

High School Allotment

Laws, Regulations and Guidance

Prepared by the Department of State Initiatives

Texas Education Agency



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Texas Education Code

Sec. 39.234. USE OF HIGH SCHOOL ALLOTMENT. (a) Except as provided by Subsection (b), a school district or campus must use funds allocated under Section 42.160 to:

- (1) implement or administer a college readiness program that provides academic support and instruction to prepare underachieving students for entrance into an institution of higher education;
 - (2) implement or administer a program that encourages students to pursue advanced academic opportunities, including early college high school programs and dual credit, advanced placement, and international baccalaureate courses;
 - (3) implement or administer a program that provides opportunities for students to take academically rigorous course work, including four years of mathematics and four years of science at the high school level;
 - (4) implement or administer a program, including online course support and professional development, that aligns the curriculum for grades six through 12 with postsecondary curriculum and expectations; or
 - (5) implement or administer other high school completion and success initiatives in grades six through 12 approved by the commissioner.
- (b) A school district may use funds allocated under Section 42.160 on any instructional program in grades six through 12 other than an athletic program if:
- (1) the district's measure of progress toward college readiness is determined exceptional by a standard set by the commissioner; and
 - (2) the district's completion rates for grades nine through 12 meet or exceed completion rate standards required by the commissioner to achieve a status of accredited under Section 39.051.
- (b-1) Expired.
- (c) Repealed by Acts 2009, 81st Leg., ch. 1328 §105(5).
- (d) The commissioner shall adopt rules to administer this section, including rules related to the permissible use of funds allocated under this section to an open-enrollment charter school.

Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 5.06, eff. May 26, 2006. Redesignated from V.T.C.A., Education Code §39.114 and amended by Acts 2009, 81st Leg., ch. 895, §59, eff. June 19, 2009. Amended by Acts 2009, 81st Leg. Ch. 1328, §§42, 43, 105(5), eff. Sept. 1, 2009.

- Sec. 42.160. HIGH SCHOOL ALLOTMENT.** (a) A school district is entitled to an annual allotment of \$275 for each student in average daily attendance in grades 9 through 12 in the district.
- (b) A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to a credit, in the amount of the allotments to which the district is entitled under this section, against the total amount required under Section 41.093 for the district to purchase attendance credits. A school district that is otherwise ineligible for state aid under this chapter is entitled to receive allotments under this section.
- (c) An open-enrollment charter school is entitled to an allotment under this section in the same manner as a school district.
- (d) The commissioner shall adopt rules to administer this section, including rules related to the permissible use of funds allocated under this section to an open-enrollment charter school.

Added by Acts 2009, 81st Leg., R.S., Ch. [1328](#), Sec. 56, eff. September 1, 2009.

Texas Administrative Code

Chapter 61. School Districts Subchapter II. Commissioner's rules Concerning High School Allotment

Statutory Authority: The provisions of this Subchapter II issued under the Texas Education Code, §§39.233, 39.234, and 42.160, unless otherwise noted.

§61.1091. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) **Academically rigorous course work**--Academically rigorous course work is an academically intense and high-quality program of study that provides students with the information and skills necessary to successfully enroll in entry-level courses at an institution of higher education without the need for developmental course work. Academically rigorous coursework includes four years of high school level mathematics and four years of high school level science.

(2) **Advanced academic opportunity**--An advanced academic opportunity includes the following:

(A) honors courses, such as College Board advanced placement and International Baccalaureate courses, and others as defined in §74.30 of this title (relating to Identification of Honors Courses), with the exception of the Social Studies Advanced Studies;

(B) dual enrollment courses for which students receive both high school and college credit, as limited by §74.25 of this title (relating to High School Credit for College Courses);

(C) an original research/project as described in §74.54 of this title (relating to Distinguished Achievement High School Program--Advanced High School Program) or by §74.64 of this title (relating to Distinguished Achievement High School Program--Advanced High School Program); and

(D) advanced technical credit courses.

