

The Texas Education Agency (TEA) proposes amendments to §§97.1061, 97.1063, and §97.1064, concerning interventions and sanctions for campuses, campus intervention teams, and campus turnaround plans. The proposed amendments would implement the statutory provisions in accordance with Senate Bill (SB) 1488, SB 1566, and House Bill (HB) 2263, 85th Texas Legislature, 2017. The proposed amendments would also clarify intervention activities required in Texas Education Code (TEC), Chapter 39A, Accountability Interventions and Sanctions.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 97.1061, Interventions and Sanctions for Campuses, establishes the required interventions for campuses that receive an unacceptable rating and describes some of the duties of the campus intervention team (CIT). The proposed amendment to this section would align with the agency's current intervention framework and changes from the 85th Texas Legislature, 2017, as follows.

Subsection (a) would be modified to remove the requirement to engage in the Texas Accountability Intervention System (TAIS), as this framework is no longer used by the agency.

Subsection (b) would be modified to update the reference to the TEC. SB 1488, 85th Texas Legislature, 2017, moved provisions of TEC, Chapter 39, to TEC, Chapter 39A.

Subsection (h) would be replaced to align with HB 2236, 85th Texas Legislature, 2017, which removed the requirement for a CIT for campuses that receive an acceptable performance rating the year immediately after receiving an unacceptable performance rating.

Section 97.1063, Campus Intervention Team, defines the members of the CIT and their responsibilities. The proposed amendment to this section would include adding the principal's direct supervisor as a member of the CIT, incorporating a conforming rule change for the external CIT member (the professional service provider was removed in a rule change under §97.1051), and updating TEC references due to changes from the 85th Texas Legislature, 2017, as follows.

Subsection (a) would be modified to update references to the TEC. SB 1488, 85th Texas Legislature, 2017, moved provisions of TEC, Chapter 39, to TEC, Chapter 39A.

Subsection (b) would be modified to update the required members of the CIT. Current paragraph (1) would be deleted to remove the requirement for a professional service provider (PSP) to conform to rules changes in §97.1051. The agency's updated school improvement framework and processes no longer include a PSP. The agency will still require a CIT member who is not employed by the district, and this CIT member will be vetted by the agency or its technical assistance provider. Proposed new paragraph (2) would add the requirement for the campus principal's direct supervisor to be a member of the CIT, if the district coordinator of school improvement (DCSI) is not the principal's direct supervisor. Proposed new subsection (c) would add the requirement for an education professional who is not employed by the campus or district to assist in conducting the needs assessment.

Section 97.1064, Campus Turnaround Plan, describes who must develop a campus turnaround plan, what the plan should include, and timelines for submission of the plan. The proposed amendment to this section would include alignment to changes in TEC from the 85th Texas Legislature, 2017, timeline clarifications, and a general description of the methodology used by the agency to approve or reject turnaround plans, as follows.

Subsection (a) would be modified to update the reference to the TEC. SB 1488, 85th Texas Legislature, 2017, moved elements of TEC, Chapter 39, to TEC, Chapter 39A.

Subsection (d) would be modified to move the statements regarding stakeholder input on a completed turnaround plan as part of subsections (d) and (e) to make it clearer that stakeholder input on the completed plan is separate from the requirement to solicit stakeholder input in plan development. Subsection (e) would also be modified to update the reference to the TEC. SB 1488, 85th Texas Legislature, 2017, moved provisions of TEC, Chapter 39, to TEC, Chapter 39A.

Subsection (f) would be modified to align the required components of the Campus Turnaround Plan to the required components stated in TEC, §39A.105. It would also add the requirement that the plan include how the board of

trustees will support the oversight of academic achievement and student performance, per SB 1566, 85th Texas Legislature, 2017.

Proposed new subsection (h) would implement the timeline requirements per TEC, §39.107(b-10). Proposed new paragraph (3) would describe the methodology used to make a determination on the approval of a turnaround plan.

Proposed new subsection (i) would implement the timeline requirements for submitting modified turnaround plans created per TEC, §39.107(b-11).

Proposed new subsection (k) would clarify the requirement, per TEC, §39A.106, that the commissioner-approved turnaround plan must be implemented once the campus receives a third consecutive unacceptable performance rating.

Proposed new subsection (l) would specify that the commissioner may appoint a conservator, monitor, management team, or board of managers per TEC, §39A.102.

