

**ATTACHMENT II**  
**Text of Proposed New 19 TAC**

**Chapter 105. Foundation School Program**

**Subchapter BB. Commissioner's Rules Concerning Charter School Funding**

**§105.1011. Additional State Aid for Open-Enrollment Charter School Facilities.**

- (a) For the purpose of determining an open-enrollment charter school's initial eligibility to receive funding as provided in Texas Education Code (TEC), §12.106(e), the most recent overall performance rating assigned to the open-enrollment charter school under TEC, Chapter 39, Subchapter C, is the preliminary overall performance rating issued to the open-enrollment charter school for the school year preceding the school year for which funding under TEC, §12.106(d), would be provided.
- (b) If the preliminary rating issued under TEC, Chapter 39, Subchapter C, for the school year preceding the year for which funding under TEC, §12.106(d), would be provided is changed as a result of an accountability appeal to a rating of at least acceptable, then the full amount of the funds will be provided to the open-enrollment charter school.