

The Texas Education Agency (TEA) adopts an amendment to §97.1066, concerning campus repurposing and closure. The amendment is adopted without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2175) and will not be republished. The adopted amendment clarifies the conditions under which a district may close a campus and updates the provisions for assigning a new campus number to a repurposed campus.

REASONED JUSTIFICATION: Section 97.1066 outlines the process and procedures for campus closure and repurposing. The adopted amendment clarifies the conditions under which a district may close a campus. The amendment establishes these conditions based on the overall state accountability rating of the campus being closed and of the campus to which students of the closed campus will be assigned. The amendment also reserves the ability to repurpose a campus and assign a new county-district-campus number (CDCN) to circumstances in which the repurposed campus provides a distinctly different academic program and serves a majority of grade levels not served at the original campus, or when the campus is operated under contract with a non profit entity.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began April 3, 2026, and ended May 4, 2026. Following are the comments received and agency responses.

Comment: Three school district employees and two organizations, the Texas Center for School Accountability and the Texas School Alliance, which together represent 51 school districts, raised concerns that several provisions of the proposal are overly restrictive. They noted impacts on local decision-making and flexibility as well as misalignment with accountability definitions. They argued that limiting transfers to A- or B-rated campuses excludes viable C-rated campuses, that a single D rating should not trigger heightened consequences, and that new campuses should not automatically inherit prior accountability history. They also requested clearer timelines, alignment with district budgeting cycles, and consideration of geographic constraints. Additionally, they noted that these provisions may discourage the closure of struggling campuses, penalize higher-performing schools, and hinder long-range facilities planning amid enrollment declines.

Response: The agency disagrees with the commenters' suggested revisions. The CDCN closure and potential reassignment provisions in the proposal are intended to encourage thoughtful student placement following campus closure, particularly in cases involving campuses with a history of academic challenges. These provisions are not intended to impose a one size fits all approach, nor to disregard practical constraints faced by districts. Districts retain flexibility to document local considerations and implementation factors as part of required consolidation planning, which allows the agency to review reassignment decisions in context rather than in isolation, while also allowing the agency to maintain continuity of ratings and subsequent interventions.

Comment: San Angelo Independent School District, three school district employees, and the Fast Growth School Coalition, which represents approximately 70 districts, asserted that campus closure and repurposing decisions are core responsibilities of local school boards and should reflect community context, enrollment trends, and facility needs. They argued that the proposal adds unnecessary state-level oversight, risks unintended accountability and community consequences, and undermines local flexibility without clear benefit.

Response: The agency disagrees. The purpose of the proposal is not to supplant local decision-making but to ensure that campus repurposing and closure actions taken within the accountability system are implemented in a manner that supports student outcomes and preserves transparency regarding accountability consequences. The rule is intended to provide clarity and consistency across districts while maintaining districts' ability to plan and implement closures based on local needs. Each school district will keep the autonomy to close campus facilities as needed, while allowing for agency oversight and alignment of accountability ratings as required by the rule.

Comment: A school district employee emphasized preserving an elected school board's authority to make consolidation decisions amid declining enrollment. The employee also requested specific guidance and flexibility for dropout recovery schools, which serve unique student populations and face heightened accountability pressure absent clear consolidation pathways.

Response: The agency disagrees. The purpose of the proposal is not to supplant local decision-making but to ensure that campus repurposing and closure actions taken within the accountability system are implemented in a manner that supports student outcomes and preserves transparency regarding accountability consequences. The rule is

intended to provide clarity and consistency across districts while maintaining districts' ability to plan and implement closures based on local needs. Each school district will keep the autonomy to close campus facilities as needed, while allowing for agency oversight and alignment of accountability ratings as required by the rule. Dropout recovery schools will be treated in the same manner as other campuses under this rule. The district will have the autonomy to close schools, while the agency retains the authority of the CDCN and interventions.

