

ATTACHMENT II

Summary of Public Comments and Agency Responses Related to Proposed Revisions to 19 TAC Chapter 97, Planning and Accountability, Subchapter AA, Accountability and Performance Monitoring

Alternative/Alternative Education Accountability (AEA) System for Dropout Recovery Schools

Comment: Texas Public Charter Schools Association (TPCSA) presented the proposed formula for the AEA State of Texas Assessments of Academic Readiness (STAAR®) calculation that was previously miscommunicated by the AEA Taskforce. The formula adds extra weighting for students who reach Meets or Masters on STAAR®, and TPCSA stated that students in dropout recovery schools often have very large learning gaps that must be filled in order to reach those performance levels.

Response: The agency agrees there was miscommunication with the formula at proposal. The agency solicited input from the Texas Accountability Advisory Group (TAAG) on this change. The methodology and Chapter 2 of the manual have been changed at adoption to meet the intention of the AEA Taskforce feedback but with a different weighting that maintains the current scaling and cut points as well as the current raw score interpretation that a campus needs about 40% students that achieve Meets to earn an A.

Comment: One school district employee suggested adjusting the college, career, and military readiness (CCMR) calculation for AEA/dropout recovery schools by putting the highest weight on graduation rates.

Response: The agency disagrees that there has been enough investigation into weighting of indicators but will continue to work with stakeholders, such as the AEA Taskforce, to model and consider adjustments for AEA schools in future years of accountability.

Comment: One school district employee commented on the process for how districts and the agency identify dropouts for purposes of accountability for dropout recovery campuses. The school district employee was concerned with unintended consequences of deemphasizing retention and dropout mitigation strategies in favor of dropout recovery strategies.

Response: The agency disagrees that the dropout identification process needs to be changed but will continue its practices of working across the agency to ensure data accuracy, including accuracy for dropout codes.

Comment: One individual correctly identified that Domain 3 targets are not approved by the U.S. Department of Education (USDE) to be different for AEA campuses and was concerned with the challenges these targets present. The individual proposed a methodology focusing on the better of the two results that would include a review of whether performance is above state dropout recovery schools averages.

Response: The agency disagrees that it has the authority to make such a change to the accountability system.

Comment: TPCSA noted appreciation for the inclusion of prior dropouts in the numerator and not the denominator in the Completion Rate and CCMR Component and also voiced appreciation to the agency

for continuing to monitor industry-based certifications (IBCs)/programs of study for impacts on AEA/dropout recovery schools.

Response: The agency agrees and will continue to work with stakeholders to model and monitor the impacts of IBCs and programs of study for future years of accountability.

CCMR Cut Points

Comment: Southside Independent School District (ISD), Taylor ISD, Stafford ISD, 119 school district employees 2 parents, lead4ward, Texas School Alliance, and TPCSA shared concerns about the updated targets for the CCMR component being implemented with the class of 2022. The commenters stated that because these cuts apply to students who graduated in 2022, a campus or district was unable to create a new plan of action, make decisions, or implement new processes in reaction to the new cuts. The commenters also expressed that their opposition was not to an increased standard but to changes to the cuts being made after students graduated.

Response: The agency disagrees that the application of the updated cuts to a previous graduating class is a cause for concern. Texas schools have consistently been rated on a combination of current year and prior year data. Data from some portions of the A-F system are available in the current year, notably STAAR®. But data used to issue accountability ratings related to high school graduating classes has always lagged one year. This includes graduation rate and CCMR data. The reason for this is the delay in data availability. Students typically graduate around June but continue to graduate through August. Given this, when rating methodologies are changed, the methodology applies to all data currently available for the effective year of the rating. Prior to House Bill (HB) 22, 85th Texas Legislature, Regular Session, 2017, and the A-F system, as cut points were changed every year, this was also the case. As a result, cut point changes, both those made annually prior to HB 22 and those made periodically now, apply an effective rating for a school for a single year while using data from two years.