(3) **College readiness program**--A college readiness program is any program, activity, or strategy designed to do either of the following:

(A) increase the number of students who are academically prepared to enroll in entry-level courses at institutions of higher education without the need for developmental course work; or

(B) increase the number of students who enroll in institutions of higher education.

(4) Developmental course work--As defined in §4.53 of this title (relating to Definitions), developmental course work is non-degree-credit course work designed to address a student's deficiencies.

(5) High school allotment--The high school allotment is the funding allocated under the Texas Education Code (TEC), §42.160.

(6) High school completion and success initiative--A high school completion and success initiative is any program, activity, or strategy designed to do the following:

(A) improve student achievement in high school; and

(B) increase the number of students who graduate from high school.

(7) Institution of higher education--An institution of higher education is any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in the TEC, §61.003.

(8) School district--For the purposes of this subchapter, an open-enrollment charter school is considered a school district.

Source: The provisions of this §61.1091 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

§61.1092. Payment of the High School Allotment.

(a) In accordance with the Texas Education Code (TEC), Chapter 42, Subchapter C, the Texas Education Agency (TEA) will distribute funds to school districts for the purpose of payment of the high school allotment, as specified by the provisions in this subchapter.

(b) Each school district must provide to the TEA an estimate of student enrollment for Grades 9-12 for the school district in a manner established by the commissioner of education.

(c) High school allotment funds will be distributed to each school district as a part of regularly scheduled state aid payments according to the district's Foundation School Program payment schedule.

(d) School districts must account for the receipt and expenditure of funds distributed under the TEC, §42.160, in accordance with §109.41 of this title (relating to Financial Accountability System Resource Guide). The commissioner may establish specific procedures for reporting the receipt and expenditure of high school allotment funds.

Source: The provisions of this §61.1092 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

§61.1093. Use of Funds.

In accordance with the Texas Education Code, §39.234(a), high school allotment funds may be spent on the following, which, unless otherwise noted, must be targeted toward Grades 6-12:

- (1) programs that provide underachieving students, as defined by local policy, with the following:
 - (A) instruction in study skills for success in college level work;
 - (B) academic and community support for success in college preparatory classes;
 - (C) support to participate in academic competitions; and
 - (D) information about and access to college and financial aid;
- (2) activities designed to increase the number of students who take preparatory college entrance examinations and college entrance examinations;
- (3) programs that increase the number of students who enroll and succeed in College Board advanced placement courses and International Baccalaureate courses;
- (4) programs that increase the number of students who take College Board advanced placement examinations and International Baccalaureate examinations;
- (5) programs that expand participation in dual enrollment or concurrent enrollment courses;
- (6) activities designed to increase access for underachieving students to college and financial aid;
- (7) activities designed to create a college-going culture within a district or on a campus;
- (8) early college high school programs that provide at-risk students and other students with the opportunity to graduate from high school with an associate's degree or 60 hours of credit toward a baccalaureate degree;
- (9) programs that provide academic support and instruction to increase the number of students who complete the Recommended High School Program or the Distinguished Achievement Program as defined in Chapter 74, Subchapter E, of this title (relating to Graduation Requirements, Beginning with School Year 2004-2005) or Chapter 74, Subchapter F, of this title (relating to Graduation Requirements, Beginning with School Year 2007-2008);
- (10) strategies that create small learning communities, advocacy programs, or advisory programs for students;

- (11) programs or activities that create individualized high school graduation and postsecondary plans for students;
- (12) programs that ensure that students have access to rigorous curriculum, effective instruction, and timely formative assessment;
- (13) programs that create opportunities for middle and high school educators and college and university faculty to jointly identify college and secondary curricular requirements and expectations and develop means to align these requirements and expectations;
- (14) summer transition programs and other programs that provide academic support and instruction for students entering Grade 9; and
- (15) other high school completion and success initiatives as approved by the commissioner of education.

Source: The provisions of this §61.1093 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

§61.1094. Exceptions for Alternative Uses of Funds.

