

**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**

**§97.1070. Increasing Intensity of Interventions and Sanctions.**

- (a) If a school district, open-enrollment charter school, or campus thereof does not exhibit improvement in student performance, the commissioner of education may increase the intensity of intervention and sanction that would otherwise be required by statute or rule, including ordering campus closure, school district annexation, or appointment of a board of managers for the school district or open-enrollment charter school.
- (b) For purposes of this section, improvement means a change from one overall performance rating category under Texas Education Code (TEC), Chapter 39, to another, higher performance rating category under TEC, Chapter 39.
- (c) The commissioner may exercise authority under this section when:
  - (1) a school district, open-enrollment charter school, or campus thereof has exceeded statutory or rule limits on consecutive years of poor performance, excluding any transition provisions allowed under statute or rule;
  - (2) circumstances suggest that the lack of improvement requires an increased level of intervention or sanction, even if the performance in a school year would not otherwise count toward consecutive years of unacceptable performance that would be considered in determining the level of intervention or sanction; or
  - (3) the commissioner determines that increasing the intensity of intervention and sanction would better fulfill the purposes of accreditation statuses and accreditation sanctions established under §97.1053(a) of this title (relating to Purpose).
- (d) The commissioner may determine that good cause exists to maintain the current level of intervention or sanction. Exercising authority under this section constitutes a determination that no good cause exists to maintain the current status. The commissioner may base the determination that no good cause exists to maintain the current status on any information available to the commissioner and may make the determination at any time.