Comment: Southside ISD, Taylor ISD, Stafford ISD, 119 school district employees, 2 parents, lead4ward, Texas School Alliance, and TPCSA suggested leaving the current scaling in place for 2023 accountability or phasing in implementation of the new CCMR cuts with either the graduating class of 2023 or 2024. The commenters raised concerns that the cut increase was too high to happen in one year and should be raised incrementally over a period of multiple years. Alternatively, the commenters suggested fully suspending the change for the class of 2022 and implementing the increase for 2023.

Response: The agency disagrees. Before the A-F system became law with HB 22 in 2017, Texas accountability rules were changed every year, with goals for students constantly increasing each year. After hearing testimony that the state was continuously moving the goal posts, the legislature determined that it was important to keep the cut scores static for a period of time and only periodically update the cut scores. With the A-F system, a commitment was made to maintain the same calculations and cut points for up to five consecutive years without annual changes to provide certainty for districts and allow for better year-over-year data comparisons. Had the prior law requirements remained in effect, there would have been cut score increases for CCMR each year for the last five, so that this year's change would be only a few percentage points to reach 88. Instead, the HB 22 statutory framework has enabled apples-to-apples comparisons in ratings for the last five years, as no cut points have been changed during that time. But statute still requires an increase in cut points, and so the changes made this year reconcile the improvements over the last five years to bring us closer to the ultimate 90% standard. The agency disagrees with the suggestion to hold harmless or gradually increase the cut and will make the cut increase change one time in support of future year-to-year comparisons.

Comment: Texas 2036, Austin Chamber, Opportunity Austin, Commit, Good Reason Houston, Educate Texas, Texas Business Leadership Council, Teach Plus, Texas Association of Business, Teach for America, and Ed Trust commented in favor of increased cut scores and changes to the CCMR indicator and suggested that the changes identify and recognize schools that successfully prepare students for higher education, employment, and military service.

Response: The agency agrees that the raised cut scores enable better public understanding of college, career, and military readiness.

CCMR and IBCs

Comment: Austin Chamber, Commit, Ed Trust, Good Reason Houston, Texas Business Leadership Council, Teach Plus, Texas Association of Business, Educate Texas, and Texas 2036 submitted comments about implementing market-based weighting on higher-value IBCs. Austin Chamber suggested higher weights on IBCs that better align with employer/labor market needs and lower weights for IBCs that do not align with employer needs. Commit, Ed Trust, Good Reason Houston, Texas Business Leadership Council, Teach Plus, Texas Association of Business, and Educate Texas advocated for an increase to CCMR rigor and putting greater weights for metrics linked to greater postsecondary success. Texas 2036 similarly suggested the agency study the value of different CCMR indicators.

Response: The agency agrees that some IBCs are better aligned with postsecondary success or are more in-demand than others. The agency studied this suggestion as part of the 2023 A-F Refresh stakeholder feedback process and has previously communicated that additional validity requirements based on supply and demand and wage data will continue to be researched for future implementation into the A-F system.

Comment: Seven school district employees, lead4ward, and Texas Association of Manufacturers commented on the new methodology requiring the completion of a program of study in addition to passing an IBC to earn CCMR. The school district employees and lead4ward commented that this restricts students and transfer students from potentially changing their program of study, impacts student choice in identifying career options to pursue, and disincentivizes schools from allowing students to switch. The Texas Association of Manufacturers questioned requiring the program of study when IBCs are verified and validated and requested more analysis of IBC earners versus program of study completers.

Response: The agency agrees. However, for the intent of the accountability system, when paired with the IBC, the program of study provides the strongest indicator of a student's college or career readiness. Regardless of the linking to IBCs, statute requires that program of study completion is included in CCMR. A student would have to complete the program of study to get credit regardless of whether they switch. In addition, there continue to be multiple ways for students to demonstrate college, career, and military readiness.

Comment: Six school district employees and lead4ward shared concerns that HB 773, 87th Texas Legislature, Regular Session, 2021, was intended to add IBCs as a separate path to earn a CCMR point, but instead the bill restricts the ways in which IBCs can meet CCMR criteria. Commenters suggested allowing both methods to be utilized in the attainment of a CCMR point.