In accordance with the Texas Education Code, §39.234(b), before the beginning of each school year, the commissioner of education will identify school districts that are eligible for exceptions for alternative uses of high school allotment funds.

Source: The provisions of this §61.1094 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

§61.1095. Allowable Expenditures.

(a) A school district may use high school allotment funds to support a program or activity that is currently in place in the district or on a campus, provided that the program satisfies at least one of the permissible uses of funds identified in the Texas Education Code (TEC), §39.234(a), and further defined in §61.1093 of this title (relating to Use of Funds).

(b) A school district may spend high school allotment funds on the following, provided these items are for uses identified in the TEC, §39.234(a), and further defined in §61.1093 of this title:

- (1) tuition and fees;
- (2) textbooks and other instructional materials;
- (3) transportation;

- (4) equipment, including science laboratory equipment;
- (5) technology;
- (6) parent and community involvement and outreach;
- (7) professional development;
- (8) technical assistance services;
- (9) performance reward and incentive programs for students;
- (10) personnel costs, including salaries and benefits;
- (11) stipends and extra-duty pay; and
- (12) performance reward and incentive programs established in district policy or employment contracts.

(c) School districts may pool high school allotment funds to implement multidistrict programs for the uses of funds identified in the TEC, §39.234(a), and further defined in §61.1093 of this title.

Source: The provisions of this §61.1095 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

§61.1096. Unallowable Expenditures.

A school district may not spend high school allotment funds on indirect or administrative costs or athletic programs.

Source: The provisions of this §61.1096 adopted to be effective November 9, 2006, 31 TexReg 9025.

§61.1097. Additional High School Completion and Success Initiatives Approved by the Commissioner.

(a) To implement high school completion and success initiatives for students in Grades 6-12 other than those programs, activities, and strategies identified for Grades 6-12 in the Texas Education Code (TEC), §39.234(a), or further defined in §61.1093 of this title (relating to Use of Funds), a school district must apply to the Texas Education Agency (TEA), by a date set by the commissioner of education. The application must include a standard application as required by the TEA division responsible for approving high school completion and success initiatives under this subchapter. No application is needed to implement programs under §61.1093 of this title.

(b) The TEA will review and consider approval of applications submitted under this section.

(c) The TEA may consider criteria that include, but are not limited to, the following when determining whether to approve an application:

- (1) indications that the initiative will improve student performance in relation to the performance indicators established in §61.1099 of this title (relating to School District Annual Performance Review);
- (2) evidence that activities under the initiative address the needs of the target population participating in the initiative;
- (3) indications that the design of the initiative reflects up-to-date knowledge about high school completion and success and/or college readiness and effective practices;
- (4) the qualifications, experience, or certifications of personnel or external consultants involved in the initiative; and
- (5) the appropriateness of proposed expenditures.

(d) A school district that receives approval from the TEA to implement a high school completion and success initiative under this section may be required to reapply for approval each year.

(e) The TEA may identify specific programs, activities, and strategies that are approved for use in the expenditure of high school allotment funds in addition to those identified in the TEC, §39.234(a), or further defined in §61.1093 of this title.

Source: The provisions of this §61.1097 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

§61.1098. Policy Advisory Group.

(a) The commissioner of education may create an advisory group composed of stakeholders, including the following:

- (1) representatives from school districts;
- (2) representatives from institutions of higher education;
- (3) experts with high school completion and success and college readiness experience; and
- (4) other interested stakeholders.

(b) The advisory group may review activities and programs implemented with high school allotment funds and make recommendations to the commissioner regarding the following:

- (1) standards for evaluating the success and cost-effectiveness of high school completion and success and college readiness programs implemented with high school allotment funds;
- (2) criteria for identifying and disseminating promising practices and strategies; and
- (3) guidance for school districts and campuses in establishing and improving high school completion and success and college readiness programs implemented with high school allotment funds.

