

The Texas Education Agency (TEA) adopts new §97.1002, concerning the accountability rating appeals process and timeline. The new section is adopted with changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 235) and will be republished. The new section adopts in rule the accountability ratings appeals process and timeline that will supersede the timelines referenced in Chapter 8 of the *2023 Accountability Manual* and *2024 Accountability Manual* and apply to all accountability rating appeals from 2023 and beyond until otherwise updated.

REASONED JUSTIFICATION: New §97.1002 adopts in rule the figure *Accountability Ratings Appeals Process and Timeline*. The new figure specifies the process and timeline by which school districts and open-enrollment charter schools can challenge an agency decision relating to an academic rating that affects the district or school, including a determination of consecutive school years of unacceptable performance ratings in accordance with Texas Education Code, §39.151. The process and timeline supersede the timelines referenced in Chapter 8 of the *2023 Accountability Manual* and *2024 Accountability Manual* and apply to all accountability rating appeals from 2023 and beyond until otherwise updated.

As a result of public comment, edits to provide clarity and consistent language were made to the table in Figure: 19 TAC §97.1002(b) at adoption.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began January 10, 2025, and ended February 10, 2025. A public hearing on the proposal was held on January 31, 2025. Following is a summary of the public comment received and the agency response.

Comment: lead4ward recommended edits to provide clarity and consistent language to the table in Figure: 19 TAC §97.1002(b) regarding the annual timeline for appealing ratings.

Response: The agency agrees with the recommended edits and has made changes to the table in Figure: 19 TAC §97.1002(b).

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code, §39.151, which provides a process for a school district or an open-enrollment charter school to challenge an academic or financial accountability rating.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §39.151.

<rule>

§97.1002. Accountability Rating Appeals Process and Timeline.

- (a) The rating standards established by the commissioner of education under Texas Education Code (TEC), §§39.052(a) and (b)(1)(A); 39.053; 39.054; 39.0541; 39.0543; 39.0546; 39.0548; 39.055; 39.151; 39.201; 39.2011; 39.202; 39.203; 29.081(e), (e-1), and (e-2); 29.201; 29.202; and 12.104(b)(3)(L), shall be used to evaluate the performance of districts, campuses, and charter schools. The indicators, standards, and procedures used to determine ratings will be annually published in official Texas Education Agency publications. These publications will be widely disseminated and cover the following:
- (1) indicators, standards, and procedures used to determine district ratings;
 - (2) indicators, standards, and procedures used to determine campus ratings;
 - (3) indicators, standards, and procedures used to determine distinction designations; and
 - (4) procedures for submitting a rating appeal.
- (b) The process and timeline by which districts, campuses, and charter schools can appeal ratings are based upon the requirements described in the *Accountability Ratings Appeals Process and Timeline* adopted as a figure in this subsection. This figure supersedes the timelines referenced in Chapter 8 of the *2023 Accountability Manual* and *2024 Accountability Manual* and applies to all accountability rating appeals from 2023 and beyond until otherwise updated.

Figure: 19 TAC §97.1002(b)

- (c) Ratings may be revised as a result of investigative activities by the commissioner of education as authorized under TEC, §39.003.
- (d) The specific criteria and calculations used in the accountability manual are established annually by the commissioner and communicated to all school districts and charter schools.
- (e) The specific criteria and calculations used in the annual accountability manual adopted for prior school years remain in effect for all purposes, including accountability, data standards, and audits, with respect to those school years.