

The Texas Education Agency (TEA) proposes an amendment to §97.1003, concerning local accountability systems. The proposed amendment would address the enforceable aspects of the local accountability system and remove the local accountability system manual from rule.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §39.0544, establishes the local accountability system to allow school districts and open-enrollment charter schools to develop local accountability plans for their campuses. Similar to the ratings from the state accountability rating system, a school district's local accountability plan provides stakeholders with detailed information about school performance and progress over time. Local accountability plans may vary by school type (such as elementary school, middle school, high school, or Kindergarten-Grade 12) and by school group but must apply equally to all campuses as applicable by school type and group. Through the creation and publication of a local accountability plan based on campus needs and goals, a school district communicates priorities and demonstrates a commitment to achieving the components in the plan. The dissemination of local accountability plan ratings by TEA and the school district signifies the importance of the local goals and documents progress at the campus level.

Currently, §97.1003 contains guidance to school districts through the local accountability system manual adopted in rule as a figure. The proposed amendment would remove the figure from rule and instead provide specific information for each statutory requirement to address elements that will be enforced.

Subsection (a) would be amended to remove language referencing the local accountability system manual and establish that the system may be used by school districts and open-enrollment charter schools.

Proposed new subsection (b)(1) would be added to clarify statutory language that describes locally developed domains or sets of accountability measures. In addition, the proposed new paragraph would establish that components within a local accountability plan must be assigned to domains and weighted.

Proposed new subsections (b)(2) and (b)(3) would describe determination of campus eligibility to receive local accountability ratings and when local and state ratings may be combined. Subsection (b)(3) would also specify eligibility to combine state and local accountability ratings for campuses that do not receive a state rating other than as a paired campus.

Proposed new subsection (b)(4) would establish that school districts must create local accountability plans based on school type and group.

Proposed new subsection (c) would clarify the range of weighting that may be applied to individual components in a local accountability plan.

Proposed new subsection (d) would specify that school districts must create a campus rating scale that provides differentiation based on current achievement levels. The new language would provide additional guidance for school districts in how to select components for inclusion in a local accountability plan that allow room for growth. Proposed new subsection (d)(2) would specify that a plan may include up to one component where current baseline levels are not used to set the campus rating scale. This change from the current system would address input from school districts.

Proposed new subsection (e) would define reliability and validity in terms of components included in a local accountability plan. The proposed new language would be added in response to school district input and requests for clarification.

Proposed new subsection (f) would require that calculations for each plan component and overall performance ratings must be capable of being audited by a third party. The new subsection would provide guidance on the standard scale to be used and how to convert categorical, or noncontinuous, data to a scale score. The new subsection would also establish the submission date for local accountability plan component, domain, and overall scaled scores and ratings to TEA; address the audit process and requirements for school districts to maintain documentation of local accountability plans; establish responsibility for the accuracy and quality of data used to determine local accountability ratings; and provide information relating to appeals.

Proposed new subsection (g) would require school districts to post certain information about their local accountability ratings on their websites.

FISCAL IMPACT: Jeff Cottrill, deputy commissioner for governance and accountability, 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 expand an existing regulation. The proposed amendment would add specific information for school districts and open-enrollment charter schools wishing to voluntarily participate in the local accountability system.

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 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. Cottrill 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 providing specific information related to the procedures and criteria required for public schools to locally evaluate campuses. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: School districts and open-enrollment charter schools may submit to TEA a local accountability plan. If a plan is approved, the school district or charter school is required to submit certain campus-level data relating to its plan.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would require a written report or other paperwork but does not specifically require a principal or classroom teacher to complete the report or paperwork. However, local district decisions may vary. Regardless, the proposal would impose the least burdensome requirement possible to achieve the objective of the rule. The written report or other paperwork required will vary by district and is dependent on what is included in the approved local accountability plan.

PUBLIC COMMENTS: The public comment period on the proposal begins June 12, 2020, and ends July 27, 2020. 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 June 12, 2020. 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), §39.0544, which requires the commissioner to adopt rules regarding the assignment of campus performance ratings by school districts and open-enrollment charter schools through a local accountability system.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §39.0544.

<rule>

§97.1003. Local Accountability System.