(c) If requested by the commissioner, the advisory group will make recommendations regarding standards for selecting and methods for recognizing school districts and campuses with exceptional high school completion and success and college readiness programs implemented with high school allotment funds.

Source: The provisions of this §61.1098 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

§61.1099. School District Annual Performance Review.

(a) At an open meeting of the board of trustees, each school district must establish annual performance goals for programs, activities, and strategies implemented with high school allotment funds related to the following performance indicators:

- (1) percentage of students graduating from high school;
- (2) enrollment in advanced courses, including College Board advanced placement courses, International Baccalaureate courses, and dual or college credit courses;
- (3) percentage of students successfully graduating on the Recommended High School Program or Distinguished Achievement Program described in Chapter 74, Subchapter E, of this title (relating to Graduation Requirements, Beginning with School Year 2004-2005) or Chapter 74, Subchapter F, of this title (relating to Graduation Requirements, Beginning with School Year 2007-2008);
- (4) percentage of students who achieve the higher education readiness component qualifying scores on the English language arts section of the exit-level Texas Assessment of Knowledge and Skills (TAKS); and
- (5) percentage of students who achieve the higher education readiness component qualifying scores on the mathematics section of the exit-level TAKS.

(b) Annually, the board of trustees of each school district must review its progress in relation to the performance indicators specified in subsection (a) of this section. Progress should be assessed based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status.

(c) Each school district must ensure that decisions about the continuation or establishment of programs, activities, and strategies implemented with high school allotment funds are based on:

- (1) state assessment results and other student performance data;
- (2) standards for success and cost-effectiveness as established by the commissioner of education under the Texas Education Code (TEC), §39.233(a)(1); and
- (3) guidance for improving high school completion and success and college readiness programs as established by the commissioner under the TEC, §39.233(a)(2).

Source: The provisions of this §61.1099 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

§61.1100. Evaluation of Programs.

(a) The Texas Education Agency (TEA) will evaluate programs implemented with high school allotment funds based on the following:

- (1) performance indicators as established in §61.1099 of this title (relating to School District Annual Performance Review); and
- (2) standards for success and cost-effectiveness as established by the commissioner under the Texas Education Code, §39.233(a)(1).

(b) In addition to the evaluation on the indicators identified in subsection (a) of this section, school districts will be evaluated based on the academic quality indicators in the TEA's performance-based monitoring system and other compliance requirements.

Source: The provisions of this §61.1100 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

§61.1101. Standards for Selecting and Methods for Recognizing Districts and Campuses Offering Exceptional Programs.

(a) In accordance with the Texas Education Code (TEC), §39.233(a)(3), by January 1 of each year, the commissioner of education will select for recognition districts and campuses that offer exceptional high school completion and success and college readiness programs implemented with high school allotment funds.

(b) The commissioner must establish standards for selecting school districts and campuses with exceptional high school completion and success and college readiness programs.

(c) The standards for selection will be based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status. Standards for selection will include consideration of district and campus performance in relation to the following:

(1) performance indicators as established in §61.1099 of this title (relating to School District Annual Performance Review);

(2) standards for success and cost-effectiveness as established by the commissioner under the TEC §39.233(a)(1); and

(3) district or campus improvement relative to districts and campuses that exhibit similar characteristics of students served by the campus or district, including, but not limited to, past academic performance, socioeconomic status, ethnicity, and limited English proficiency.

(d) The commissioner must establish methods for recognizing school districts and campuses that offer exceptional high school completion and college readiness programs implemented with high school allotment funds.

Source: The provisions of this §61.1101 adopted to be effective November 9, 2006, 31 TexReg 9025; amended to be effective March 3, 2010, 35 TexReg 1732.

What is the High School Allotment?

The High School Allotment is an annual fund created by the Texas Legislature in 2006 that provides every Texas school district with \$275 per student in grades 9-12 to improve high school graduation and college readiness rates. High school allotment funds shall be distributed to each school district as a part of regularly scheduled state aid payments according to the district's Foundation School Program payment schedule.

