

ATTACHMENT I

Statutory Citations Relating to Amendment to 19 TAC Chapter 97, Planning and Accountability, Subchapter AA, Accountability and Performance Monitoring, §97.1005, Performance-Based Monitoring Analysis System

Texas Education Code (TEC), §7.021(b)(1), Texas Education Agency Powers and Duties (excerpt):

- (b) (1) The agency shall administer and monitor compliance with education programs required by federal or state law, including federal funding and state funding for those programs.

TEC, §7.028, Limitation on Compliance Monitoring:

- (a) Except as provided by Section 29.001(5), 29.010(a), or 39.057, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the use of funds provided for such a program under Subchapter C, Chapter 42, only as necessary to ensure:
 - (1) compliance with federal law and regulations;
 - (2) financial accountability, including compliance with grant requirements; and
 - (3) data integrity for purposes of:
 - (A) the Public Education Information Management System (PEIMS); and
 - (B) accountability under Chapter 39 and 39A.
- (b) The board of trustees of a school district or the governing body of an open-enrollment charter school has primary responsibility for ensuring that the district or school complies with all applicable requirements of state educational programs.

TEC, §12.056, Applicability of Title:

- (a) A campus or program for which a charter is granted under this subchapter has the powers granted to schools under this title.
- (b) A campus or program for which a charter is granted under this subchapter is subject to:
 - (1) a provision of this title establishing a criminal offense; and
 - (2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:
 - (A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;
 - (B) criminal history records under Subchapter C, Chapter 22;
 - (C) high school graduation under Section 28.025;
 - (D) special education programs under Subchapter A, Chapter 29;
 - (E) bilingual education under Subchapter B, Chapter 29;
 - (F) prekindergarten programs under Subchapter E, Chapter 29;

- (G) extracurricular activities under Section 33.081;
- (H) health and safety under Chapter 38; and
- (I) public school accountability under Subchapters B, C, D, F, and J, Chapter 39, and Chapter 39A.

TEC, §12.104, Applicability of Title:

- (a) An open-enrollment charter school has the powers granted to schools under this title.
- (b) An open-enrollment charter school is subject to:
 - (1) a provision of this title establishing a criminal offense; and
 - (2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:
 - (A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;
 - (B) criminal history records under Subchapter C, Chapter 22;
 - (C) reading instruments and accelerated reading instruction programs under Section 28.006;
 - (D) accelerated instruction under Section 28.0211;
 - (E) high school graduation requirements under Section 28.025;
 - (F) special education programs under Subchapter A, Chapter 29;
 - (G) bilingual education under Subchapter B, Chapter 29;
 - (H) prekindergarten programs under Subchapter E or E-1, Chapter 29;
 - (I) extracurricular activities under Section 33.081;
 - (J) discipline management practices or behavior management techniques under Section 37.0021;
 - (K) health and safety under Chapter 38;
 - (L) public school accountability under Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
 - (M) the requirement under Section 21.006 to report an educator's misconduct;
 - (N) intensive programs of instruction under Section 28.0213;
 - (O) the right of a school employee to report a crime, as provided by Section 37.148; and Text of paragraph as added by Acts 2017, 85th Leg., R.S., Ch. 735 (S.B. 1153), Sec. 1
 - (P) a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d)

Text of paragraph as added by Senate Bill 179, 85th Texas Legislature, Regular Session, 2017:

- (P) bullying prevention policies and procedures under Section 37.0832;

- (Q) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student; and
 - (R) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment.
- (b-1) During the first three years an open-enrollment charter school is in operation, the agency shall assist the school as necessary in complying with requirements under Subsection (b)(2)(A).
 - (b-2) An open-enrollment charter school is subject to the requirement to establish an individual graduation committee under Section 28.0258. This subsection expires September 1, 2019.
 - (b-3) An open-enrollment charter school is subject to the graduation qualification procedure established by the commissioner under Section 28.02541. This subsection expires September 1, 2019.
 - (c) An open-enrollment charter school is entitled to the same level of services provided to school districts by regional education service centers. The commissioner shall adopt rules that provide for the representation of open-enrollment charter schools on the boards of directors of regional education service centers.
 - (d) The commissioner may by rule permit an open-enrollment charter school to voluntarily participate in any state program available to school districts, including a purchasing program, if the school complies with all terms of the program.