Comment: Good Reason Houston supported the consolidation plan requirement but raised concerns about classifying C-rated campuses with D and F campuses for CDCN reassignment. They warned this may discourage placement in stronger C campuses, particularly in urban districts facing enrollment decline, and create incentives counter to student outcomes.

Response: The agency disagrees. The purpose of the proposal is not to supplant local decision-making but to ensure that campus repurposing and closure actions taken within the accountability system are implemented in a manner that supports student outcomes and preserves transparency regarding accountability consequences. The rule is intended to provide clarity and consistency across districts while maintaining districts' ability to plan and implement closures based on local needs. Each school district will keep the autonomy to close campus facilities as needed, while allowing for agency oversight and alignment of accountability ratings as required by the rule.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §39A.111, which grants the commissioner of education the authority to close a campus that has received five consecutive school years of unacceptable performance ratings; TEC, §39A.113, which establishes requirements for repurposing a closed campus; and TEC, §39A.115, which grants the commissioner rulemaking authority over TEC, Chapter 39A, Subchapter C.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§39A.111, 39A.113, and 39A.115.

<rule>

§97.1066. Campus Repurposing and Closure.

- (a) Definitions. For purposes of this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) Acceptable and unacceptable ratings--the terms acceptable and unacceptable ratings have the meanings assigned in Texas Education Code (TEC), §39.0543. The accountability rating is for the year in which the performance occurs, not the year in which the preliminary or final rating is issued.
 - (2) Campus--this term has the meaning assigned in §97.1051(3) of this title (relating to Definitions).
 - (3) County-district-campus number (CDCN)--the 9-digit number assigned to instructional campuses.
 - (4) Facility--a facility includes a building, a group of buildings, portable buildings, or any combination thereof that the commissioner of education determines would comprise a campus.
- (b) Campus closure. A campus may be closed by:
 - (1) the commissioner as described in TEC, §39A.111, and §97.1065 of this title (relating to Commissioner Determinations for Decisions Preceding Alternative Management, Campus Closure, or Board of Managers) if it is assigned an unacceptable performance rating for five consecutive school years, regardless of whether the school district closes or orders the closure of the campus before the fifth consecutive unacceptable accountability rating is issued; or
 - (2) the school district, subject to the provisions in this subsection:
 - (A) Closure of a campus is defined as the campus facility not being used for any direct educational services in the next school year.

- (B) A school district may close a campus and its corresponding CDCN for any campus rated overall A, B, or C if the plurality of students is transferred to an overall A or B campus within the district.
 - (C) If the district closes an overall A, B, or C campus facility and its corresponding CDCN but transfers the plurality of students to an overall C, D, or F campus, the district must submit a consolidation plan to the Texas Education Agency (TEA). The consolidation plan must include:
 - (i) the instructional materials that will be used and the time allotted in the daily master schedule;
 - (ii) a differentiated capacity-building plan that includes upfront and ongoing coaching for campus leaders and teachers; and
 - (iii) a differentiated capacity-building plan related to supporting students in special populations aligned to the student population of the consolidated campus.
 - (D) A school district may close a campus facility and its corresponding CDCN for any campus that is rated overall D or F with an unacceptable count of less than four if the majority of students are transferred to an overall A or B campus. The district must submit a consolidation plan to TEA as described in subparagraph (C) of this paragraph. If TEA denies the consolidation plan, the commissioner shall reassign the CDCN to the receiving campus under subsection (i) of this section. TEA will have the authority to monitor the progress of the consolidated campus. If the consolidated campus receives an overall D or F in the next accountability year, then the rating history of the proposed closed campus will be tied to the consolidated campus, along with all applicable interventions and sanctions.
 - (E) If a district closes an overall D or F campus but transfers students to an overall C, D, or F campus or a new campus facility that has not been rated, the commissioner shall reassign the CDCN to the receiving campus under subsection (i) of this section if the unacceptable count for the closing campus is larger than the unacceptable count of the receiving campus. The district must submit a consolidation plan to TEA as described in subparagraph (C) of this paragraph.
- (3) A school district cannot close or order the closure of a campus in the year that the fifth or higher consecutive unacceptable accountability rating could be earned.
- (c) Repurposing. A campus is considered to be repurposed if:
- (1) a CDCN assigned to a campus is closed;
 - (2) the school district operates a new campus in the same facility as the closed campus; and
 - (3) the new campus meets the criteria in TEC, §39A.113. The campus must:
 - (A) serve a majority of grade levels not served at the original campus;
 - (B) serve a majority of students who did not attend that campus the previous year; and
 - (C) offer a distinctly different academic program as described in subsection (d) of this section.
- (d) Distinctly different academic program. For purposes of this section, a distinctly different academic program must meet the conditions in paragraphs (1)-(4) of this subsection. Notwithstanding the requirements in this subsection, the campus will be considered to operate a distinctly different education program if the campus is operated under contract as described in TEC, §39A.113(a)(1)(B), and the contract meets the requirements described in §97.1075(d) of this title (relating to Contracting to Partner to Operate a Campus under Texas Education Code, §11.174).
- (1) The principal and all assistant principals must not have previously served at the campus, unless they are in their first year of assignment at the campus and have demonstrated improvement in academic outcomes at the campus.