What are the goals of the High School Allotment?

Allotment funds may be used to support district-wide programs or allocated by district to specific campuses that serve middle school or high school students. The district will use strategies with evidence of effectiveness to:

- Prepare students who traditionally have not gone on to higher education for college- and university-level work
- Encourage all students to take advanced academic course work that leads to college credit
- Increase the rigor of academic course work for all students
- Align secondary and postsecondary curriculum and expectations
- Support promising high school completion and success initiatives in grades 6 through 12

How may districts use allotment funds?

TEC §39.234 **Use of High School Allotment** states that school districts and campuses must use funds under §42.160 to:

- Implement college readiness programs to prepare underachieving students for college
 - Create a college-going culture
 - Increase number taking college entrance exams
 - Increase access for underachieving students to college and financial aid
 - Increase number completing Recommended or Distinguished Achievement Programs
 - Creating small learning communities or advisory programs
 - Creating individualized graduation or postsecondary plans
- Implement programs that encourage students toward advanced academic opportunities, such as dual credit and AP
 - Increase number enrolling and succeeding in college prep courses including AP, IB and dual credit
 - Increase number taking AP and IB tests
- Implement programs that give students opportunities to take academically rigorous course work, including four years of math and science
 - Expanding participation in dual or concurrent enrollment courses
 - Offering early college high school programs
- Implement programs that align the curriculum for grades 6 through 12 with postsecondary curriculum
 - Align curriculum with college requirements
 - Provide summer programs for transition to high school
 - Providing access to rigorous curriculum
- Implement other high school completion and success initiatives in grades 6 through 12 as approved by the commissioner

Are there exceptions to uses of the High School Allotment?

- TEC §39.234(b) allows a school district to use the high school allotment funds on any instructional program other than an athletic program if
- The district's measure of progress toward college readiness is determined exceptional by a standard set by the commissioner;
- The district's completion rates for grades 9 through 12 exceed completion rate standards required by the commissioner to achieve a status of accredited under TEC §39.051.

What are allowable expenditures?

According to 19 Texas Administrative Code (TAC) §61.1094, allowable expenditures include:

- Tuition and fees
- Textbooks and other instructional materials
- Transportation
- Equipment, including science laboratory equipment
- Technology
- Parent and community involvement outreach
- Professional development
- Technical assistance services
- Performance reward incentive programs for students
- Personnel costs, including salaries and benefits
- Stipends and extra-duty pay
- Performance reward and incentive programs established in district policy or employment contracts

How are districts using their allotment?

Districts that are putting their allotment funds to use in some powerful and creative ways are:

- Integrating their allotment funds into the district's overall plan to improve student success and college readiness
- Using data to drive decisions by analyzing district performance to determine where gaps exist
- Incorporating research-based results on best practices
- Planning to discontinue programs that do not demonstrate measurable results

How are allotment funds increasing rigor?

- tutoring
- accelerated online instruction
- summer programs such as summer AP readiness camps
- support for co-curricular programs such as robotics clubs and Odyssey of the Mind
- pre-engineering courses such as Project Lead the Way
- programs such as AVID and AP Strategies to support students taking challenging courses
- tuition, textbooks and transportation for dual credit courses
- exam subsidies for AP/IB

How are Allotment Funds Creating Personalization strategies?

- Advisories
- Small learning communities

How are allotment funds increasing high school success?

- “Newcomer Academy” to assist Limited English Proficient students with acquisition of English language and support services
- Tutoring and support services for students at-risk of dropping out
- Two-week mandatory math & science summer school for struggling students
- Stipends for teachers to staff a 4-9pm credit recovery program

How are allotment funds creating a college-going culture?

- Tuition, books, and transportation for dual or college credit courses
- Courses to prepare students for college entrance exams (SAT and ACT)
- Exam subsidies for SAT and ACT
- Creation of a UIL forensic program designed to
- Recruit students without plans to attend college;
- Establish college going expectations; and
- Equip with communication and critical thinking skills valuable for college success

How are allotment funds contributing to successful transitions?

