

## Chapter 102. Educational Programs

### Subchapter BB. Commissioner Rules Concerning the Rural Pathway Excellence Partnership (R-PEP) Program

#### §102.1021. Rural Pathway Excellence Partnership Program.

- (a) Applicability. This section applies only to an eligible school district that intends to establish a rural pathway excellence partnership (R-PEP) under Texas Education Code (TEC), §29.912.
- (b) Eligibility for R-PEP benefits. A school district is eligible for R-PEP program benefits if it has fewer than 1,600 students in average daily attendance and enters into a partnership with at least one other school district, irrespective of the number of students in average daily attendance in the other district, located within a distance of 100 miles. Open-enrollment charter schools are not eligible for R-PEP designation.
- (c) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
  - (1) Coordinating entity--An entity that has the capacity to effectively coordinate a multi-district partnership that includes at least one district eligible for benefits under subsection (b) of this section, has entered into a performance agreement approved by the board of trustees of each partnering school district, is an eligible entity as defined by TEC, §12.101(a), and has a governing or advisory board that meets all membership requirements defined in TEC, §29.912.
  - (2) Institution of higher education--An institution of higher education has the meaning assigned by TEC, §61.003.
  - (3) Pathway--A program of study or endorsement described by TEC, §28.025(c-1), that:
    - (A) aligns with regional labor market projections for high-wage, high-demand careers with advancement opportunities; and
    - (B) incorporates:
      - (i) Texas Education Agency (TEA)-approved career and technical education programs of study, as defined in TEC, §48.106, and/or Texas College and Career Readiness School Models, including Pathways in Technology Early College High School (P-TECH) and Early College High School (ECHS);
      - (ii) college and career advising; and
      - (iii) a continuum of work-based learning experiences that allow students to reflect on and apply what they have learned.
  - (4) Performance agreement--A legally binding agreement between the board of trustees of each partnering school district and the coordinating entity that confers specific authority to the coordinating entity over the R-PEP pathways as defined in TEC, §29.912.
- (d) Performance agreement. To contract with the coordinating entity to operate under TEC, §29.912, the board of trustees of each partnering school district must approve a legally binding agreement with the coordinating entity. The R-PEP performance agreement must:
  - (1) confer to the coordinating entity the same authority with respect to pathways offered under the partnership provided to an entity that contracts to operate a district campus under TEC, §11.174. The coordinating entity must have:
    - (A) authority to employ and manage the staff member responsible for the pathways at each partner campus, including initial and final non-delegable authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment, and establish any other terms of employment;

- (B) authority over the employees in each pathway, including initial and final non-delegable authority for the operating partner to employ and/or manage all of the operating partner's own administrators, educators, contractors, or other staff. Such authority includes the authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment, and establish any other terms of employment;
  - (C) initial, final, and sole authority to supervise, manage, evaluate, and rescind the assignment of any district employee or district contractor from the pathway. If the coordinating entity rescinds the assignment of any district employee or district contractor, the district must grant the request within 20 working days;
  - (D) authority to and must directly manage the staff member responsible for the pathways at each partner campus, including having the sole responsibility for evaluating their performance;
  - (E) initial, final, and sole authority over educational programs within each pathway for specific, identified student groups, such as gifted and talented students, emergent bilingual students, students at risk of dropping out of school, special education students, and other statutorily defined populations;
  - (F) initial, final, and sole authority to set the school calendar and the daily schedule; and
  - (G) authority to develop and exercise final approval of pathway budgets, which must include at least 80% of the state and local funding to which each partnering school district is entitled under TEC, §§48.106, 48.110, and 48.118, for each student participating in a pathway;
- (2) include ambitious and measurable performance goals and progress measures tied to current college, career, and military readiness outcomes bonus standards and longitudinal postsecondary completion and employment-related outcomes and a timeline to report progress to district school boards at least biannually;
  - (3) allocate responsibilities for accessing and managing progress and outcome information and annually publishing that information on the Internet website of each partnering district and the coordinating entity;
  - (4) authorize the coordinating entity to optimize the value of each college and career pathway offered through the partnership by:
    - (A) determining scheduling;
    - (B) adding or removing a pathway;
    - (C) selecting and assigning pathway-specific personnel;
    - (D) developing and exercising final approval of pathway budgets, which must include at least 80% of the state and local funding to which each partnering school district is entitled under TEC, §§48.106, 48.110, and 48.118, for each student participating in a pathway; and
    - (E) determining any other matter critical to the efficacy of the pathways; and
  - (5) provide that any eligible student enrolled in a partnering school district may participate in a college or career pathway offered through the partnership.
- (e) Applying for designation of an R-PEP.
- (1) Applicant eligibility. A coordinating entity must submit a single application on behalf of each district and campus it requests to designate as eligible for R-PEP benefits.
  - (2) Types of applications. A coordinating entity may submit an application to start a new R-PEP or an application to expand or modify a previously designated R-PEP in good standing with all applicable R-PEP requirements.

