

ATTACHMENT
Text of Adopted Repeal of and 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.~~
- ~~[(c) If the open enrollment charter school was not rated the preceding school year as a result of a special evaluation by the commissioner of education because the open enrollment charter school was in a county declared a natural disaster, the most recent overall performance rating assigned to the open enrollment charter school under TEC, Chapter 39, Subchapter C, is the most recent final overall performance rating issued.]~~

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

- (a) For the purpose of determining a Texas Education Code (TEC), Chapter 12, Subchapter D open-enrollment charter school's eligibility to receive funding as provided under TEC, §12.106(d), the following apply under TEC, §12.106(e):
 - (1) an unacceptable academic performance rating under TEC, Chapter 39, Subchapter C, is defined as an overall score below 60, an overall "F" rating, or an overall "D" rating that is considered an unacceptable rating under TEC, §39.0543; ~~and~~
 - (2) a financial accountability rating lower than satisfactory under TEC, Chapter 39, Subchapter D, is defined as a score below 70 or substandard achievement ; ~~and~~ ~~is~~
 - ~~(3) a rating of "Not Rated" for academic performance or financial accountability is not considered an unacceptable rating.~~
- (b) If ratings under TEC, Chapter 39, Subchapter C or D, were not issued for prior school years due to a declared natural disaster affecting the charter school's county, the most recent two available final accountability ratings from preceding school years will be used to determine eligibility.
- (c) For charter schools that operated during the previous school year, the estimated funding under TEC, §12.106(d), for the current school year will be based on the school's eligibility status from the immediate prior year , ~~and for charter schools in their first two years of operation, estimated funding will be automatically based on eligibility provisions under TEC, §12.106(e-1) .~~
- (d) During the school year for which funding under TEC, §12.106(d), is provided, the charter holder will provide an annual certification, in a manner prescribed by the commissioner of education, that no individual covered under TEC, §12.106(e-2)(1), (2), or (3), derives any financial benefit from a real estate transaction with the charter school.
- (e) ~~Upon the availability of final data~~ [At settle-up,] for which funding under TEC, §12.106(d), would be provided, the Texas Education Agency will ~~update estimated funding to reflect final eligibility using~~ [use] the two most recent preceding school years' final accountability ratings assigned under TEC, Chapter 39, Subchapters C and D, and the applicable annual certification to determine eligibility for funding under TEC, §12.106(e).