- Summer program for graduating 8th graders to equip with study and other skills to succeed in high school
- “Fish Tank” to house freshman core classes in one location and increase staff providing support during transition
- system to track graduates and use data to improve efforts to better prepare students for college and career

How are allotment funds building capacity

- Professional development
- Stipends for mentor teachers
- Incentives to recruit and retain math and science teachers
- Incentives to recruit and retain teachers at hard-to- staff schools
- On-line courses and virtual science labs for advanced classes for which there are not enough students to create an additional class

What are the expectations for success?

- Percentage of students graduating from high school
- Percentage of students enrolled in advanced courses, including AP, IB and dual credit
- Percentage of students successfully graduating on the Recommended High School Program or the Distinguished Achievement Program
- Percentage of students who achieve higher education readiness component qualifying scores on the English sections of the exit-level TAKS
- Percentage of students who achieve higher education readiness component qualifying scores on the Math sections of the exit-level TAKS

Frequently Asked Questions

- 1) **In past school years, TEA's website posted a spreadsheet that estimated the monthly high school allotment. I used this to post my monthly TEA payments. Is there one for 2009-2010 or are we supposed to use the 08-09 estimate again?**

The High School Allotment is no longer a separate fund code and is no longer estimated as a separate payment. The **annual** high school allotment amount appears on the The Summary of Finance Report and is posted on <http://ritter.tea.state.tx.us/school.finance/funding/sofweb7.html> and distributed as part of the regular foundation payments to districts.

Since the High School Allotment is being moved to Fund 199, a new program intent code (PIC) has been established to help districts track their expenditures. Beginning in the 2009-2010 school year, districts should use PIC 31 to identify their high school allotment expenditures.

- 2) **Can these funds be expended for programs that the district currently offers that meet the requirements specified in statute or will the district be required to offer additional programs that meet these requirements? For example, if we currently offer several dual credit classes and college classes, can we fund our current staff from these funds?**

Expenditures for existing programs that meet the statutory requirements can be funded with the High School Allotment.

- 3) **Are there exceptions to uses of the High School Allotment?**

A school district can use the allotment funds on any instructional program other than an athletic program if:

- o the district's measure of progress toward college readiness is determined exceptional by a standard set by the commissioner; and
- o the district's completion rates for grades 9 through 12 meet or exceed completion rate standards required by the commissioner to achieve a status of accredited under Section 39.051.

- 4) **How may districts use High School Allotment funds?**

TEC §39.234 **Use of High School Allotment** states that school districts and campuses must use funds under §42.160 to:

- a. Implement college readiness programs to prepare underachieving students for college
- b. Implement programs that encourage students toward advanced academic opportunities, such as dual credit and AP
- c. Implement programs that give students opportunities to take academically rigorous course work, including four years of math and science

- d. Implement programs that align the curriculum for grades 6 through 12 with postsecondary curriculum
- e. Implement other high school completion and success initiatives in grades 6 through 12 as approved by the commissioner

5) Can allotment funds be used to fund programs for students in Grades 6-8?

TEA sought clarification on legislative intent and determined that a broader interpretation of §39.234 is consistent with the legislation's overriding goals of preparing students for entrance into institutions of higher education. Consequently, the agency has decided that allotment funds may be used to target students in Grades 6-8.

6) Can allotment funds be used to support participation in academic competitions such as UIL academic and forensic competitive programs?

Yes, academic competition designed to increase college readiness by:

- a. effectively equipping students with academic skills valuable for successful completion of high school and college;
- b. actively recruiting students who are traditionally underrepresented in college populations; and
- c. motivating students to enroll in college

7) Given that there is a serious shortage of math and science teachers in Texas, can allotment funds be used to recruit and retain math and science teachers?

Yes, allotment funds may be used for recruitment and retention of math and science teachers as well as teacher incentive pay.

