible for an intervention pause results in an acceptable or higher overall rating.
- (i) If, after the expiration of the intervention pause, a campus receives an unacceptable rating, the TEA will apply the requisite interventions that apply to the consecutive year that corresponds to the campus's actual number of consecutive years of unacceptable performance minus the number of intervention pause years and, if applicable, accounting for the modification under subsection (c) of this section.
- (j) If a campus qualifies for an intervention pause for a school year after the conclusion of the school year in which an order is authorized under TEC, §39A.111, the intervention under TEC, §39A.111, will not pause.
- (k) A campus that receives an intervention pause will still receive an accountability rating for that school year.

- (l) Performance of students at a campus that receives an intervention pause shall be considered in the accountability rating of the school district or the open-enrollment charter school, and the application of an intervention pause to a campus shall not pause or alter any intervention applicable to the school district, open-enrollment charter school, or other campuses.
- (m) A determination under this section that arises from the application of TEC, §28.020, is final and may not be appealed.
- (n) The provisions of this subsection expire on September 1, 2023. A partial school year that results in an intervention pause under §97.1077(b) or (c) of this title constitutes one full year of a pause.