

## Chapter 97. Planning and Accountability

### Subchapter AA. Accountability and Performance Monitoring

#### §97.1001. Accountability Rating System.

- (a) The rating standards established by the commissioner of education under Texas Education Code (TEC), §§39.052(a) and (b)(1)(A); 39.053, 39.054, 39.0541, 39.0548, 39.055, 39.151, 39.201, 39.2011, 39.202, 39.203, 29.081(e), (e-1), and (e-2), and 12.104(b)(2)(L), shall be used to evaluate the performance of districts, campuses, and charter schools. The indicators, standards, and procedures used to determine ratings will be annually published in official Texas Education Agency publications. These publications will be widely disseminated and cover the following:
- (1) indicators, standards, and procedures used to determine district ratings;
  - (2) indicators, standards, and procedures used to determine campus ratings;
  - (3) indicators, standards, and procedures used to determine distinction designations; and
  - (4) procedures for submitting a rating appeal.
- (b) The procedures by which districts, campuses, and charter schools are rated and acknowledged for 2022 are based upon specific criteria and calculations, which are described in excerpted sections of the *2022 Accountability Manual* provided in this subsection.
- [Figure: 19 TAC §97.1001\(b\)](#)
- (c) Ratings may be revised as a result of investigative activities by the commissioner as authorized under TEC, §39.057.
- (d) The specific criteria and calculations used in the accountability manual are established annually by the commissioner and communicated to all school districts and charter schools.
- (e) The specific criteria and calculations used in the annual accountability manual adopted for prior school years remain in effect for all purposes, including accountability, data standards, and audits, with respect to those school years.

*Statutory Authority: The provisions of this §97.1001 issued under the Texas Education Code, §§39.052(a) and (b)(1)(A); 39.053; 39.054; 39.0541; 39.0543, 39.0546, 39.0548; 39.055; 39.151; 39.201; 39.2011; 39.202; 39.203; 29.081(e), (e-1), and (e-2); 29.201, 20.202, and 12.104(b)(3)(L).*

*Source: The provisions of this §97.1001 adopted to be effective June 13, 2000, 25 TexReg 5625; amended to be effective October 3, 2005, 30 TexReg 6265; amended to be effective July 30, 2006, 31 TexReg 5800; amended to be effective July 26, 2007, 32 TexReg 4549; amended to be effective July 31, 2008, 33 TexReg 5923; amended to be effective July 22, 2009, 34 TexReg 4734; amended to be effective July 26, 2010, 35 TexReg 6522; amended to be effective July 28, 2011, 36 TexReg 4657; amended to be effective August 7, 2013, 38 TexReg 4891; amended to be effective August 7, 2014, 39 TexReg 5942; amended to be effective August 4, 2015, 40 TexReg 4877; amended to be effective August 11, 2016, 41 TexReg 5715; amended to be effective June 27, 2017, 42 TexReg 3269; amended to be effective August 7, 2018, 43 TexReg 5060; amended to be effective August 5, 2019, 44 TexReg 4037; amended to be effective July 21, 2020, 45 TexReg 4972; amended to be effective July 13, 2021, 46 TexReg 4145; amended to be effective August 11, 2022, 47 TexReg 4699.*

#### §97.1003. Local Accountability System.

- (a) The local accountability system 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 campuses. For the purpose of this section, the term school district includes open-enrollment charter schools.

- (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.
- (h) Ratings may be revised as a result of investigative activities by the commissioner as authorized under TEC, §39.057(d) and (e).

*Statutory Authority: The provisions of this §97.1003 issued under the Texas Education Code, §39.0544.*

*Source: The provisions of this §97.1003 adopted to be effective August 5, 2019, 44 TexReg 4044; amended to be effective September 6, 2020, 45 TexReg 6106.*

### **§97.1005. Results Driven Accountability.**

- (a) In accordance with Texas Education Code, §7.028(a), the purpose of the Results Driven Accountability (RDA) framework is to evaluate and report annually on the performance of school districts and charter schools for certain populations of students included in selected program areas. The performance of a school district or charter school is included on the RDA report through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner of education.

- (b) The assignment of performance levels for school districts and charter schools in the 2022 RDA report is based on specific criteria and calculations, which are described in the 2022 RDA Manual provided in this subsection.

[Figure: 19 TAC §97.1005\(b\)](#)

- (c) The specific criteria and calculations used in the RDA framework will be established annually by the commissioner of education and communicated to all school districts and charter schools.
- (d) The specific criteria and calculations used in the annual RDA manual adopted for prior school years will remain in effect for all purposes, including accountability and performance monitoring, data standards, and audits, with respect to those school years.

