

ATTACHMENT I

Statutory Citations Relating to Proposed Amendment to 19 Texas Administrative Code Chapter 100, Charters, Subchapter AA, Commissioner's Rules Concerning Open-Enrollment Charter Schools, §100.1010. Performance Frameworks.

Texas Education Code (TEC), §12.1181, Performance Frameworks; Annual Evaluations:

- (a) The commissioner shall develop and by rule adopt performance frameworks that establish standards by which to measure the performance of an open-enrollment charter school. The commissioner shall develop and by rule adopt separate, specific performance frameworks by which to measure the performance of an open-enrollment charter school that is registered under the agency's alternative education accountability procedures for evaluation under Chapter 39. The performance frameworks shall be based on national best practices that charter school authorizers use in developing and applying standards for charter school performance. In developing the performance frameworks, the commissioner shall solicit advice from charter holders, the members of the governing bodies of open-enrollment charter schools, and other interested persons.
- (b) The performance frameworks may include a variety of standards. In evaluating an open-enrollment charter school, the commissioner shall measure school performance against an established set of quality standards developed and adopted by the commissioner.
- (c) Each year, the commissioner shall evaluate the performance of each open-enrollment charter school based on the applicable performance frameworks adopted under Subsection (a). The performance of a school on a performance framework may not be considered for purposes of renewal of a charter under Section 12.1141(d) or revocation of a charter under Section 12.115(c).

TEC, §29.259, Adult High School Diploma and Industry Certification Charter School Pilot Program, as amended by Senate Bill 276, 85th Texas Legislature, Regular Session, 2015:

- (a) In this section, "adult education" means services and instruction provided below the college level for adults by a nonprofit entity described by Subsection (e).
- (b) The commissioner shall establish an adult high school diploma and industry certification charter school pilot program as provided by this section as a strategy for meeting industry needs for a sufficiently trained workforce within the state.
- (c) The agency shall adopt and administer a standardized secondary exit-level assessment instrument appropriate for assessing adult education program participants who successfully complete high school curriculum requirements under a program provided under this section. The commissioner shall determine the level of performance considered to be satisfactory on the secondary exit-level assessment instrument for receipt of a high school diploma by an adult education program participant in a program provided under this section.
- (d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, ~~the commissioner [a charter under the pilot program]~~ may, on the basis of an application submitted, ~~grant a charter under the pilot program [be granted]~~ to a single nonprofit entity described by Subsection (e) to provide an adult education program for ~~[not more than 150]~~ individuals described by Subsection (g) to successfully complete:
 - (1) a high school program that can lead to a diploma; and
 - (2) career and technology education courses that can lead to industry certification.
- (e) A nonprofit entity may be granted a charter under this section only if the entity:

- (1) has a successful history of providing education services, including industry certifications and job placement services, to adults 18 years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances; and
 - (2) agrees to commit at least \$1 million to the adult education program offered.
- (f) A nonprofit entity granted a charter under this section may partner with a public junior college to provide career and technology courses that lead to industry certification.
- (g) A person who is at least 19 years of age and not more than 50 years of age is eligible to enroll in the adult education program under this section if the person has not earned a high school equivalency certificate and:
 - (1) has failed to complete the curriculum requirements for high school graduation; or
 - (2) has failed to perform satisfactorily on an assessment instrument required for high school graduation.
- (h) The nonprofit entity must include in its charter application the information required by Subsection (i).
- (i) A charter granted under this section must:
 - (1) include a description of the adult education program to be offered under this section; and
 - (2) establish specific, objective standards for receiving a high school diploma, including:
 - (A) successful completion of:
 - (i) if applicable to the program participant, the curriculum requirements under Section 28.025; or
 - (ii) the appropriate curriculum requirements applicable to the program participant; and
 - (B) satisfactory performance on the standardized secondary exit-level assessment instrument described by Subsection (c).
- (j) Funding for an adult education program under this section is provided based on the following:
 - (1) for participants who are 26 years of age and older, an amount per participant from available general revenue funds appropriated for the pilot program equal to the statewide average amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program to an open-enrollment charter school under Section 12.106 were the student under 26 years of age; and
 - (2) for participants who are at least 19 years of age and under 26 years of age, an amount per participant through the Foundation School Program equal to the amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at an open-enrollment charter school in accordance with Section 12.106.
- (k) Sections 12.107 and 12.128 apply as though funds under this section were funds under Subchapter D, Chapter 12.
- (l) Repealed by Acts 2017, 85th Leg., R.S., Ch. 98 (S.B. 276), Sec. 2, eff. May 23, 2017.
- (m) The commissioner shall adopt rules necessary to administer the pilot program under this section. In adopting rules, the commissioner may modify charter school requirements only to the extent

necessary for the administration of a charter school under this section that provides for adult education.

- (n) An adult education program operated under a charter granted under this section is subject to:

 - (1) a provision of this title establishing a criminal offense; and
 - (2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

 - (A) the Public Education Information Management System (PEIMS) to the extent necessary as determined by the commissioner to monitor compliance with this section and, as applicable, Subchapter D, Chapter 12;
 - (B) criminal history records under Subchapter C, Chapter 22;
 - (C) high school graduation requirements under Section 28.025, to the extent applicable to a program participant;
 - (D) special education programs under Subchapter A, Chapter 29;
 - (E) bilingual education under Subchapter B, Chapter 29;
 - (F) health and safety under Chapter 38;
 - (G) the requirement under Section 21.006 to report an educator's misconduct; and
 - (H) the right of an employee to report a crime, as provided by Section 37.148.
- (o) The commissioner shall develop and adopt performance frameworks that establish standards by which to measure the performance of an adult high school program operated under a charter granted under this section in a manner consistent with the requirements provided for an open-enrollment charter school under Sections 12.1181(a) and (b). The commissioner shall include in the performance frameworks adopted under this subsection the following performance indicators:

 - (1) the percentage of program participants who performed satisfactorily on the standardized secondary exit-level assessment instrument described by Subsection (c);
 - (2) the percentage of program participants who successfully completed the high school program and earned a high school diploma;
 - (3) the percentage of program participants who successfully completed career and technology education courses and obtained industry certification;
 - (4) the percentage of program participants who have enrolled in an institution of higher education or private or independent institution of higher education, as those terms are defined under Section 61.003; and
 - (5) the percentage of program participants who earned a wage, salary, or other income increase that was significant as determined and reported by the Texas Workforce Commission.
- (p) Each year, the commissioner shall evaluate the performance of an adult high school program operated under a charter granted under this section based on the applicable performance frameworks adopted under Subsection (o).
- (q) The commissioner shall adopt rules as necessary to implement and administer the reporting requirements under Subsection (n)(2)(A) and the evaluation provisions of Subsections (o) and (p).

- (r) The commissioner or an adult education program operated under a charter granted under this section may accept gifts, grants, or donations from any public or private source to be used for purposes of this section.