

Chapter 9—Responsibilities and Consequences

State Responsibilities

The Texas Education Agency (TEA) is responsible for the state accountability system and other statutory requirements related to its implementation. As described in “Chapter 4—Closing the Gaps,” and this chapter, TEA applies a variety of safeguards to ensure the integrity of the system. TEA is also charged with taking actions to intervene when conditions warrant.

District Accreditation Status

State statute requires the commissioner of education to determine an accreditation status for districts and charter schools.

Rules that define the procedures for determining a district’s or charter school’s accreditation status, as well as the prior accreditation statuses for all districts and charter schools in Texas are available at <https://tea.texas.gov/accredstatus/>.

Determination of Count of Consecutive School Years of Unacceptable Performance Ratings

Beginning with the 2014 ratings, TEA sums the consecutive years of *F* or *Improvement Required* overall ratings for the district, open-enrollment charter school, or campus.

- A rating of *A*, *B*, *C*, *Met Standard*, or *Met Alternative Standard* resets the consecutive count to 0 for that year.
- *Not Rated: Hurricane Harvey* in 2018 does not break or increase the consecutive year count.
- *Not Rated: Data Integrity* in 2019 does not break or increase the consecutive year count.
- *Not Rated: Declared State of Disaster* in 2020 and/or 2021 does not break or increase the consecutive year count.

If the campus earned an *Acceptable* rating under the 2021 optional alternative evaluation, the 2021 *Acceptable* rating reset the consecutive year count to 0.

For campuses approved for Texas Partnerships under Texas Education Code (TEC), §11.174, (also known as Senate Bill (SB) 1882 campuses), pauses in consecutive year counts are applied during the SB 1882 partnership years. Campuses approved for Math Innovation Zones under TEC, §28.020, also receive a pause in consecutive year counts. Unacceptable ratings received during these pause years do not increase the consecutive year count. An acceptable rating of *A*, *B*, or *C* earned during these years breaks the consecutive year count.

Impact of Overall D Ratings

SB 1365 (87th Texas Legislature, 2021) established 2019 ratings as the year for starting the *D* count. An overall rating of *D* does not break the count of consecutive years of unacceptable performance. Under TEC, §39A.118, a third overall *D* affects interventions and/or sanctions and thereby increases the count of consecutive years of unacceptable performance ratings. This increase occurs only if a district, open-enrollment charter school, or campus has not broken the chain of consecutive years by earning an overall *A*, *B*, or *C*.

An overall *D* following an *A*, *B*, or *C* rating does not begin the count of consecutive years of unacceptable performance until the third overall *D*. An overall rating of *D* following an *F* or *Improvement Required*

rating pauses the count of consecutive years until the third overall *D*. An overall *D* following an *F* or *Improvement Required* rating is considered unacceptable for purposes such as District of Innovation termination under TEC, §12A.008, and eligibility for distinction designations under TEC, §39.201.

In determining consecutive years of unacceptable ratings for purposes of accountability interventions and sanctions, only years that a district, charter school, or campus is assigned an accountability rating will be considered. Details for which years ratings were issued and the rating labels used are shown below.

- 2022: *A, B, C, Not Rated: Senate Bill 1365* for districts and campuses
- 2021: *Not Rated: Declared State of Disaster or Acceptable*
- 2020: No state accountability ratings issued
- 2019: *A, B, C, D, F* for districts and campuses
- 2018: *A, B, C, D, F* for districts and *Met Standard, Met Alternative Standard, and Improvement Required* for campuses
- 2013–17: *Met Standard, Met Alternative Standard, and Improvement Required*

Public Education Grant (PEG) Program Campus List

Campuses that receive an overall scaled score below 60 in 2022 are placed on the 2023–24 PEG List. The list of 2023–24 PEG campuses will be released on August 15, 2022. For more information about the PEG program, please see the PEG webpage on the TEA website at <https://tea.texas.gov/PEG.aspx>.

Local Responsibilities

Districts and charter schools have responsibilities associated with the state accountability system. Primarily these involve following statutory requirements, collecting and submitting accurate data, and properly managing campus identification numbers.

Statutory Compliance

Several state statutes direct local districts, charter schools, and/or campuses to perform certain tasks or duties in response to the annual release of the state accountability ratings. Key statutes are discussed below.

Public Discussion of Ratings (TEC §11.253(g))

Each campus site-based decision-making committee must hold at least one public meeting annually after the receipt of the annual campus accountability rating for discussing the performance of the campus and the campus performance objectives. The confidentiality of the performance results must be ensured before public release. The accountability data tables available on the TEA public website have been masked to protect confidentiality of individual student results.

Notice in Student Grade Report and on District Website (TEC §§39.361–39.362)

Districts and charter schools are required to publish accountability ratings on their websites and include the rating in the student grade reports. These statutes require, in relevant part, districts and charter schools

- to include, along with the first written notice of a student’s performance that a school district or charter school gives during a school year, a statement of whether the campus has been awarded a

distinction designation or has been rated *F*, as well as an explanation of the distinction or unacceptable identification; and

- by the 10th day of the new school year to have posted on the district or charter school website the most current information available in the school report card and the information contained in the most recent performance report for the district or charter school.

For more information regarding these requirements, please see *Requirement for Posting of Performance Frequently Asked Questions: Notice in Student Grade Report*, available on the TEA website at https://rptsvr1.tea.texas.gov/perfreport/3297_faq.html.

Public Education Grant Program Parent Notification (TEC §§29.201–29.205)

The PEG program permits parents with children attending campuses that are on the PEG List to request that their children be transferred to another campus. If a transfer is granted to another district, funding is provided to the receiving district. A list of campuses identified under the PEG criteria is released to districts annually. Districts must notify each parent of a student assigned to attend a campus on the PEG List by February 1. For more information on the PEG program, please see *PEG Frequently Asked Questions*, available at https://tea.texas.gov/perfreport/peg_faq.html.