8) Can a high school designated as academically unacceptable use allotment funds to pay for a Campus Improvement team (CIT)?

The use of High School Allotment funds for a CIT is not consistent with the legislatively-established purposes of the funds. These funds are to be used for programs that directly relate to improving graduation and college readiness rates.

9) Can parents apply to use the allotment funds to pay for services for their child?

Allotment funds were not appropriated by the legislature for direct use by parents to purchase individual academic services for their children. Rather, the funds are allocated to districts to ensure that all students have access to academically rigorous programs that promote college readiness. Parents and other community members are encouraged to contact school officials to provide input into their district's process for determining the use of its High School Allotment funds.

- 10) **Is reference in the rules to using allotment funds for programs to increase the number of students enrolling and succeeding in Advanced Placement (AP) and International Baccalaureate (IB) courses meant to discourage districts from employing other proven approaches for introducing rigor, particularly to low-income students?**

No. Nothing in the rule precludes districts from using allotment funds to support *any* program proven to assist students succeed with an academically rigorous curriculum. Nor does the reference to AP and IB courses exclude the use of other programs designed to encourage students to pursue advanced academic opportunities. AP and IB courses are cited in the enabling legislature as a type of advanced academic opportunity which students should be encouraged to pursue. Research studies have established a strong relationship between successful participation in high school AP/IB courses and success in college. This relationship holds true even for students who take an AP course but do not do well on the national AP examination. The allotment funds are designed to encourage districts to extend the benefits of the AP/IB programs to a larger population of students, including low-income and middle- and low-performing students. Districts are encouraged to use allotment funds to recruit and support students who traditionally have not enrolled in AP/IB courses. Furthermore, test fees, including fees for AP/IB examinations, are allowable expenditures. Districts may pay these examination fees for students unable to afford them, thus enabling low-income students to obtain college credit for AP/IB courses while in high school just as their more financially able classmates do.

- 11) **What is the definition of “underachieving student?”**

Underachieving students are those whose course selections and academic performance do not correspond to the level of rigor and achievement of which they are capable. The underlying principle of HB1 is that all students should graduate from high school prepared to succeed in college or a career.

- 12) **Can allotment funds be used for Career and Technical Education programs (CTE)?**

While CTE programs are not explicitly identified as a program for which allotment funds may be used, CTE programs which are designed to encourage CTE students to pursue certifications through dual and concurrent enrollment programs with post secondary institutions as well as programs designed to ensure that CTE students have access to rigorous curriculum are consistent with the purposes established for High School Allotment funds.

- 13) **Can allotment funds be used to purchase technology, such as graphing calculators and computers?**

Yes, provided such technology is used for purposes consistent with the legislative intent for such funds.

14) Can technology purchased with allotment funds for purposes consistent with the legislative intent also be used for other purposes?

If such allotment-funded technology is to be used for other purposes, then allotment funds may be used to pay only for the percentage of the technology cost that corresponds to the percentage of time it is be used for allotment purposes.

15) Can allotment funds be used for tutoring?

Yes

16) Can allotment funds be used to fund staff positions?

Personnel costs, including salaries and benefits, are an allowable use of allotment funds. If the staff position involves additional responsibilities, other than implementation of programs and activities addressing the intent of the legislation, then allotment funds may be used to pay only for that portion of the salary that corresponds to the percentage of the staff member's time designated for allotment purposes.

17) Can allotment funds be used for staff development?

Allotment funds may be used for staff development provided the training is designed to address the objectives of the legislation.

18) Can allotment funds be used for Pre-Advanced Placement (Pre-AP) courses?

Yes. Pre-AP courses provide students access to rigorous curriculum and are designed to prepare students for the even more rigorous challenge of AP and IB coursework and therefore are consistent with the purposes established for allotment funds

19) Can allotment funds be used to transport students?

Transportation is an allowable use for allotment funds provided it supports an activity or program that addresses the objectives of the legislation.