TEC, §29.001, Statewide Plan (excerpts):

The agency shall develop, and modify as necessary, a statewide design, consistent with federal law, for the delivery of services to children with disabilities in this state that includes rules for the administration and funding of the special education program so that a free appropriate public education is available to all of those children between the ages of three and 21. The statewide design shall include the provision of services primarily through school districts and shared services arrangements, supplemented by regional education service centers. The agency shall also develop and implement a statewide plan with programmatic content that includes procedures designed to:

- (1) ensure state compliance with requirements for supplemental federal funding for all state-administered programs involving the delivery of instructional or related services to students with disabilities;
- (5) allow the agency to effectively monitor and periodically conduct site visits of all school districts to ensure that rules adopted under this section are applied in a consistent and uniform manner, to ensure that districts are complying with those rules, and to ensure that annual statistical reports filed by the districts and not otherwise available through the Public Education Information Management System under Section 42.006, are accurate and complete;
- (7) ensure that an individual education program for each student with a disability is properly developed, implemented, and maintained in the least restrictive environment that is appropriate to meet the student's educational needs.

TEC, §29.0011, Prohibited Performance Indicator (excerpts):

- (b) Subsection (a) does not prohibit or limit the commissioner or agency from meeting the requirements under:

- (1) 20 U.S.C. Section 1418(d) and its implementing regulations to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the state and in the school districts and open-enrollment charter schools in the state with respect to the:
 - (A) Identification of children as children with disabilities, including the identification of children as children with particular impairments;
 - (B) Placement of children with disabilities in particular educational settings; and
 - (C) Incidence, duration, and type of disciplinary actions taken against children with disabilities including suspensions or expulsions; or
- (2) 20 U.S.C. Section 1416(a)(3)(C) and its implementing regulations to address in the statewide plan the percentage of schools with disproportionate representation of racial and ethnic groups in special education and related services and in specific disability categories that results from inappropriate identification.

TEC, §29.010, Compliance (excerpt):

- (a) The agency shall adopt and implement a comprehensive system for monitoring school district compliance with federal and state laws relating to special education. The monitoring system must provide for ongoing analysis of district special education data and of complaints filed with the agency concerning special education services and for inspections of school districts at district facilities. The agency shall use the information obtained through analysis of district data and from the complaints management system to determine the appropriate schedule for and extent of the inspection.

TEC, §29.062, Compliance:

- (a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the achievement indicators adopted under Section 39.053(c), including the results of assessment instruments. The agency may combine evaluations under this section with federal accountability measures concerning students of limited English proficiency.
- (b) The areas to be monitored shall include:
 - (1) program content and design;
 - (2) program coverage;
 - (3) identification procedures;
 - (4) classification procedures;
 - (5) staffing;
 - (6) learning materials;
 - (7) testing materials;
 - (8) reclassification of students for either entry into regular classes conducted exclusively in English or reentry into a bilingual education or special education program; and
 - (9) activities of the language proficiency assessment committees.

- (c) Not later than the 30th day after the date of an on-site monitoring inspection, the agency shall report its findings to the school district or open-enrollment charter school and to the division of accreditation.
- (d) The agency shall notify a school district or open-enrollment charter school found in noncompliance in writing, not later than the 30th day after the date of the on-site monitoring. The district or open-enrollment charter school shall take immediate corrective action.
- (e) If a school district or open-enrollment charter school fails to satisfy appropriate standards adopted by the commissioner for purposes of Subsection (a), the agency shall apply sanctions, which may include the removal of accreditation, loss of foundation school funds, or both.

TEC, §29.066, PEIMS Reporting Requirements:

- (a) A school district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report:
 - (1) demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs;
 - (2) the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and
 - (3) the number and percentage of students identified as students of limited English proficiency who do not receive specialized instruction.
- (b) For the purposes of this section, the commissioner shall adopt rules to classify programs under this section as follows:
 - (1) if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as:
 - (A) transitional bilingual/early exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than two or later than five years after the student enrolls in school;
 - (B) transitional bilingual/late exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school;
 - (C) dual language immersion/two-way: a biliteracy program that integrates students proficient in English and students identified as students of limited English proficiency in both English and Spanish and transfers a student identified as a student of limited English proficiency to English-only instruction not earlier than six or later than seven years after the student enrolls in school; or
 - (D) dual language immersion/one-way: a biliteracy program that serves only students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; and
 - (2) if the program is a special language program, the program must be classified under the Public Education Information Management System (PEIMS) report as:
 - (A) English as a second language/content-based: an English program that serves students identified as students of limited English proficiency in English only by

providing a full-time teacher certified under Section 29.061(c) to provide supplementary instruction for all content area instruction; or

- (B) English as a second language/pull-out; an English program that serves students identified as students of limited English proficiency in English only by providing a part-time teacher certified under Section 29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas.
- (c) If the school district has received a waiver and is not required to offer bilingual education or special language program in the student's native language or if the student's parents have refused to approve the student's entry into a program as provided by Section 29.056, the program must be classified under the Public Education Information Management System (PEIMS) report as: no bilingual education or special language services provided.