- (2) A teacher employed at the campus under the closed CDCN must apply for a position to continue at the campus and must have demonstrated instructional effectiveness in the previous school year.
 - (3) The school district must ensure that the campus will be open enrollment and will accept students from outside of the campus's geographic boundary and provide a lottery to students outside the geographic boundary if the campus is oversubscribed.
 - (4) The school district must demonstrate that the academic experience of the students at the new campus will differ significantly from the academic experience that was previously offered at the campus, including, but not limited to, a description of the new plans to:
 - (A) implement high-quality instructional materials that are aligned to instructional planning calendars and interim and formative assessments;
 - (B) create a positive school culture;
 - (C) recruit, select, assign, induct, and retain a full staff of highly qualified educators;
 - (D) evaluate and develop instructional staff; and
 - (E) serve special populations and at-risk students.
- (e) Repurposing after commissioner closure.
- (1) If a school district is subject to TEC, §39A.111, the commissioner shall order either:
 - (A) the closure of the campus that received a fifth consecutive unacceptable rating with closure taking effect on a date determined by the commissioner; or
 - (B) the appointment of a board of managers to govern the school district as provided by TEC, §39A.202, which takes effect immediately upon appointment. If the commissioner appoints a board of managers, the campus that received a fifth consecutive unacceptable rating may, at the commissioner's discretion:
 - (i) continue to operate; and
 - (ii) receive a new CDCN.
 - (2) If the commissioner assigns a new CDCN to a campus, that assignment takes effect no later than September 1 of the school year following the assignment.
 - (3) The commissioner will determine the effective date of the campus closure ordered under §97.1065 of this title. If the closed campus would receive a campus rating for any year following the year for which a rating was issued that made the school district subject to TEC, §39A.111, the campus may be assigned a label of Not Rated.
 - (4) A school district may repurpose a facility that housed a campus that was closed by order of the commissioner under TEC, §39A.111, and receive a new CDCN if one of the following requirements is met.
 - (A) The campus and school district meet the
 - criteria in TEC, §39A.113(a)(1)(A), subsection (c)(3) of this section, or subsection (d) of this section.
 - (B) The campus is operated under contract with a non-profit entity as described in TEC, §39A.113(a)(1)(B), and the contract:
 - (i) meets the requirements described in §97.1075(d) of this title; and
 - (ii) has a term of at least three years. If the contract is terminated prior to the end of the contract term, the commissioner may order closure of the campus or appoint a board of managers as described in TEC, §39A.111.
- (f) Repurposing after school district closure.