20) Can allotment funds be used to pay teacher stipends?

Stipends are an allowable use for allotment funds provided they support an activity or program that addresses the objectives of the legislation, such as teaching dual credit courses.

21) Can allotment funds be used for Campus Improvement Plan activities?

Campus Improvement Plan activities are an allowable use for allotment funds provided they address the objectives of the legislation.

22) Can allotment funds be used to provide services to Limited English Proficient (LEP) students to acquire English skills?

Yes. Allotment funds may be used to provide academic support and instruction to increase the number of students completing the Recommended High School Program or Distinguished Achievement Program. Services to assist LEP students acquire English skills would be an appropriate way to achieve this purpose.

23) Can allotment funds be used to enable at-risk students participate in alternative programs such as night school, summer school, college vocational certification programs and accelerated credit recovery?

Tuition and fees for programs designed to increase the number of students who complete the Recommended High School Program are an appropriate use for allotment funds.

ANNUAL PERFORMANCE GOAL SETTING AND PERFORMANCE REVIEW

24) When should districts establish their annual performance goals and conduct performance review?

Setting goals for the allotment funds ideally would take place as a part of the district's budget setting process for the upcoming school year. The district's annual review of progress toward achieving its allotment goals should be scheduled at the conclusion of the year's allotment-funded programs and activities and prior to the following school year.

25) Is the annual performance review to be conducted by the board of trustees or by district employees?

Both the establishment of annual performance goals and the annual performance review are to be conducted by the district's board of trustees.

26) Is the board of trustees required to hold a special called meeting for the exclusive purpose of taking public testimony regarding the establishment of allotment performance goals or can the board consider the allotment goals as a part of its posted agenda for a regularly scheduled Board meeting open for public discussion and comment?

Both the establishment of annual allotment performance goals and the annual performance review may be considered as a part of a board of trustees' regularly scheduled open meeting.

27) How should annual performance of the allotment funds be reviewed?

During the first year of implementation, boards should, at a minimum, consider how the district's use of allotment funds contributed to the following performance indicators set forth in new 19 TAC §61.1099.

- (1) percentage of students graduating from high school;
- (2) enrollment in advanced courses, including College Board advanced placement courses, International Baccalaureate courses, and dual or college credit courses;
- (3) percentage of students successfully graduating on the Recommended High School Program or Distinguished Achievement Program described in Chapter 74, Subchapter E, of this title (relating to Graduation Requirements, Beginning with School Year 2004-2005), or Chapter 74, Subchapter F, of this title (relating to Graduation Requirements, Beginning with School Year 2007-2008);
- (4) percentage of students who achieve the higher education readiness component qualifying scores on the English language arts section of the exit-level Texas Assessment of Knowledge and Skills (TAKS); and
- (5) percentage of students who achieve the higher education readiness component qualifying scores on the mathematics section of the exit-level TAKS.

Once standards for success and cost-effectiveness are established by the commissioner, based on recommendations from the Policy Advisory Group, then those standards should also be used in the board's performance review.

PROCEDURAL ISSUES

28) Can unexpended allotment funds be carried over for use in the following year?

Yes. Allotment funds may be carried over in the same manner as Foundation School Program funds.

29) If allotment funds are carried over to the next year, are districts limited to the 80% -20% restriction, which requires 80% be spent and limits the amount that may be carried over to 20%?

No. The 80% - 20% requirement applies only to federal funds.

30) Are allotment funds affected by the Governor's Executive Order requiring districts to use 65% of funds received for instructional purposes?

Yes. Allotment funds expended for instructional purposes and coded to functions 11, 36, 93 or 95 will count towards meeting the 65% requirement.

31) How will allotment funds affect Chapter 41 schools?

A Chapter 41 district is entitled to receive the high school allotment as a credit against its cost of recapture.

32) For how many years can districts expect to receive allotment funds?

Legislative appropriations cover a two-year period. Each legislature will determine appropriations for the allotment program for the upcoming biennium.