TEC, §29.182, State Plan for Career and Technology Education (excerpts):

- (b) The state plan must include procedures that:
 - (2) the state complies with requirements for supplemental federal career and technology funding.

TEC, §39.051, Accreditation Status:

Accreditation of a school district is determined in accordance with this subchapter. The commissioner by rule shall determine in accordance with this subchapter the criteria for the following accreditation statuses:

- (1) accredited;
- (2) accredited-warned; and
- (3) accredited-probation.

TEC §39.052, Determination of Accreditation Status or Performance Rating (excerpts):

- (a) Each year, the commissioner shall determine the accreditation status of each school district.
- (b) In determining the accreditation status of a school district, the commissioner:
 - (1) shall evaluate and consider:
 - (A) performance on achievement indicators described by Section 39.053; and
 - (2) may evaluate and consider:
 - (A) the district's compliance with statutory authority that relate to
 - (i) reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;
 - (ii) the high school graduation requirements under Section 28.025
 - (iii) an item listed under Sections 7.056 C(3)-(I) that applies to the district;
 - (B) the effectiveness of the district's programs for special populations; and
 - (C) the effectiveness of the district's career and technology program.
- (c) Based on a school district's performance under Subsection (b), the commissioner shall:

- (1) assign each district an accreditation status; or
- (2) revoke the accreditation of the district and order closure of the district.
- (d) A school district's accreditation status may be raised or lowered based on the district's performance or may be lowered based on the performance of one or more campuses in the district that is below a standard required under this subchapter.
- (e) The commissioner shall notify a school district that receives an accreditation status of accredited-warned or accredited-probation or a campus that performs below a standard required under this subchapter that the performance of the district or campus is below a standard required under this subchapter. The commissioner shall require the district to notify the parents of students enrolled in the district and property owners in the district of the district's accreditation status and the implications of that accreditation status.
- (f) A school district that is not accredited may not receive funds from the agency or hold itself out as operating a public school of this state.
- (g) This chapter may not be construed to invalidate a diploma awarded, course credit earned, or grade promotion granted by a school district before the commissioner revoked the district's accreditation.

TEC, §39.053, Performance Indicators: Achievement (excerpts):

- (a) The commissioner shall adopt a set of indicators of the quality of learning and achievement, including indicators under Subsection C. The commissioner periodically shall review the indicators for consideration of appropriate revisions.

Text of subsection as amended by House Bill (HB) 2223 and HB 3593, 85th Texas Legislature, Regular Session, 2017:

- (c) School districts and campuses must be evaluated based on five domains of indicators of achievement adopted under this section that include:
 - (4) in the fourth domain:
 - (A) for evaluating the performance of high school campuses and districts that include high school campuses:
 - (i) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;
 - (ii) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act (20 U.S.C. 6301 et seq.);
 - (v) the percentage of students who completed a coherent sequence of career and technical courses;
 - (B) for evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses
 - (ii) for middle and junior high school campuses:
 - (a) dropout rates, computed in the manner described by Paragraph (A) (i)

- (e) For purposes of this Subsection (C) (3) (A) a student formerly receiving special education services means a student whose enrollment information:
 - (1) for the preceding school year, as reported through the Public Education Information Management System (PEIMS); indicates the student was enrolled at the campus and was participating in a special education program; and
 - (2) for the current school year, as reported through the Public Education Information Management System (PEIMS) and reported on assessment instruments administered to the student under Section 39.023, indicates the student is enrolled at the campus and is not participating in a special education program.
- (g) In computing dropout and completion rates such as high school graduation rates under Subsection (c)(1)(b)(ix), the commissioner may not consider as a dropout a student whose failure to attend school results from:
 - (1) the student's expulsion under Section 37.007; and
 - (2) as applicable:
 - (A) adjudication as having engage in delinquent conduct or conduct indicating a need for supervision, as defined by Section 51.03, Family Code; or
 - (B) conviction of and sentencing for an offense under the Penal Code.
- (g-1) In computing dropout and completion rates such as high school graduation rates under Subsection (c)(1)(b)(ix), the commissioner shall exclude:
 - (1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;
 - (2) students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;
 - (3) students who are in attendance who are not in membership for purposes of average daily attendance;
 - (4) students whose initial enrollment in a school in the United States in grades 7 through 12 was an unschooled asylee or refugee as defined by Section 39.027(a-1);
 - (5) students who are detained at a county pre-adjudication or post-adjudication juvenile detention facility and;
 - (A) in the district exclusively as a function of having been detained at the facility but are otherwise not students of the district in which the facility is located; or
 - (B) provided services by an open-enrollment charter school exclusively as the result of having been detained at the facility; and
 - (6) students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults.

