

Special Education Allotment

(TEC §42.151)

For each student in average daily attendance in a special education program under Subchapter A, Chapter 29, in a mainstream instructional arrangement, a school district and open-enrollment charter school is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 1.1. For each full-time equivalent student in average daily attendance in a special education program under Subchapter A, Chapter 29, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to instructional arrangement as set forth in Section 42.151, Texas Education Code.

Funds allocated under this section, other than an indirect cost allotment established under State Board of Education rule, must be used in the special education program under Subchapter A, Chapter 29.

High Cost Risk Pool Funds

In accordance with Rider 36, General Appropriations Act, 82nd Texas Legislature, an open-enrollment charter school may apply to the High Cost Fund (HCF) maintained by the Texas Education Agency for an award of funds to assist the school in addressing the needs of high-need children with disabilities when the cost of serving such a child is greater than four times the average per pupil expenditure in the state.

The High Cost Fund must not be used to:

1. limit or condition the right of a child with a disability who is assisted under Part B of the Act to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) pursuant to section 612(a)(5) of the Act; or

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2. Support legal fees, court costs, or other costs associated with a cause of action brought on behalf of a child with a disability to ensure FAPE for such child.

Compensatory Education Allotment

(TEC §42.152)

The open-enrollment charter school must use funds allocated under TEC §42.152(a) for a purpose authorized in TEC §42.152(c) but is not otherwise subject to Subchapter C (Compensatory Education Programs), Chapter 29, Texas Education Code governing compensatory educational programs. (TEC §42.152(c))

Funds allocated under TEC §42.152 shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B (School-Based Health Centers), Chapter 39, Texas Education Code or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by TEC §29.081 (Compensatory, Intensive, and Accelerated Instruction) and all other students. Specifically, the funds, other than an indirect cost allotment established under State Board of Education (SBOE) rule, which may not exceed 45 percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under TEC §29.081 (Compensatory, Intensive, and Accelerated Instruction) or an alternative education program established under TEC §37.008 (Disciplinary Alternative Education Programs) or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under TEC §29.081 (Compensatory, Intensive, and Accelerated Instruction), a open-enrollment charter school's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional

Date Adopted by Governing Body/Board: 1/9/13

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materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction. (TEC §42.152(c))

Bilingual Education Allotment

For each student in average daily attendance in a bilingual education or special language program under Subchapter B, Chapter 29, an open-enrollment charter school is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.1. Funds allocated under this section, other than an indirect cost allotment established under State Board of Education rule, must be used in providing bilingual education or special language programs under Subchapter B, Chapter 29, and must be accounted for under existing agency reporting and auditing procedures. An open-enrollment charter school's bilingual education or special language allocation may be used only for program and student evaluation, instructional materials and equipment, staff development, supplemental staff expenses, salary supplements for teachers, and other supplies required for quality instruction and smaller class size.

(TEC §§12.104(b)(2)(G), 42.153)

Career and Technology Education Allotment

For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades nine through 12 or in career and technology education programs for students with disabilities in grades seven through 12, an open-enrollment charter school is entitled to:

- (1) an annual allotment equal to the adjusted basic allotment multiplied by a weight of 1.35; and
- (2) \$50, if the student is enrolled in:

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- (A) two or more advanced career and technology education classes for a total of three or more credits; or
- (B) an advanced course as part of a tech-prep program under Subchapter T, Chapter 61.

For purposes of this allotment, "full-time equivalent student" means 30 hours of contact a week between a student and career and technology education program personnel.

Funds allocated under this section, other than an indirect cost allotment established under State Board of Education rule, must be used in providing career and technology education programs in grades nine through 12 or career and technology education programs for students with disabilities in grades seven through 12 under Sections 29.182, 29.183, and 29.184.

(TEC §§12.104(d), 42.154)

Indirect Cost Allotments

Beginning with the 2012–13 school year, an open-enrollment charter school may choose to use a greater indirect cost allotment under Education Code 42.151, .153, .154, and .156, to the extent the school receives less funding per weighted student in state and local maintenance and operations revenue than in the 2011–12 school year.

(TEC §42.1541; 19 TAC 105.11)