*Statutory Authority: The provisions of this §97.1005 issued under Texas Education Code, §§7.021, 7.028, 12.056, 12.104, 29.001, 29.0011(b), 29.010(a), 29.062, 29.066, 29.182, 39.003, 39.004, 39.051, 39.052, 39.053, 39.054(b-1), 39.0541, 39.056, 39.057, 39.058, 39A.001, 39A.002, 39A.004, 39A.005, 39A.007, 39A.051, and 39A.063.*

*Source: The provisions of this §97.1005 adopted to be effective June 5, 2005, 30 TexReg 3098; amended to be effective November 24, 2005, 30 TexReg 7737; amended to be effective September 20, 2006, 31 TexReg 7989; amended to be effective August 8, 2007, 32 TexReg 4754; amended to be effective July 15, 2008, 33 TexReg 5525; amended to be effective August 25, 2009, 34 TexReg 5690; amended to be effective August 4, 2010, 35 TexReg 6651; amended to be effective July 28, 2011, 36 TexReg 4658; amended to be effective August 9, 2012, 37 TexReg 5743; amended to be effective August 22, 2013, 38 TexReg 5257; amended to be effective July 23, 2014, 39 TexReg 5576; amended to be effective July 29, 2015, 40 TexReg 4761; amended to be effective August 9, 2016, 41 TexReg 5719; amended to be effective August 14, 2017, 42 TexReg 3969; amended to be effective August 2, 2018, 43 TexReg 4969; amended to be effective December 3, 2019, 44 TexReg 7384; amended to be effective September 1, 2020, 45 TexReg 6107; amended to be effective September 9, 2021, 46 TexReg 5547; amended to be effective August 26, 2022, 47 TexReg 5109.*

**§97.1006. Alternative Methods and Standards for Evaluating Performance for 2020-2021 School Year.**

- (a) A school district or an open-enrollment charter school may request no later than December 15, 2021, an accountability special evaluation for the 2020-2021 school year for a campus:
  - (1) that meets a 95% assessment participation rate threshold for the all students group for all subjects combined for the 2020-2021 school year; and
  - (2) to which the most recent overall performance rating assigned, other than a rating of Not Rated, is a D, F, or performance that needs improvement.
- (b) Upon request, as provided in subsection (a) of this section, the commissioner of education shall evaluate a campus that meets the requirements of subsection (a)(1) and (2) of this section in:
  - (1) the Student Achievement domain of Texas Education Code (TEC), §39.053(c)(1); and
  - (2) the School Progress, Part B: Relative Performance domain of TEC, §39.053(c)(2).
- (c) The component scores for the Student Achievement domain of TEC, §39.053(c)(1), and School Progress, Part B: Relative Performance domain of TEC, §39.053(c)(2), shall be calculated using scaling methodologies as were adopted in the *2020 Accountability Manual* under §97.1001 of this title (relating to Accountability Rating System).
- (d) One of the following performance ratings shall be assigned according to the results of the evaluation requested under subsection (b) of this section.
  - (1) If the evaluation results in an outcome of A, B, or C by averaging the scaled score of the Student Achievement domain of TEC, §39.053(c)(1), and the scaled score of the School Progress, Part B: Relative Performance domain of TEC, §39.053(c)(2), the campus shall be assigned a performance rating of Acceptable for the 2020-2021 school year.
  - (2) If the evaluation results in an outcome of D or F by averaging the scaled score of the Student Achievement domain of TEC, §39.053(c)(1), and the scaled score of the School Progress, Part B:

Relative Performance domain of TEC, §39.053(c)(2), the campus shall be assigned a performance rating of Not Rated: Declared State of Disaster for the 2020-2021 school year.

- (e) An Acceptable performance rating assigned under subsection (d)(1) of this section is considered a break in consecutive school years of unacceptable performance ratings under TEC, §39.054.
- (f) A school district or an open-enrollment charter school may appeal a rating issued under subsection (d)(2) of this section in accordance with TEC, §39.151, and the determination of consecutive school years of unacceptable performance ratings in accordance with TEC, §39.054. For the 2020-2021 school year, such an appeal must be filed with the Texas Education Agency by December 15, 2021.
- (g) This section does not apply to an intervention ordered on the basis of consecutive school years of unacceptable performance ratings accrued before the effective date of this section.
- (h) This section expires September 1, 2027.

*Statutory Authority: The provisions of this §97.1006 issued under the Texas Education Code, §§39.052(a) and (b)(1)(A); 39.053; 39.054; 39.0541; 39.0543; 39.0545; 39.0548; 39.055; 39.151; 29.081(e), (e-1), and (e-2); and 12.104(b)(3)(L).*

*Source: The provisions of this §97.1006 adopted to be effective November 14, 2021, 46 TexReg 7605.*