Text of subsection as amended by HB 22, 85th Texas Legislature, Regular Session, 2017:

- (g-2) In computing completion rates such as high school graduation rates under Subsection (c)(1)(b)(ix), the commissioner shall exclude students who:
 - (1) who are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation

- (2) have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Act (20 U.S.C. Section 1400 et seq.); and
- (3) are enrolled and receiving individualized education program services.

Text of subsection as amended by HB 890, 85th Texas Legislature, Regular Session, 2017:

- (g-2) In computing completion rates such as high school graduation rates under Subsection (c)(4)(a)(i), the commissioner shall exclude students who:
 - (1) who are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation;
 - (2) have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Act (20 U.S.C. Section 1400 et seq.); and
 - (3) are enrolled and receiving individualized education program services.
- (g-3) In the computation of dropout and completion rates such as high school graduation rates under Subsection (C)(1)(B)(ix), a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility or center unless that district or campus is one to which the student is regularly assigned. The agency may not limit an appeal relating to dropout computations under this subsection.
- (h) Each school district shall cooperate with the agency in determining whether a student is a dropout for purposes of accreditation and evaluating performance by school districts and campuses under this chapter.
- (i) Each school district shall submit the data required for the indicators adopted under this section to the commissioner.

TEC, §39.054, Methods and Standards for Evaluating Performance (excerpts):

- (b-1) Consideration of the effectiveness of district programs under Section 39.052(b)(2)(B) or (C):
 - (1) must:
 - (A) be based on data collected through the Public Education Information Management System (PEIMS) for purposes of accountability under this chapter; and
 - (B) include the results of assessments required under Section 39.023; and
 - (2) may be based on the results of a special accreditation investigation conducted under Section 39.057.

TEC, §39.0541, Adoption of Indicators and Standards:

The commissioner may adopt indicators and standards under this subchapter at any time during a school year before the evaluation of a school district or campus.

TEC, §39.056, Monitoring Reviews:

- (a) The commissioner may direct the agency to conduct monitoring reviews and random on-site visits of a school district at any time as authorized by Section 7.028.
- (b) The commissioner shall determine the frequency of monitoring reviews by the agency according to:
 - (1) annual comprehensive analyses of student performance and equity in relation to the student achievement indicators adopted under Section 39.053;
 - (2) reviews of fiscal reports and other fiscal data as set forth in Section 44.010; or
 - (3) comprehensive analyses of financial accountability standards under Subchapter D.
- (c) In conducting a monitoring review, the agency may obtain information from administrators, other district employees, parents of students enrolled in the school district, and other persons as necessary. The commissioner shall adopt rules for:
 - (1) obtaining information from parents and using that information in the monitoring review report; and
 - (2) obtaining information from other district employees in a manner that prevents a district or campus from screening the information.
- (d) The agency shall give written notice to the superintendent and the board of trustees of a school district of any impending monitoring review.
- (e) The agency shall report in writing to the superintendent and president of the board of trustees of the school district and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers.
- (f) A district which takes action with regard to the recommendations provided by the agency as prescribed by Subsection (e) shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal oriented and research based.
- (g) A monitoring review may include desk reviews and on-site visits, including random on-site visits.
- (h) The commissioner may at any time convert a monitoring review to a special accreditation investigation under Section 39.057, provided the commissioner promptly notifies the school district of the conversion.

TEC, §39.057, Special Accreditation Investigations (excerpts):

- (a) The commissioner may authorize special accreditation investigations to be conducted:
 - (1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
 - (2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;
 - (3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
 - (4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;
 - (5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;

- (6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;
 - (7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);
 - (8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;
 - (9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);
 - (10) when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
 - (11) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation;
 - (12) when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);
 - (13) when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1); or
 - (14) in response to a complaint submitted to the agency with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under this chapter; or
 - (15) when a school district for any reason fails to produce, at the request of the agency, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification; or
 - (16) as the commissioner otherwise determines necessary.
- (b) If the agency's findings in an investigation under Subsection (a)(6) indicate that the board of trustees has observed a lawfully adopted policy, the agency may not substitute its judgment for that of the board.
 - (c) The commissioner may authorize special accreditation investigations to be conducted in response to repeated complaints submitted to the agency concerning imposition of excessive paperwork requirements on classroom teachers.
 - (d) Based on the results of a special accreditation investigation, the commissioner may:
 - (1) take appropriate action under Subchapter E;
 - (2) lower the school district's accreditation status or a district's or campus's accountability rating; or
 - (3) take action under both Subdivisions (1) and (2).