Campus Intervention Requirements under TEC Chapter 39A

TEC Chapter 39A prescribes specific interventions for any campus that was rated a *D* or *F* in the state's accountability system.

When a district or campus receives a rating of *Not Rated*, *Not Rated: Declared State of Disaster*, or *Not Rated: Data Integrity Issues*, the district or campus shall continue to implement the previously ordered sanctions and interventions. If a campus has been ordered to prepare a turnaround plan and then receives a rating of *Not Rated*, *Not Rated: Declared State of Disaster*, or *Not Rated: Data Integrity Issues*, that campus is strongly encouraged, but not required, to implement the approved turnaround plan.

For additional details on interventions, please see the Division of School Improvement's Accountability Interventions website at <https://tea.texas.gov/si/accountabilityinterventions/>.

Actions Required Due to Low Ratings or Low Accreditation Status

Districts and charter schools that earn a *D* or *F* rating or *Accredited-Probation/Accredited-Warned* accreditation status and campuses with a *D* or *F* rating will be required to follow directives from the commissioner designed to remedy the identified concerns. Requirements will vary depending on the circumstances for each individual district or charter school. Commissioner of education rules that define the implementation details of these statutes are available on the TEA School Improvement Division website at the Accountability Interventions link at <https://tea.texas.gov/schoolimprovement/> and on the TEA Accreditation Status website at <https://tea.texas.gov/accredstatus/>.

When a district or campus receives a rating of *Not Rated*, *Not Rated: Declared State of Disaster*, or *Not Rated: Data Integrity Issues*, the district or campus shall continue to implement the previously ordered sanctions and interventions. If a campus has been ordered to prepare a turnaround plan and then receives a rating of *Not Rated*, *Not Rated: Declared State of Disaster*, or *Not Rated: Data Integrity Issues*, that campus is strongly encouraged, but not required, to implement the approved turnaround plan.

Campus Identification Numbers

A campus represents the organization of students and teachers, not a physical facility. TEA assigns county-district-campus (CDC) numbers to instructional campuses as defined in the *Texas Education Data Standards*.

In a given year, districts or charter schools may need to update one or more CDC numbers due to closing old schools, opening new schools, or changing the grades or populations served by an existing school. Unintended consequences can occur when districts or charter schools “recycle” CDC numbers.

As performance results of prior years are a component of the accountability system in small-numbers analysis and possible statutorily-required improvement calculations in future years, merging prior-year files with current-year files is driven by campus identification numbers. Comparisons may be inappropriate when a campus configuration has changed. The following example illustrates this situation.

Example: A campus served grades 7 and 8 in 2021, but in 2022 serves only grade 6. The district did not request a new CDC number for the new configuration. Instead, the same CDC number used in 2021 was maintained (recycled). Therefore, in 2022, grade 6 performance on the assessments may be combined for small-numbers analyses purposes with grade 7 and 8 outcomes from prior years.

Making changes to campus numbers is a serious decision for local school districts and charter schools. Districts and charter schools should exercise caution when either requesting new numbers or continuing to use existing numbers when the student population changes significantly or the grades served change significantly. Districts and charter schools are strongly encouraged to request new CDC numbers when campus organizational configurations change dramatically.

For requests applying to the current school year, TEA policy requires that school districts and charter schools request to make campus numbers active or obsolete by September 1 to ensure time for processing before TSDS PEIMS deadlines in late September for the class roster and charter waitlist collections. For requests applying to the upcoming school year, campus number requests received before August 15 may not be processed until after the public release of accountability ratings. For requests involving campuses that received a *Not Rated: Senate Bill 1365* rating or were identified for comprehensive support and improvement under the Every Student Succeeds Act, districts and charter schools must first consult with Governance. Each such request is then reviewed by an agency campus number committee. For these reasons, as well as the deadline for campus status change requests, all campus number requests involving campuses that received a *Not Rated: Senate Bill 1365* rating or campuses that were identified for comprehensive support and improvement must be received no later than **August 16, 2022**. The consolidation, deletion, division, or addition of a campus identification number does not absolve the district or charter school of the state accountability rating history associated with campuses newly consolidated, divided, or closed, nor preclude the requirement of participation in intervention activities for campuses that received a *Not Rated: Senate Bill 1365* rating. The Division of School Improvement will work with the district or charter school to determine specific intervention requirements. For additional information about campus number requests, please contact AskTED at AskTed@tea.texas.gov or (512) 463-9809.

Although the ratings history may be linked across campus numbers for purposes of determining consecutive years of *D*, *F*, *Improvement Required*, *Academically Unacceptable*, or *AEA: Academically Unacceptable* ratings, data will not be linked across campus numbers. This includes TSDS PEIMS data, assessment data, and graduation/dropout data that are used to develop the accountability indicators. Therefore, changing a campus number under these circumstances may be to the disadvantage of a *D* or

F campus. In the rare circumstance where a campus or charter school receives a new campus or district number, the ratings history is linked while the data are not linked across the district numbers.

If a district or charter school enters into a legal agreement with TEA that requires new district or campus numbers, the ratings history will be linked to the previous district or campus numbers. In this case, both the district/charter school and campuses will be rated the first year under the new numbers. Data for districts, charter schools, and campuses in these circumstances will not be linked. This includes the TSDS PEIMS data, assessment data, and graduation/dropout data that are used to develop the accountability indicators. Districts, charter schools, or campuses under a legal agreement with TEA cannot take advantage of small-numbers analysis the first year under a new district or campus number.