The proposed amendments to 19 TAC §§97.1061, 97.1063, and 97.1064 also include technical edits to conform to Texas Register style and formatting requirements.

FISCAL IMPACT: Tim Regal, associate commissioner for instructional support, 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 limit an existing regulation. A campus would no longer be required to work with a professional service provider throughout the year. A campus would only work with a non-district person during the need assessment.

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 expand 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. Regal 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 ensuring appropriate interventions and sanctions for districts and campuses. 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: 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 September 20, 2019, and ends October 21, 2019. 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 September 20, 2019. 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 amendments are proposed under Texas Education Code (TEC), §39.107(b-10), which requires the commissioner to approve or reject turnaround plans by June 15 of each year and outline concerns with rejected turnaround plans in writing; TEC, §39.107(b-11), which requires the district to modify a rejected turnaround plan with assistance from agency staff. The modified plan must be submitted within 60 days of its rejection. The commissioner must approve or reject the modified plan within 15 days of its submission; TEC, §39A.051, which requires the commissioner to assign a campus intervention team to campuses whose performance is below any standard under TEC, §39.054(e); TEC, §39A.052, which defines the education professionals that may be included on the campus intervention team; TEC, §39A.053, which requires the campus intervention team to conduct an onsite needs assessment and describes the requirements of that needs assessment; TEC, §39A.054, which requires the campus intervention team to make recommendations based on the needs assessment; TEC, §39A.055, which requires the campus intervention team to assist the campus in developing, submitting to the commissioner, and monitoring a targeted improvement plan; TEC, §39A.056, which requires the campus intervention team to provide notice of the public meeting regarding the development of the targeted improvement plan; TEC, §39A.058, which requires the board of trustees, assisted by the campus intervention team, to submit the targeted improvement plan to the commissioner for approval; TEC, §39A.059, which describes the campus intervention team's responsibilities in assisting the campus in implementing the targeted improvement plan; TEC, §39A.060, which describes the continuing duties of the Campus Intervention Team; TEC, §39A.101, which requires the commissioner to order a campus that has received two consecutive unacceptable ratings to develop a campus turnaround plan; TEC, §39A.115, which authorizes the commissioner to adopt rules necessary to implement TEC, Chapter 39A, Subchapter C, Campus Turnaround Plan; TEC, §39A.251, which applies the interventions and sanctions to charters in the same manner as they apply to school districts and campuses; TEC, §39A.252, which requires the commissioner to adopt rules applying the interventions and sanctions to open enrollment charter schools; and TEC, §39A.902, which requires the commissioner to annually review performance of public schools and determine the appropriate levels of sanctions or interventions. It prohibits the commissioner from raising the accreditation or performance rating unless the district has demonstrated improved student performance. It also requires the commissioner to increase the level of sanction or intervention due to lack of improvement.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§39.107(b-10) and (b-11), 39A.051, 39A.052, 39A.053, 39A.054, 39A.055, 39A.056, 39A.058, 39A.059, 39A.060, 39A.101, 39A.115, 39A.251, 39A.252 and 39A.902

<rule>

§97.1061. Interventions and Sanctions for Campuses.

- (a) If a campus's performance is below any standard under Texas Education Code (TEC), §39.054(e), the campus shall engage in interventions as described by the Texas Education Agency (TEA) [the Texas Accountability Intervention System (TAIS) continuous improvement process] .
- (b) The commissioner shall assign members to a campus intervention team (CIT) as outlined in §97.1063 of this title (relating to Campus Intervention Team) and TEC, §39A.052 [~~§39.106~~] .