Response: The agency disagrees that program of study completion and IBC attainment are as strong independently as indicators of a student's college or career readiness as they are when they are combined.

Comment: One individual commented that a passed certification is different than an earned certification due to additional requirements for the earned certification, potentially creating hardship for school districts that may incur additional costs to meet this rule.

Response: The agency disagrees that these differences should influence which is implemented into the accountability system since the earned certification is a stronger indicator of a student's college or career readiness. As with all changes to the accountability system, however, the agency will monitor the changes for disproportionate impacts.

Comment: Commit, Good Reason Houston, Educate Texas, Texas Business Leadership Council, Teach Plus, Texas Association of Business, and Teach for America cited that the changes to IBCs and programs of study acknowledge that not all IBCs are of equal value, and completion of aligned coursework supports postsecondary success and prospects. The commenters also viewed the timeline to move to program of study completer as responsive without jeopardizing ensuring a rigorous CCMR component. Ed Trust similarly voiced that sunseting low-quality IBCs and phasing in aligned programs of study improves the quality of CCMR measures and suggested a lower cap/quicker phase out. Texas 2036 suggested that certifications no longer on the IBC list should not earn CCMR points or that a 5% cap be implemented and that program of study completer requirements be implemented sooner.

Response: The agency agrees. The originally proposed timeline to implement program of study requirements was adjusted in response to initial stakeholder feedback. Additionally, the agency developed the changes to sunseting list and cap with the intent to balance statutory rigor requirements with fairness for district implementation.

Texas Success Initiative (TSI) and College Prep

Comment: One individual commented that there had not been clear guidance indicating that only the students who demonstrate TSI exemption can earn credit for the course. This individual and a school district employee shared a concern that local education agencies (LEAs) and institutions of higher education (IHEs) have different requirements in memoranda of understanding (MOUs) across the state.

Response: The agency agrees that additional guidance is warranted. This addition to the proposed manual was intended to clarify that successful completion means a student has met TSI exemption requirements in accordance with Texas Education Code (TEC), §51.338(e). These are not new requirements. The addition to the proposed manual explains that there must be alignment between the LEA and the IHE. The LEA and the IHE must have the same requirements for credit and successful completion, which the agency agrees may be set at a different standard across MOUs around the state.

Comment: One individual commented that the manual reads as if the district must monitor whether a student enrolls at an IHE following a college prep course. Four school district employees and lead4ward also shared a similar interpretation of the manual's conflict with TEC, §51.338(e) and (f), to earn a TSI exemption for a college prep course, indicating the manual reads as if a student who earns credit for a college prep course would also need to earn course credit and enroll in a college-level course in the same content area during the student's first year at an IHE in order for the credit to be marked in the Public Education Information Management System (PEIMS) and counted for CCMR.

Response: The agency disagrees. TEC, §51.338(e), states that upon successful completion of a college preparatory course, students earn a TSI exemption from the partnering IHE(s) in that content area. This is all that is needed to be college-ready to earn CCMR credit. The agency agrees that TEC, §51.338(f), allows a student to use that exemption to enroll in their first year at an IHE. Local education agencies

(LEAs) do not need to monitor a student's enrollment nor their completion in the IHE's course for the student to earn a TSI exemption or for the district to receive CCMR credit.

Comment: A school district employee shared a concern that LEAs and districts will be penalized based on already finalized PEIMS data according to the new data-related compliance reviews and special investigations.

Response: The agency disagrees. Compliance reviews and special investigations are not new; the language added to the manual was further clarification of the existing process. Compliance reviews and investigations were conducted in 2022 on college preparatory course practices. Compliance reviews will not be conducted for college preparatory courses for the class of 2022, with 2023 accountability ratings, giving LEAs the opportunity to respond to and correct their practices and MOUs with IHEs.