- (e) Regardless of whether the commissioner lowers the school district's accreditation status or a district's or campus's performance rating under Subsection (d), the commissioner may take action under Sections 39.102(a)(1) through (8) or Section 39.103 if the commissioner determines that the action is necessary to improve any area of a district's or campus's performance, including the district's financial accounting practices.

TEC, §39.058, Conduct of Special Accreditation Investigations:

- (a) The agency shall adopt written procedures for conducting special accreditation investigations under this subchapter, including procedures that allow the agency to obtain information from district employees in a manner that prevents a district or campus from screening the information. The agency shall make the procedures available on the agency Internet website. Agency staff must be trained in the procedures and must follow the procedures in conducting the special accreditation investigation.
- (b) After completing a special accreditation investigation, the agency shall present preliminary findings to any person or entity the agency finds has violated a law, rule, or policy. Before issuing a report with its final findings, the agency must provide a person or entity the agency finds has violated a law, rule, or policy an opportunity for an informal review by the commissioner or a designated hearing examiner.

TEC, §39A.001, Grounds for Commissioner Action (excerpts):

The commissioner shall take any of the actions authorized by this subchapter to the extent the commissioner determines necessary if:

- (1) a school district does not satisfy:
 - (A) the accreditation criteria under Section 39.052;
 - (B) the academic performance standards under Section 39.053 or 39.054; or
- (2) the commissioner considers the action to be appropriate on the basis of a special accreditation investigation under Section 39.057. (Ed. Code, Sec. 39.102(a) (part).)

TEC, §39A.002, Authorized Commissioner Actions:

If a school district is subject to commissioner action under Section 39A.001, the commissioner may:

- (1) issue public notice of the deficiency to the board of trustees of the district;
- (2) order a hearing to be conducted by the board of trustees of the district to notify the public of:
 - (A) the insufficient performance;
 - (B) the improvements in performance expected by the agency; and
 - (C) the interventions and sanctions that may be imposed under this subchapter if the performance does not improve.

TEC, §39A.004, Appointment of Board of Managers:

The commissioner may appoint a board of managers to exercise the powers and duties of a school district's board of trustees if the district is subject to commissioner action under Section 39A.001 and:

- (1) has a current accreditation status of accredited-warned or accredited-probation;

- (2) fails to satisfy any standard under Section 39.054(e); or
- (3) fails to satisfy financial accountability standards as determined by commissioner rule.

TEC, §39A.005, Revocation of School District Accreditation:

- (a) This section applies to a school district if the district is subject to commissioner action under Section 39A.001, and for two consecutive school years, including the current school year, the district has:
 - (1) received an accreditation status of accredited-warned or accredited-probation;
 - (2) failed to satisfy any standard under Section 39.054(e); or
 - (3) failed to satisfy financial accountability standards as determined by commissioner rule.
- (b) The commissioner may revoke the accreditation of a school district subject to this section and:
 - (1) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or
 - (2) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter.

TEC, §39A.007, Intervention to Improve High School Completion Rate:

- (a) This section applies to a school district if the district is subject to commissioner action under Section 39A.001 and the district has failed to satisfy any standard under Section 39.054(e) because of the district's dropout rates.
- (b) The commissioner may impose against a school district subject to this section sanctions designed to improve high school completion rates, including:
 - (1) ordering the development of a dropout prevention plan for approval by the commissioner;
 - (2) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;
 - (3) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and
 - (4) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

TEC, §39A.051, Actions Based on Campus Performance:

- (a) If the performance of a campus is below any standard under Section 39.054(e), the commissioner shall:
 - (1) take actions, to the extent the commissioner determines necessary, as provided by this chapter; and
 - (2) assign a campus intervention team.
- (b) For a campus described by Subsection (a), the commissioner, to the extent the commissioner determines necessary, may:
 - (1) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the school district, the district

superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement; or

- (2) establish a school community partnership team composed of members of the campus-level planning and decision-making committee established under Section 11.251 and additional community representatives as determined appropriate by the commissioner.

TEC, §39A.063, Compliance Through Intervention Under Federal Accountability:

Notwithstanding the provisions of this chapter, if the commissioner determines that a campus subject to interventions or sanctions under this chapter has implemented substantially similar intervention measures under federal accountability requirements, the commissioner may accept the substantially similar intervention measures as measures in compliance with this chapter.