- (c) The campus shall establish a campus leadership team (CLT) that includes the campus principal and other campus leaders responsible for the development, implementation, and monitoring of the targeted improvement plan.
- (d) The campus intervention team shall:
 - (1) conduct a data analysis related to areas of low performance;
 - (2) conduct a needs assessment based on the results of the data analysis, as follows.
 - (A) The needs assessment shall include a root cause analysis.
 - (B) Root causes identified through the needs assessment will be addressed in the targeted improvement plan and, if applicable, campus turnaround plan;
 - (3) assist in the creation of a targeted improvement plan, as follows.
 - (A) Input must be gathered from the principal; campus-level committee established under TEC, §11.251; parents; and community members, prior to the development of the targeted improvement plan, using the following steps.
 - (i) The campus must hold a public meeting at the campus. The campus shall take reasonable steps to conduct the meeting at a time and in a manner that would allow a majority of stakeholders to attend and participate. The campus may hold more than one meeting if necessary.
 - (ii) The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus.
 - (iii) All input provided by family and community members should be considered in the development of the final targeted improvement plan submitted to the TEA [~~Texas Education Agency (TEA)~~].
 - (B) The completed targeted improvement plan must be presented at a public hearing and approved by the board of trustees.
 - (C) The targeted improvement plan must be submitted to the commissioner of education for approval according to TEA procedures and guidance; and
 - (4) assist the commissioner in monitoring the implementation of the targeted improvement plan. The campus will submit updates to the TEA as requested that include:
 - (A) a description of how elements of the targeted improvement plan are being implemented and monitored; and
 - (B) data demonstrating the results of interventions from the targeted improvement plan.
- (e) If a campus is assigned an unacceptable rating under TEC, §39.054(e), for a second consecutive year, the campus must engage in the processes outlined in subsections (a), (b), (c), and (d) of this section, and the campus must develop a campus turnaround plan to be approved by the commissioner as described in §97.1064 of this title (relating to Campus Turnaround Plan).
- (f) If a campus is assigned an unacceptable rating under TEC, §39.054(e), for a third or fourth consecutive year, the campus must engage in the processes outlined in subsections (a), (b), (c), and (d) of this section, and the campus must implement the commissioner-approved campus turnaround plan as described in §97.1064 of this title (relating to Campus Turnaround Plan).
- (g) If a campus is assigned an unacceptable rating under TEC, §39.054(e), for a fifth consecutive year, the commissioner shall order the appointment of a board of managers to govern the district or closure of the campus.
- (h) If a campus was assigned an unacceptable rating in the prior year but met standard in the current year, the CIT will continue to work with the campus until the campus meets all the performance standards under TEC, §39.054(e), for a two-year period.

~~[(h) If a campus was assigned an unacceptable rating in the prior year but met standard in the current year, the campus will continue to engage in TAIS activities outlined in subsection (a) of this section with the following exceptions:]~~

~~[(1) the campus may release its CIT based on criteria set annually by the TEA; and]~~

~~[(2) the campus that developed a turnaround plan may modify that plan as described in §97.1064 of this title.]~~

- (i) Based on a campus's progress toward improvement, the commissioner may order a hearing if a campus's performance is below any standard under TEC, §39.054(e).
- (j) Interventions and sanctions listed under this section begin upon release of preliminary ratings and may be adjusted based on final accountability ratings.

§97.1063. Campus Intervention Team.

(a) The campus intervention team (CIT) shall perform the duties outlined in Texas Education Code (TEC), ~~§§39A.053, 39A.054, 39A.055, 39A.056, 39A.058, 39A.059, 39A.060, and 39A.101~~ ~~§39.106 and §39.107~~, and oversee the activities outlined in §97.1061(a) of this title (relating to Interventions and Sanctions for Campuses) and §97.1064 of this title (relating to Campus Turnaround Plan).

(b) The CIT must include:

~~[(1) a professional service provider (PSP); and]~~

(1) ~~[(2)]~~ a district coordinator of school improvement (DCSI). The DCSI must submit qualifications to the Texas Education Agency (TEA) for approval ; and [;]

(2) ~~the campus principal's direct supervisor, if the DCSI is not the campus principal's direct supervisor.~~

~~(c) An education professional, approved through an application either by the Texas Education Agency (TEA) or the TEA's technical assistance provider, who is not an employee of the campus or district, shall assist with the needs assessment as described in TEC, §39A.053.~~

~~(d) [(e)]~~ The CIT shall perform the duties referenced in subsection (a) of this section in collaboration with the campus leadership team (CLT) as outlined in ~~§97.1061(c)~~ ~~§97.1061(a)~~ of this title and §97.1064 of this title.

~~(e) [(d)]~~ CIT members as defined in subsection (b) of this section and the campus principal shall attend TEA-sponsored trainings on interventions and sanctions.

§97.1064. Campus Turnaround Plan.

(a) If a campus is assigned an unacceptable rating under Texas Education Code (TEC), §39.054(e), for two consecutive years, the campus must develop a campus turnaround plan to be approved by the commissioner of education in accordance with TEC, §§39A.103-39A.107 ~~§39.107~~ .