- (a) The local accountability system ~~[rating]~~ standards established by the commissioner of education under Texas Education Code (TEC), §39.0544, shall be used by school districts to develop a plan to locally evaluate the performance of their [districts,] campuses [and charter schools] . For the purpose of this section, the term school district includes open-enrollment charter schools. [The procedures and criteria required to determine campus grades by the districts will be annually published in official Texas Education Agency publications. These publications will be widely disseminated and cover the following:]
- ~~[(1) acceptable indicators, standards, and procedures used to approve a local accountability plan, district calculations, and campus local accountability grades; and]~~
- ~~[(2) procedures for submitting a rating appeal.]~~
- (b) A local accountability plan created by a school district must include domain performance ratings assigned by the commissioner under TEC, §39.054, and performance ratings based on locally developed domains or sets of accountability measures.
- ~~(1) A locally developed domain or set of accountability measures is referred to as a plan component. Plan components must describe each item and the reason for its inclusion in the plan. A school district must assign each component to one of the following five domains: academics, culture and climate, extra- and co-curricular, future-ready learning, and locally determined. The weight of all plan components must equal 100%.~~
- ~~(2) Each campus with an approved school district plan is eligible to receive local accountability rating. A campus with an overall state accountability rating of C or higher based on ratings derived from student performance at the campus is eligible to combine an overall local accountability rating with the overall state accountability rating to determine the combined rating.~~
- ~~(3) For the purposes of assigning state accountability ratings, a campus that does not serve any grade level for which a State of Texas Assessments of Academic Readiness (STAAR®) examination is administered is paired with a campus in its school district that serves grade levels for which STAAR® examinations are administered. A campus not rated under the state accountability system is not eligible to combine state and local ratings. Local accountability data for a campus without state ratings may be displayed on Texas Education Agency (TEA), school district, and campus websites but will not be combined with state accountability data. The state accountability manual adopted under §97.1001 of this title (relating to Accountability Rating System) provides information about campus ratings and eligibility for applicable years.~~
- ~~(4) A school district must create its local accountability plan based on school type. The four school types are elementary school, middle school, high school, and Kindergarten-Grade 12. The plan must include all campuses within a school type. The school district may also request to identify an additional school group within a school type for which to customize its local accountability plan. Otherwise, all campuses within a school type must be evaluated on a common set of components determined by the school district. A school district may also request to identify a campus rated under alternative education accountability provisions as a unique school type.~~
- (c) A school district may assign weights to each plan component described in subsection (b)(1) of this section, as determined by the district, provided that the plan components must in the aggregate account for no more

than 50% of the combined overall performance rating. A local accountability plan may include no fewer than two and no more than ten components weighted between 5% and 60%.

- (d) Each plan component must contain levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels that are aligned to a letter grade of A, B, C, D, or F.
- (1) In order to provide for the assignment of a letter grade of A, B, C, D, or F, a school district must use data collected by the district to calculate the current baseline average. The baseline data calculated by the school district is used to set standards for each level by setting the average at a C, or mid-level, with the higher A and B grades designating levels considered to be exceptional and good, respectively, and the lower D and F grades designating levels considered to need improvement and be unacceptable, respectively.
 - (2) A school district may choose to include a single component with a weight not exceeding 10% with the levels of differentiation based on the face value of the average performance level rather than the average performance level, or baseline, being set at the C or mid-level value.
 - (3) In the case of components where current baseline levels are not used to set the campus rating scale to a C or mid-level value, TEA may require the school district to re-evaluate the inclusion of the component on an annual basis.
- (e) Each plan component measure must meet standards for reliability and validity.
- (1) In terms of specific measures, tests, or ratings, a measure is considered reliable if it delivers consistent results across administrations.
 - (2) In terms of specific measures, tests, or ratings, a measure is considered valid if the resulting outcome represents what the test is designed to measure.
 - (3) Reliability and validity are closely related, and both must be evident for a measure, test, or rating to be included as component outcomes in a local accountability system plan.
- (f) Calculations for each plan component and overall performance ratings must be capable of being audited by a third party.
- (1) A school district must use a one-to-one correspondence when converting campus grades based on plan component measures to a standard scale of 30-100 where A=90-100, B=80-89, C=70-79, D=60-69, and F=30-59.
 - (2) Categorical data, or data not on a continuous scale, must be converted to the standard scale of A=90-100, B=80-89, C=70-79, D=60-69, and F=30-59 by assigning the maximum value for each scaled score interval with the corresponding category used in the campus rating scale.
 - (3) A school district is required to submit local accountability plan component, domain, and overall scaled scores and ratings to TEA by the first week of July of the applicable accountability year.
 - (4) All scaled scores and letter grades submitted by a school district are subject to audit. Any data discrepancies or any indication that data have been compromised may result in verification and audit of school district and campus data used to assign local accountability ratings. The audit process may include requests for data used for campus-level calculation of component and domain scaled scores.
 - (5) On an annual basis, TEA will randomly select school districts for local accountability audits, and, for each such audit, TEA will randomly select components for review. Selected school districts must submit the requested data for review within the timeframe specified. A school district must maintain documentation of its local accountability plan, along with all associated data used to assign campus ratings, for two years after the end of the plan implementation period.
 - (6) Responsibility for the accuracy and quality of data used to determine local accountability ratings rests with each school district. Superintendent certification of data accuracy during the ratings submission process shall include an assurance that calculations have been verified to ensure that all data were included as appropriate for all components.

- ~~(7) An appeal of a local accountability rating may be submitted by the superintendent or chief operating officer once ratings are released. The local accountability appeals timeline follows the appeal deadline dates and processes as described in the state accountability manual adopted under §97.1001 of this title for the applicable year.~~
- ~~(g) A school district must produce a campus score card and make available on the district website an explanation of the methodology used to assign local accountability performance ratings. The campus score card shall include, at a minimum, the scaled score and rating for each component and domain along with the overall rating. A link to the local accountability ratings posted by the school district must be provided to TEA and may be included on the agency-developed school report card.~~
- ~~[(b) The procedures by which districts, campuses, and charter schools can locally rate their campuses for 2018 are based upon specific criteria and standards, which are described in the 2019 Local Accountability System Manual provided in this subsection.]~~
- ~~[Figure: 19 TAC §97.1003(b)]~~
- ~~(h) [(e)] Ratings may be revised as a result of investigative activities by the commissioner as authorized under TEC, §39.057(d) and (e).~~
- ~~[(d) The specific criteria and standards used in the local accountability system manual are established annually by the commissioner and communicated to all school districts and charter schools.]~~