- (3) Application contents. The following provisions apply to an R-PEP application submitted to the commissioner of education.
  - (A) A coordinating entity must submit a letter of intent prior to applying for an R-PEP in accordance with the procedures determined by the commissioner.
  - (B) The application package shall contain, but is not limited to, any of the following:
    - (i) an application form;
    - (ii) a description of R-PEP pathways, including a list of pathways offered at each R-PEP district and evidence that the college and career pathways offered align with regional labor market projections for high-wage, high-demand careers;
    - (iii) a description of the R-PEP organizational structure, including a staffing plan that outlines roles and responsibilities related to operating and coordinating the R-PEP pathways and includes at least two full-time equivalent roles that:
      - (I) are under the control of the coordinating entity to the extent required to fulfill responsibilities related to R-PEP;
      - (II) may be distributed among more than two employees or contractors, including employees or contractors of the district with time allocated for duties managed by the coordinating entity; and
      - (III) will be engaged and begin fulfillment of their roles within 30 days of approval by the commissioner;
    - (iv) a proposed budget demonstrating the use of funds allocated to the coordinating entity from the partner districts and ensuring that the coordinating entity exercises final approval over at least 80% of the state and local funding to which each partnering school district is entitled under TEC, §§48.106, 48.110, and 48.118;
    - (v) an approved performance agreement in alignment with subsection (d) of this section; and
    - (vi) letters of support from relevant organizations, including institutions of higher education, workforce development organizations, and school districts in the region.
  - (C) TEA shall review application packages submitted under this section. If TEA determines that an application package is not complete and/or the applicant does not meet the eligibility criteria in TEC, §29.912, TEA shall notify the applicant and allow 10 business days for the applicant to submit any missing or explanatory documents.
    - (i) If, after giving the applicant the opportunity to provide supplementary documents, TEA determines that the eligibility approval request remains incomplete and/or the eligibility requirements of TEC, §29.912, have not been met, the eligibility approval request will be denied.
    - (ii) If the documents are not timely submitted, TEA shall remove the eligibility approval request without further processing. TEA shall establish procedures and schedules for returning eligibility approval requests without further processing.
    - (iii) Failure of TEA to identify any deficiency or notify an applicant thereof does not constitute a waiver of the requirement and does not bind the commissioner.
  - (D) Upon written notice to TEA, an applicant may withdraw an application package.
- (4) Application review.
  - (A) Applicants with complete application packages satisfying the requirements in paragraph (3) of this subsection will be reviewed by a panel selected by the commissioner.

- (B) The panel may include TEA staff or external stakeholders. The panel shall review application packages in accordance with the procedures and criteria established in the application package and guidance form. Review panel members shall not discuss eligibility approval requests with anyone except TEA staff.
  - (C) TEA may perform additional due diligence on R-PEP applicants, including, but not limited to:
    - (i) interviewing applicants, including individuals from the district, coordinating entity, and institutions of higher education, and requiring the submission of additional information and documentation prior to and after the interview;
    - (ii) interviewing other entities that have contracted with the proposed coordinating entity to assist TEA in determining the past success of a coordinating entity in meeting program-aligned goals; and
    - (iii) collecting additional data and information not submitted in the application that demonstrates the likelihood of success in meeting R-PEP program goals.
  - (D) TEA will notify each applicant of its selection or non-selection for R-PEP designation no later than the 60th day after the date the commissioner receives all R-PEP application materials.
  - (E) In order to qualify for ongoing benefits subsequent to initial eligibility validation or approval, the eligible partnership campus must comply with all information requests deemed necessary by TEA staff to determine the ongoing eligibility of the R-PEP program.
  - (F) To receive benefits under TEC, §48.118, the district must continuously meet the requirements in this subsection and subsection (d) of this section.
- (f) Applying to expand or modify a designated R-PEP.
- (1) Eligibility for expansion or modification. A coordinating entity may apply to expand or modify a designated R-PEP any year after initial designation or subsequent renewal. Applications must be submitted to TEA prior to July 1 of the school year in which the change will be effective.
  - (2) Types of expansions/modifications. A complete expansion/modification amendment packet must be submitted any time there is a change in partnership districts and/or pathways by selecting and completing one of the following options:
    - (A) the R-PEP will add or remove participating districts with no change in pathways offered;
    - (B) the R-PEP will add or remove pathways offered with no change in districts; or
    - (C) the R-PEP will add or remove pathways offered and add or remove participating districts.
  - (3) Expansion and modification amendment application contents. The following provisions apply to an R-PEP expansion and modification amendment application submitted to the commissioner.
    - (A) A coordinating entity must submit a letter of intent prior to applying to expand or modify an existing R-PEP in accordance with the procedures determined by the commissioner.
    - (B) The application package shall contain, but is not limited to, the following:
      - (i) an application form outlining any relevant changes to the R-PEP and/or coordinating entity structure or supports;
      - (ii) an updated budget demonstrating the use of funds allocated to the coordinating entity from the partner districts and ensuring that the coordinating entity exercises final approval over at least 80% of the state and local funding to which each partnering school district is entitled under TEC, §§48.106, 48.110, and 48.118; and