Domain 2 Academic Growth

Comment: Three individuals commented that the proposed rule could negatively impact struggling learners, emergent bilingual students, economically disadvantaged students, and students with limited formal education and create potential inequity between higher and lower socio-economic campuses, suggesting that campuses with lower poverty will be more likely to maintain or increase their growth rating.

Response: The agency disagrees with the concerns regarding the growth methodology disproportionately impacting schools with higher populations of economically disadvantaged students, emergent bilingual students, or students with minimal formal education. As with all changes to the A-F methodology, the agency conducted modeling to avoid disproportionate impact and will continue to monitor the results for these issues.

Comment: Three individuals compared the new methodology of the performance band change to the prior methodology that used scale score change. One individual shared a concern that the prior methodology better accounted for individual growth and better honored students at their current level, suggesting the new methodology does not honor smaller increments of growth. Another commenter felt the proposed minimum score was arbitrary, and a third shared a concern that the prior methodology was more accurate for students at the lower end of performance.

Response: The agency agrees that the previous methodology better measured individual student growth; however, as a method of measuring aggregate growth for campuses and districts, the new methodology was developed with stakeholder feedback to include more students in the growth calculation. In addition, the transition table allows the evaluation of growth between assessments with scores reported on different scales, such as when changes are made to STAAR® assessments.

Comment: Three individuals voiced concern that the new growth calculation's added inclusion of Spanish-to-English test takers would disincentivize students' appropriate transition to the STAAR® assessment in English, suggesting increases in growth could be less likely when switching languages. One suggested solution was to award a point for Approaches or higher points in the year a student switches languages as well as awarding a bonus point for increased performance and additional half points or full points for achieving progressive goals or reaching goals in Grades 4 or 5.

Response: The agency agrees that students should be transitioned to the STAAR® assessment in English when appropriate. While gathering feedback for the 2023 A-F Refresh, the majority of stakeholders believed including this previously excluded group in the measurement of growth will incentivize better support of those students.

Comment: One district employee suggested the addition of one bonus point for each end-of-course (EOC) retester who achieves a passing score.

Response: The agency agrees with the inclusion of EOC retesters in the accountability system, which is why EOC retesters were added as part of Distinction Designations. However, accelerated learning growth is specifically designed, modeled, and scaled for first-time testers.

Comment: Commit, Ed Trust, Good Reason Houston, TPCSA, Opportunity Austin, Austin Chamber, Texas Business Leadership Council, Texas Association of Business, and Teach Plus commented in support of the new growth methodology, suggesting that it will provide more differentiation, add transparency across the system, and offer the potential for educators to prioritize the needs of each individual student. The commenters, as well as Teach for America, commented that the accelerated learning component encourages adults to focus on rapid improvement of students' academic proficiency and incentivizes and rewards them for meeting student growth expectations and spending time and resources accelerating their lowest performing students.

Response: The agency agrees. The new annual growth methodology of the student progress domain is transparent, easy to understand, and easy to duplicate at the local level. An important value of the transition table is to evaluate assessments with scores reported on different scales, which enables the inclusion of more students in the growth calculation. The new accelerated learning results of the student progress domain will also narrow the focus on students who did not earn at least Approaches Grade Level on STAAR®, providing data in alignment with the requirements of HB 4545, 87th Texas Legislature, Regular Session, 2021.

Domain 3 Closing the Gaps

Comment: One district administrator shared a concern about the updated minimum group size (N=10), suggesting it should be changed back to 25 tests.

Response: The agency disagrees. This adjustment was made based on stakeholder feedback and analysis to measure the outcomes for additional students and to monitor achievement gaps more closely.

Comment: Austin Chamber, Commit, Ed Trust, Good Reason Houston, Teach for America, Educate Texas, Texas Business Leadership Council, Teach Plus, Texas Association of Business, Texas 2036, Texas Parent to Parent, and Texans for Special Education Reform voiced support for the proposed group size change. The commenters noted an alignment with national practices in order to not mask challenges and/or achievement gaps of particular subgroups.

Response: The agency agrees. This adjustment was made based on stakeholder feedback and analysis to measure the outcomes for additional students and monitor achievement gaps more closely.