- (1) A school district may repurpose a facility that housed a closed campus and receive a new CDCN if the district meets the criteria in this subsection.
- (2) Regardless of the campus's most recent rating, a school district may not repurpose a facility and receive a new CDCN if the commissioner determines that such an assignment would allow the district or campus to evade state accountability sanctions and interventions.
 - (A) If a school district is determined to have requested a new CDCN to evade state accountability sanctions and interventions, the commissioner may:
 - (i) deny the approval of the new CDCN or assign students enrolled under the new CDCN to the prior CDCN; and
 - (ii) open a special investigation of the school district under TEC, §39.003.
 - (B) Changing a CDCN to evade sanctions and interventions may include, but is not limited to, the following scenarios:
 - (i) enrolling zero students in a CDCN and reassigning students to one or more other campuses in the school district;
 - (ii) requesting closure of a CDCN and then serving students in that facility under a different CDCN;
 - (iii) relocating the majority of students to a new facility without prior TEA approval;
 - (iv) requesting closure of a CDCN and repurposing the campus with the same grade configuration; or
 - (v) requesting significant modification of grade levels at a campus with an unacceptable rating even if campus closure is not requested.
- (3) A school district that closes a campus whose most recent academic accountability rating is acceptable or higher, including a rating of D that meets the criteria in TEC, §39.0543(b), may repurpose, as defined by subsection (c) of this section, the facility that housed that campus and receive a new CDCN unless the commissioner determines that such an assignment would allow the district or campus to evade state accountability sanctions and interventions as described in paragraph (2)(A) of this subsection.
- (4) A school district that closes a campus whose most recent academic accountability rating is unacceptable may repurpose a facility and receive a new CDCN if:
 - (A) the school district board of trustees ordered the campus closed no later than January 31 of the school year in which the campus could earn its second, third, or fourth consecutive unacceptable rating, as defined in TEC, §39.0543(a) and (c), regardless of whether the facility was used for direct educational services in the school year prior to the proposed operation of the new campus under a new CDCN;
 - (B) the campus meets all criteria in TEC, §39A.113(a)(1)(A), subsection (c)(3) of this section, and subsection (d) of this section related to campus repurposing; and
 - (C) the school district meets the following criteria by May 31 of the year in which the operation of the campus with a new CDCN will begin:
 - (i) the school district completes initial training in a TEA-approved governance framework supporting continuous improvement and engages in ongoing implementation for at least the duration of the school year in which the new CDCN is open;
 - (ii) the school district is issued a final closure order that is not subject to any contingency;

- (iii) the school district develops and implements a plan to ensure that the students who attended the closed campus do not attend the repurposed campus. The plan must ensure that students who attended the closed campus:
 - (I) are assigned to a campus whose most recent performance rating is an A or B or have access to nearby school choices that are higher performing than the closed campus. For purposes of this subsection, a higher performing campus is campus whose most recent performance rating is an A or B; and
 - (II) must be allowed to attend the new campus until the student would have stopped attending the closed campus by reason of matriculation to another campus or graduation; and
 - (iv) the school district timely submits all information required by the commissioner to make a determination under this subsection. Failure to submit information by May 31 may result in non-approval of the new CDCN.
- (g) Repurposing a campus that has not been in operation. Regardless of school district or commissioner closure, the district may repurpose the campus with a new CDCN if the facility has not been used for any direct educational services for at least one complete school year without having to meet requirements in this section.
- (h) Exemptions. The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the school district at which the students may enroll.
- (i) Reassignment. Notwithstanding the provisions in this section, if the school district closes a campus that has a D or F rating, the CDCN of the closed campus shall be assigned to the district campus receiving a plurality of the students from the closed campus if the unacceptable rating count for the closing campus is larger than the unacceptable rating count of the receiving campus and shall be subject to any sanction or intervention applicable to the closed campus if the commissioner determines that this is necessary to preserve the integrity of the accountability system.