

The Texas Education Agency (TEA) proposes an amendment to §97.1066, concerning campus repurposing and closure. The proposed amendment would clarify the conditions under which a district may close a campus and update the provisions for assigning a new campus number to a repurposed campus.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 97.1066 outlines the process and procedures for campus closure and repurposing. The proposed amendment would clarify the conditions under which a district may close a campus. The amendment would establish 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 would also reserve 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.

FISCAL IMPACT: Steve Lecholop, deputy commissioner of governance, has determined that for the first five years the proposal is in effect, has determined that 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 expand an existing regulation by enhancing the conditions under which a district may close a campus. The amendment would establish these conditions based on the overall state accountability rating of the campus being closed and the rating of the campus to which the closed campus's students would be assigned. The proposed rule would also limit an existing provision by reserving repurposing a campus and receiving a new CDCN to circumstances in which the campus provides a distinctly different academic program and serves a majority of grade levels not served at the original campus, or is operated under a contract with a nonprofit entity.

The proposed rulemaking 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 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. Lecholop 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 to ensure clarity on the conditions under which a campus may be closed, the closure steps to be taken, and the provision for assigning a new campus number. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: 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: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins April 3, 2026, and ends May 4, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on April 3, 2026. 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/).

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §39A.111, which grants the commissioner 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: [section] .
 - (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 ; []

~~[(i) The school district must have a grade level plan approved by Texas Education Agency (TEA) staff.]~~

~~[(ii) The campus may repurpose starting with one or more grade spans (elementary, middle school, and/or high school).]~~

~~[(I) If the campus repurposes with only one grade span, the campus must repurpose with the lowest grade level or levels to be served and include no more than three elementary grade levels, including prekindergarten-Grade 5; one middle school grade level, including Grades 6-8; or one high school grade level, including Grades 9-12.]~~

~~[(II) If the campus repurposes with more than one grade span (elementary, middle school, and/or high school), the campus may repurpose starting with the lowest grade level in each grade span.]~~

~~[(iii) The campus may not add more than one grade level per school year.]~~

- (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 [~~subject to the provisions in this subsection relating to repurposing after commissioner closure~~].
 - (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 [~~following criteria~~]:

~~[(i)] [the campus meets the] criteria in TEC, §39A.113(a)(1)(A), subsection (c)(3) of this section, or subsection (d) of this section. ~~[; and]~~~~

~~[(ii)] the school district meets the following criteria by June 30 of the year in which the operation of the campus with a new CDCN will begin:~~

~~[(I)] the 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 campus number is open;~~

~~[(II)] the district develops and implements a plan to ensure that the students who attended the closed campus do not attend the repurposed campus, unless the campus is to be operated under contract as described in subparagraph (B) of this paragraph. The plan must ensure that students who attended the closed campus:~~

~~[(a)] are assigned to a campus whose most recent performance rating is an A, B, or C 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 a campus whose most recent performance rating is an A, B, or C; and]~~

~~[(b)] 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]~~

~~[(III)] the district timely submits all information required by the commissioner to make a determination under this subsection. Failure to submit information by June 30 may result in non-approval of the new CDCN.]~~

(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 ~~[or federal]~~ accountability sanctions and interventions.

(A) If a school district is determined to have requested a new CDCN to evade state ~~[or federal]~~ 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 ~~or federal~~ 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 ~~[June 30]~~ 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 ~~[, B, or C]~~ 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 ~~[, B, or C]~~; 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 ~~[June 30]~~ may result in non-approval of the new CDCN.
- ~~[(5) 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.]~~
- (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 ~~[reassigns a majority of the students that attended a campus that was closed due to an academically unacceptable rating in the prior year to another campus in the district, the receiving campus may be assigned the CDCN of the closed]~~ 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.