Comment: One school district administrator shared a concern that measuring the two lowest-performing race/ethnicity groups in the Closing the Gaps domain negatively incentivizes campuses to engage in accountability-based prioritization.

Response: The agency disagrees that measuring the two lowest-performing race/ethnicity groups in the Closing the Gaps domain encourages campuses to engage in accountability-based prioritization. Schools and districts should continue to serve all students and student groups, and the agency will continue to evaluate and report across all groups. The agency will continue to identify schools for school improvement supports by evaluating each individual student group. Closing the Gaps (Domain 3) will

remain as proposed, evaluating all students, the two lowest-performing racial/ethnic groups, and the High Focus group to increase attention to those groups that need support the most.

Comment: Texans for Special Education Reform and Texas Parent to Parent requested removing the High Focus supergroup and reverting to the individual subgroups previously used, concerned that the High Focus supergroup eliminates meaningful accountability for the performance of students with disabilities. Additionally, Ed Trust shared a similar concern that this supergroup ignores meaningful distinctions between groups and suggested monitoring implementation as well as future fluctuations among schools' two lowest-performing racial/ethnic groups. One school district employee also posited a scenario of campuses having nearly all students in the High Focus supergroup and suggested maintaining the evaluation of all groups separately.

Response: The agency disagrees that the High Focus group should be removed and the individual subgroups reinstated. There are meaningful distinctions and needs of each group, and the agency will continue to evaluate and report across all groups while using the High Focus group for the Closing the Gaps domain. The agency will continue to identify schools for school improvement supports by evaluating each individual student group. The targeted support identification and additional targeted support identifications will not use the High Focus group. This holds schools accountable for current and former special education students as well as other subgroups. Closing the Gaps (Domain 3) will remain as proposed, evaluating all students, the two lowest-performing racial/ethnic groups, and the High Focus group. The agency agrees to continue to monitor this implementation and changes in lowest-performing groups.

Comment: Austin Chamber, Commit, Ed Trust, Good Reason Houston, Texas 2036, Teach for America, Educate Texas, Texas Business Leadership Council, Teach Plus, and Texas Association of Business commented in support of the proposed High Focus group, which will include more students in the accountability calculation who had previously been excluded. The commenters also supported Texas Education Agency's (TEA's) monitoring of supergroups so they do not mask challenges and/or achievement gaps of particular student groups.

Response: The agency agrees. The grouping will include more previously unreported students, and TEA will monitor for any unintended consequences of this grouping.

Comment: One school district employee suggested the 0-4 points system would not give credit to schools close to the target and suggested a methodology that would award two points to schools that are within two points of the target and remain at the same level for two consecutive years.

Response: The agency disagrees. The proposed methodology improves on the "Yes/No=1/0" scoring previously used while still maintaining a focus on reaching the long-term targets, not just the 2023 interim target.

Comment: Ed Trust voiced support for the 0-4 points methodology as differentiating progress and as an incentive to focus more on this domain within the larger A-F system. Additionally, TPCSA noted the 0-4 methodology recognizes incremental growth, properly incentivizing and recognizing continual progress to long-term targets.

Response: The agency agrees. Gradated outcomes are awarded, differentiating groups demonstrating growth but not yet achieving target performance.

Comment: One school district employee commented on Closing the Gaps school improvement identification, sharing a concern of overidentification of Comprehensive Support and Improvement (CSI)

campuses given the minimum of two years required to exit. The commenter suggested identifying up to 5% of Title I campuses and including criteria to break ties.

Response: The agency disagrees. The changes to the Closing the Gaps domain have been reviewed and adjusted based on feedback from USDE. Identifications must include the schools in the bottom 5% of Title I campuses for CSI.

Comment: Ed Trust voiced support for the methodology to use the Closing the Gaps domain for CSI school identification purposes and for using subgroup performance in CSI determinations when it is above and beyond federal requirements.

Response: The agency agrees. One result of using state accountability for federal identifications is minimizing resource strain for districts by using data for multiple purposes.

