

The Texas Education Agency (TEA) proposes new §97.1003, concerning accountability and performance monitoring. The proposed new section would establish provisions related to the local accountability system and adopt in rule the *2019 Local Accountability System Manual*.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §39.0544, as added by House Bill 22, 85th Texas Legislature, Regular Session, 2017, establishes local accountability systems, which allow school districts and open-enrollment charter schools to develop plans to locally evaluate campuses. Local accountability systems provide an opportunity for school districts and open-enrollment charter schools to voluntarily submit local campus data, which is combined with state accountability outcomes, to determine the overall campus rating. This process is designed to encourage schools to focus on student outcome-based components shaped around local long-term goals identified by community and stakeholder feedback.

To implement TEC, §39.0544, the TEA proposes new 19 TAC §97.1003, which would adopt the *2019 Local Accountability System Manual* into rule as a figure. The optional local accountability system will evolve from year to year, so the criteria and standards for applying local ratings will differ to some degree each year. The intention is to update §97.1003 annually to refer to the most recently published local accountability system manual.

The *2019 Local Accountability System Manual* would specify the domains, standards, and procedures for components used by local educational agencies to determine local accountability system ratings for campuses and open-enrollment charter schools. The TEA will issue final local accountability system ratings and overall combined state accountability ratings under the procedures specified in the *2019 Local Accountability System Manual* by August 15, 2019.

The following is a chapter-by-chapter summary of the local accountability system manual.

Chapter 1 would give an overview of the local accountability system. In addition, it would identify who is rated, the differences between school types, and phases of the local accountability system process.

Chapter 2 would describe the local accountability system plan design, submission and approval process, and development process. It would provide a timeline for local accountability system plan and data submissions, domains, component and component criteria, weighting, and rigor. It would also include required district postings.

Chapter 3 would describe the local accountability system ratings, audits, and appeals. It would further describe the local accountability ratings review process, appeal process, and local accountability system appeals timeline.

FISCAL IMPACT: Jeff Cottrill, deputy commissioner for academics standards and engagement, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of

existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Cottrill has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be informing the public of the existence of an annual local accountability system manual specifying the procedures and criteria required for public schools to locally evaluate campuses by including this rule in the *Texas Administrative Code*. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would place the specific procedures and reporting requirements contained in Chapters 1-3 of the *2019 Local Accountability System Manual* in the *Texas Administrative Code*. School districts and charter schools can voluntarily use a local accountability system and associated scores to include with state accountability ratings for an overall campus state accountability rating. The reporting requirements for school districts and charter schools that choose to participate in the local accountability system include submitting to TEA for approval their local accountability system plans, data from their components and domains, and their overall local accountability grade. Applicable procedures and criteria would be adopted each year as annual versions of the local accountability system manual are published.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins May 3, 2019, and ends June 3, 2019. A public hearing on the proposal will be held at 1:00 p.m. on May 22, 2019, in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. Anyone wishing to testify at the hearing must sign in between 12:15 p.m. and 1:00 p.m. on the day of the hearing. The hearing will conclude once all who have signed in have been given the opportunity to comment. Questions about the hearing should be directed to Performance Reporting at (512) 463-9704. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/). Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code, §39.0544, which requires the commissioner to adopt rules regarding the assignment of campus performance ratings by school districts and open-enrollment charter schools.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §39.0544.

<rule>

§97.1003. Local Accountability System.

- (a) The local accountability system rating standards established by the commissioner of education under Texas Education Code (TEC), §39.0544, shall be used by school districts to locally evaluate the performance of districts, campuses, and charter schools. The procedures and criteria required to determine campus grades by the districts will be annually published in official Texas Education Agency publications. These publications will be widely disseminated and cover the following:
- (1) acceptable indicators, standards, and procedures used to approve a local accountability plan, district calculations, and campus local accountability grades; and
 - (2) procedures for submitting a rating appeal.

- (b) The procedures by which districts, campuses, and charter schools can locally rate their campuses for 2018 are based upon specific criteria and standards, which are described in the *2019 Local Accountability System Manual* provided in this subsection.

Figure: 19 TAC §97.1003(b)

- (c) Ratings may be revised as a result of investigative activities by the commissioner as authorized under TEC, §39.057(d) and (e).
- (d) The specific criteria and standards used in the local accountability system manual are established annually by the commissioner and communicated to all school districts and charter schools.