

The Texas Education Agency (TEA) proposes an amendment to §100.1010, concerning charter school performance frameworks. The proposed amendment would adopt in rule the *2019 Charter School Performance Frameworks (CSPF) Manual*, which would be updated to comply with statutory provisions and clarify the operation of the CSPF to rate the performance of open-enrollment charter schools in Texas.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 100.1010 was adopted to be effective on September 18, 2014, and was last amended to be effective July 22, 2019. The rule is issued under TEC, §12.1181, which requires the commissioner to develop and adopt frameworks by which the performance of open-enrollment charter schools is measured. The performance frameworks consist of several indices within academic, financial, and operational categories with data drawn from various sources, as reflected in the CSPF Manual adopted as a figure in the rule and updated every year.

The proposed amendment would replace the 2018 CSPF Manual with the 2019 CSPF Manual as Figure: 19 TAC §100.1010(c). The 2019 version of the manual includes the following significant changes from the 2018 version.

The weight of component frameworks for a school's overall CSPF score would be altered to 70% academic indicators, 20% financial indicators, and 10% operational indicators. The alteration is intended to further emphasize the importance of academic achievement in establishing high-quality learning opportunities for Texas students.

The calculation method of a school's performance on its academic framework indicators would be updated to be based 80% on a school's overall academic accountability (A-F) score, 10% on achievement status for student groups, and 10% on campus status score. For charter schools evaluated under alternative education accountability (AEA) provisions of the Texas Accountability Rating System, the weighting of their academic framework scores would be 80% overall A-F score (AEA scaling), 10% Closing the Gaps score (AEA scaling), and 10% campus status score. These changes would further emphasize the goals set forth in Texas's A-F accountability system to establish high-quality learning opportunities for Texas students.

The financial framework solvency indicators would be renamed to be more accurate, and the weighting of a school's performance on financial framework indicators would be altered to be based 70% on its score on the Financial Integrity Rating System of Texas (Charter FIRST) and 7.5% on each of the other four indicators.

In the operational framework indicators, the description of the "not applicable" rating under indicator 3a would be clarified to explain that such a rating would result from a school's data being masked due to small numbers. The rating of "far below" would be eliminated for indicators 3b and 3c to standardize rating categories across indicators. Indicator 3d, "Program requirements: Career and technical education populations," would be removed because TEA will report on such information under different criteria. To help ensure that charter school board members and officers are prepared to provide quality learning opportunities for Texas students, indicator 3e would be amended to require that in order to achieve a "meets expectations" rating for training requirements, all affected charter board members and school officers must provide TEA with documentation of such training. The explanation of "meets expectations" in Indicator 3l would be amended to pertain to the student body makeup at the charter school level rather than at the campus level to be consistent with other rule language. Indicator 3n, which addresses appropriate handling of secure assessment materials, would be amended to clarify which data would be reviewed to obtain rating information.

The Adult High School Diploma and Industry Certification Public Charter School Performance Frameworks would be amended to cite statutory authority for each indicator. The explanation of "meets expectations" for indicator 1 would be revised to require 50% of the school's students to perform at or above the passing score on the Texas Success Initiative Assessment (TSIA) to meet statutory requirements for satisfactory performance on an exit-level exam. In keeping with statutory requirements to measure how many program participants successfully complete the program, indicator 2 would be revised to delete unnecessary language and explain that "meets expectations" could be achieved if the number of a school's graduates were equal to or greater than the number of students classified as 12th graders on its Texas Student Data System Public Education Information Management System (TSDS PEIMS) snapshot date in the same academic year. The language of Indicator 3 would be revised to clarify that graduates would be the group addressed by that indicator, and the data source would be revised to take into account that the school may provide special industry-based certifications not necessarily delineated by the TEA.

The 2019 CSPF Manual would introduce and detail a tiering system by which charter schools' CSPF scores would be used to designate them as falling into one of three tiers, which would in turn inform TEA's authorizing decisions, including assigning appropriate levels of oversight and determining eligibility for expansion amendments as described in 19 TAC §100.1033, making decisions related to renewal or non-renewal for schools in the discretionary category as defined by TEC, §12.1141(c), and revoking charters that have failed to meet CSPF standards as described in TEC, §12.115(a)(5).

Throughout the manual, language would be revised to reflect the way Charter School Performance Frameworks are referred to in statute and include other technical edits.

FISCAL IMPACT: Joe Siedlecki, associate commissioner for charters and innovations, 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 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 the existing regulation in that it would revise the title of some indicators on the CSPF, alter the way charter schools' scores are calculated on the CSPF, revise criteria to meet expectations on certain indicators, and specify how CSPF scores would now be used as part of the TEA's authorizing decisions.

The proposed amendment 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 limit 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. Siedlecki 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 that rule language is based on current law and that statutorily required charter school performance frameworks data is gathered and used as accurately as possible. 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 or 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 November 22, 2019, and ends December 23, 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 November 22, 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 amendment is proposed under Texas Education Code (TEC), §12.1181, which directs the commissioner of education to develop and adopt open-enrollment charter school performance frameworks; and TEC, §29.259, which directs the commissioner of education to establish an adult high school diploma and industry certification charter school program, including adoption of frameworks to measure the performance of such a school.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §12.1181 and §29.259.

<rule>

§100.1010. Performance Frameworks.

- (a) The performance of an open-enrollment charter school will be measured annually against a set of criteria set forth in the Charter School Performance Frameworks [~~Framework~~] (CSPF) Manual established under Texas Education Code (TEC), §12.1181. The CSPF Manual will include measures for charters registered under the standard system and measures for charters registered under the alternative education accountability system as adopted under §97.1001 of this title (relating to Accountability Rating System).
- (b) The performance of an adult high school diploma and industry certification charter school will be measured annually in the CSPF against a set of criteria established under TEC, §29.259.
- (c) The assignment of performance levels for charter schools on the 2019 [~~2018~~] CSPF report is based on specific criteria, which are described in the 2019 [~~2018~~] *Charter School Performance Frameworks* [~~Framework~~] Manual provided in this subsection.

Figure: 19 TAC §100.1010(c) [~~Figure: 19 TAC §100.1010(c)~~]