School Quality and Student Success (SQSS) STAAR® Component

Comment: Texas School Alliance, lead4ward, and one school district administrator shared a concern about the School Quality and Student Success in Closing the Gaps requirements for inclusion. The commenters stated that since there are only four indicators in this component, all must meet minimum size to be evaluated and that if a campus has only one low-performing race/ethnic group that meets size requirements, it will never get evaluated on this component. The commenters recommended changing to three indicators to meet minimum size for this component to be evaluated, which would allow campuses with only one lowest-performance racial/ethnic group to be evaluated.

Response: The agency agrees. TEA solicited input from TAAG on this change. The methodology and Chapter 4 of the manual have been updated at adoption to allow three indicators to meet minimum size.

Calculating Ratings, Targets, and Cut Points (non-CCMR)

Comment: Southside ISD suggested that the Domain 1 Academic Achievement targets should be lowered due to new question types in the STAAR® test this year. Another individual commented with concerns about test format changes, citing concern that it has been only one year since the COVID-19 pandemic. Another individual shared concerns with changes to accountability indicators, targets, cut scores, and methodology during the STAAR® redesign and transition to online, with new item types and writing items.

Response: The agency disagrees that the STAAR® achievement targets need to be lowered as the new question types included as part of the STAAR® redesign do not increase the rigor of the test. The same rigorous statistical processes used to ensure that the test is measuring the same thing each year will be applied during the redesign of STAAR®. However, the redesign does mean that in many grades, the reading/language arts (RLA) test will include writing for the first time. Based on the addition of writing and the impact of COVID-19, TEA is maintaining the same baseline used when setting 2017 cut points for STAAR® achievement.

However, the agency agrees that when it was setting School Progress, Part A score cut points, the baseline data used (an average of 2019 and 2022) was not similarly responsive to the inclusion of writing for the first time or the impact of COVID-19. Therefore, the agency has made a change to the manual at adoption to change the baseline used when setting cut points for Domain 2, Part A, STAAR® Academic Growth from an average of 2019 and 2022 to only 2019. This resulted in revised cut points aligned with A, B, C, D, F for Domain 2, Part A, as well as for Domain 3.

Comment: One school district employee expressed concern that the student achievement STAAR® and CCMR targets in Domain 3 were high and suggested lowering targets due to new STAAR® question types. Another school district employee was concerned that the Texas English Language Proficiency Assessment System (TELPAS) targets are too high and unreachable. Another was also concerned that Closing the Gaps student group targets for STAAR®, growth, and graduation targets were too high, especially for schools serving a high percentage of emergent bilingual students and students with disabilities. Four individuals stated that it seems impossible to meet the targets when students have a lot of gaps. An additional commenter suggested that the new standard be implemented next year in order to respond to the increases. Southside ISD also suggested the Academic Achievement and CCMR targets in Domain 3 should be lowered for this year.

Response: The agency disagrees. The Closing the Gaps targets are set based on historical data using clearly identified baseline years. As with all scaling changes, they will be implemented in the 2023 accountability rating release. However, as noted previously, the agency has agreed with a change to the manual at adoption that changes the baseline data used for growth to 2019 only, resulting in revised targets for the RLA and math growth components of Domain 3 as well as the cut points aligned with A, B, C, D, F in Domain 3.

Comment: Texas School Alliance and two school district employees shared a concern that the student group targets for the High Focus group in Domain 3 are set too high in comparison to the individual student groups within it. The commenters suggested that the agency adjust High Focus targets to better align with targets set for individual groups.

Response: The agency disagrees. The High Focus group is an unduplicated count of the individual student groups within it. The High Focus group targets, like all Closing the Gaps targets, are set based on historical data using clearly identified baseline years. However, as noted previously, the agency has agreed with a change to the manual at adoption that changes the baseline data used for growth to 2019 only, resulting in revised targets for the RLA and math growth components of Domain 3 as well as the cut points aligned with A, B, C, D, F in Domain 3.