(b) A charter campus subject to this section must revise its charter in accordance with §100.1033 of this title (relating to Charter Amendment). The governing board of the charter performs the function of the board of trustees for this section.

(c) The district may request assistance from a regional education service center or partner with an institution of higher education in developing and implementing a campus turnaround plan.

(d) Within 60 days of receiving a campus's preliminary accountability rating the district must notify parents, community members, and stakeholders that the campus received an unacceptable rating for two consecutive years and request assistance in developing the campus turnaround plan. All input provided by family, community members, and stakeholders must be considered in the development of the final campus turnaround plan submitted to the Texas Education Agency (TEA).

~~[(1) The district shall notify stakeholders of their ability to review the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees as described in TEC, §39.107(b-3).]~~

~~[(2) All input provided by family, community members, and stakeholders must be considered in the development of the final campus turnaround plan submitted to the Texas Education Agency (TEA).]~~

(e) The district shall notify stakeholders of their ability to review the completed plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees as described in TEC, §39A.104. The district shall provide the following groups an opportunity to review and comment on the completed plan before it is submitted for approval to the board of trustees:

- (1) the campus-level committee established under TEC, §11.251. If the campus is not required to have a campus-level committee under TEC, §11.251, the district shall provide an opportunity for professional staff at the campus to review and comment on the campus turnaround plan;
- (2) teachers at the campus;
- (3) parents; and
- (4) community members.

(f) A campus turnaround plan must include:

- (1) a detailed description of the method for restructuring, reforming, or reconstituting the campus;
- ~~(2) [(1)]~~ a detailed description of the academic programs to be offered at the campus, including instructional methods, length of school day and school year, academic credit and promotion criteria, and programs to serve special student populations;
- ~~(3) [(2)]~~ a detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources;
- ~~(4) [(3)]~~ written comments received from stakeholders described in subsection (e) of this section; ~~and~~
- ~~(5) [(4)]~~ the term of the charter, if a district charter is to be granted for the campus under TEC, §12.0522 ; and ~~;~~
- ~~(6)~~ a detailed description for developing and supporting the oversight of academic achievement and student performance at the campus, approved by the board of trustees under TEC, §11.1515.

(g) Upon approval of the board of trustees, the district must submit the campus turnaround plan electronically to the TEA by March 1 unless otherwise specified.

~~(h) Not later than June 15 of each year, the commissioner must either approve or reject any campus turnaround plan prepared and submitted by a district.~~

~~(1) The commissioner's approval or rejection of the campus turnaround plan must be in writing.~~

~~(2) If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.~~

~~(3) In accordance with TEC, §39A.107(a), the commissioner may approve a campus turnaround plan if the commissioner determines that the campus will satisfy all student performance standards required under TEC, §39.054(e), not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan. In order to make that determination, the commissioner will consider the following:~~

~~(A) an analysis of the campus and district's longitudinal performance data, which may be used to measure the expected outcomes for the campus;~~

~~(B) the district's success rate in turning around low-performing campuses, if applicable; and~~

(C) evaluation of the efficacy of the plan, with consideration given to whether the turnaround plan is sufficient to address the specific and expected needs of the campus.

- (i) A district must submit a modified campus turnaround plan if the commissioner rejected the district's initial submission.
 - (1) The modified plan must be created with assistance from TEA staff, as requested by the district.
 - (2) The modified plan must be made available for stakeholder comment prior to board approval and be approved by the board prior to submission to the TEA.
 - (3) The district must submit the plan no later than the 60th day from the date the commissioner rejected the initial campus turnaround plan.
 - (4) The commissioner's decision regarding the modified plan must be given in writing no later than the 15th day after the commissioner receives the plan.
- (j) ~~(h)~~ A campus may implement, modify, or withdraw its campus turnaround plan with board approval if the campus receives an academically acceptable rating for the school year following the development of the campus turnaround plan.
- (k) A campus that has not received an academically acceptable rating for the school year following the development of the campus turnaround plan must implement its commissioner-approved campus turnaround plan with fidelity until the campus receives an acceptable performance rating for two consecutive school years.
- (l) The commissioner may appoint a monitor, conservator, management team, or board of managers for a school district that has a campus that has been ordered to implement an updated targeted improvement plan. The commissioner may order any of the interventions as necessary to ensure district-level support for the low-performing campus and the implementation of the updated targeted improvement plan. The commissioner may make the appointment at any time during which the campus is required to implement the updated targeted improvement plan.