- (iii) an updated approved performance agreement in alignment with subsection (d) of this section.
- (4) Expansion and modification amendment application review.
  - (A) Applicants with complete application packages satisfying the requirements in paragraph (3) of this subsection will be reviewed by a panel selected by the commissioner.
  - (B) The panel may include TEA staff or external stakeholders. The panel shall review application packages in accordance with the procedures and criteria established in the application package and guidance form. Review panel members shall not discuss eligibility approval requests with anyone except TEA staff.
  - (C) TEA may perform additional due diligence on R-PEP expansion or modification applicants, including, but not limited to:
    - (i) interviewing applicants, including individuals from the district, coordinating entity, and institutions of higher education, and requiring the submission of additional information and documentation prior to and after the interview;
    - (ii) interviewing other entities that have contracted with the proposed coordinating entity to assist TEA in determining the past success of a coordinating entity in meeting program-aligned goals; and
    - (iii) collecting additional data and information not submitted in the application that demonstrates the likelihood of success in meeting R-PEP program goals.
  - (D) TEA will notify each applicant of its approval for the R-PEP expansion or modification no later than the 60th day after the date the commissioner receives all R-PEP expansion or modification materials.
  - (E) In order to qualify for ongoing benefits subsequent to initial eligibility validation or approval, the eligible partnership campus must comply with all information requests deemed necessary by TEA staff to determine the ongoing eligibility of the R-PEP program.
  - (F) To continue to receive benefits under TEC, §48.118, the district must continuously meet the requirements in this subsection and subsection (d) of this section.
- (g) Performance standards for R-PEP renewal.
  - (1) No less than three years after an R-PEP designation is approved or renewed, each R-PEP coordinating entity must submit for TEA review a renewal package to determine continued eligibility for R-PEP allocations.
  - (2) The renewal package may contain, but is not limited to, any of the following:
    - (A) a renewal form;
    - (B) assurance from the R-PEP coordinating entity and school board of trustees for each participating R-PEP district that the performance agreement continues to meet TEA criteria and is being implemented in accordance with TEC, §29.912, and this section;
    - (C) budgets for the R-PEP demonstrating alignment with TEC, §29.912, and this section; and
    - (D) outcome measures as evidenced by progress reports and program data, including, but not limited to, progress toward goals outlined in the R-PEP performance agreement.
  - (3) The commissioner may deny renewal of the authorization of a designated R-PEP program based on any or all of the following factors:
    - (A) noncompliance with application assurances and/or the provisions of this section;
    - (B) lack of program success as evidenced by progress reports and program data;

- (C) failure to meet performance standards specified in the application and/or R-PEP performance contract; and
  - (D) failure to provide accurate, timely, and complete information as required by TEA to evaluate the effectiveness of the R-PEP program.
- (4) If a school district starts a school year with fewer than 1,600 students but meets or exceeds that enrollment by the end of the school year, that district will be entitled to R-PEP benefits outlined in TEC, §48.118, for the current school year and will be deemed ineligible for the subsequent school year if enrollment meets or exceeds 1,600 students.
- (h) R-PEP grants.
- (1) TEA will announce and execute an open application for R-PEP planning and implementation grants pursuant to TEC, §48.118, to assist school districts and coordinating entities in planning, development, establishment, or expansion/modification of partnerships as funds are available.
  - (2) TEA will make publicly available the R-PEP grant application, eligibility criteria, and scoring rubric. Priority will be given to coordinating entities that have entered into a performance agreement or, if in the planning stage, have entered into a memorandum of understanding to enter into a performance agreement, unless the source of funds does not permit a grant to the coordinating entity, in which case the grant shall be made to a participating school district acting as fiscal agent.
  - (3) Submitted applications will be scored according to the published scoring rubric, and grants will be awarded by TEA to the applicants whose applications are scored highest under the rubric.

*Statutory Authority: The provisions of this §102.1021 issued under Texas Education Code, §29.912 and §48.118, as added by House Bill 2209, 88th Texas Legislature, Regular Session, 2023.*

*Source: The provisions of this §102.1021 adopted to be effective August 6, 2024, 49 TexReg 5773.*