Comment: TPCSA provided positive comments on the student group targets in Closing the Gaps, noting that targets by school type are a more accurate way to evaluate school success.

Response: The agency agrees. The targets tied to school type provide districts data that better highlight student groups that need the most support.

Comment: Two district employees were concerned with the increase to the graduation target, and one was concerned it was based on a cohort that was impacted by COVID-19 and virtual learning.

Response: The agency disagrees. Across the system, A-F cut points were updated to align with a baseline set of data for each component, in this case, the most recent graduating class of 2021. Graduation rates have steadily improved in Texas since 2017. Using the class of 2021 as a baseline, A-F cut points were increased by 2%.

Calculating Ratings, Expansion of F Rule to D and F Rule

Comment: Seven individuals and lead4ward shared concerns about the expansion of the 3-F rule to a 3-D rule. Two individuals shared concerns that the expansion of the 3-F rule to a 3-D rule overrides the entire system and the work done to make it fair and clear and is inconsistent with the best-of methodology design of the A-F system. Another individual shared a concern that the expansion affects specific campus types, such as campuses with high percentages of economically disadvantaged students or campuses that

are in school improvement. Four individuals and lead4ward stated that there are other safeguards in place, and they are concerned that the expansion is not required by statute.

Response: The agency disagrees. The A-F system, which was developed with stakeholder input in 2017, already includes the F rule. While two key objectives of the A-F system are fairness and clarity, as included in the best-of methodology, those objectives must also be balanced with a push for rigor. The expansion of the F rule to the D and F rule is aligned to the redefinition of acceptable and unacceptable performance in Senate Bill (SB) 1365, 87th Texas Legislature, Regular Session, 2021.

Calculating Ratings, District Proportional Weighting

Comment: Three school district employees, one teacher, and Texas School Alliance (TSA) commented that the proposed district rating methodology does not hold districts accountable to mobile students, who are not in any campus subset. The teacher suggested adding a separate entity comprised of district, but not campus, accountable students.

Response: The agency disagrees. The suggestion of a separate entity was previously considered for the 2023 A-F Refresh. Data analysis found approximately 1% of tests statewide would be excluded due to meeting only district subset. District Closing the Gaps disaggregated student group data reports will include the results for students who did not meet the campus accountability subset but did meet the district accountability subset to aid district planning efforts.

Comment: Stafford ISD and four school district employees shared a concern that the cut scores for CCMR indicators should not be implemented at the same time as a new method of district proportional ratings.

Response: The agency disagrees. Before the A-F system became law with HB 22 in 2017, Texas accountability rules were changed every year, with goals for students constantly increasing each year. With the A-F system, a commitment was made to maintain the same calculations and cut points for up to five consecutive years without annual changes to provide certainty for districts and allow for better year-over-year data comparisons. In a year when indicators are changed, like this year, multiple changes will need to be implemented at the same time to allow for comparability in future years.

Comment: One individual commented that the majority of the districts in the state do not have the problem of misaligned campus and district ratings, which was analyzed by TEA to be approximately 30% of districts. TPCSA suggested an option where 50-75% of the overall rating is weighted by campus enrollment and the remaining portion is calculated with each campus's score contributing equally regardless of campus size.

Response: The agency disagrees. The intent of the proportional weighting directly addresses 30% of misaligned letter grades but also provides a more accurate picture of all students in the district from all grade spans equally.

Comment: One individual commented that the proposed methodology for Domain 2 should use each campus's resolved score (each campus's best of D2A or D2B) instead of calculating a district's resolved score from each campus D2A and D2B.

Response: The agency disagrees. The district proportional methodology is intended to follow the same method as a campus and not consider differing parts (A or B) varying from campus to campus.

Comment: One individual expressed concern with not including students from Kindergarten-Grade 2 when making the proportional weight from the Grades 3-12 enrollment count.

Response: The agency disagrees. The vast majority of data in the A-F campus rating comes from STAAR®-tested grades (Grade 3 and higher). The district proportional methodology is also intended to follow the same method of including only Grade 3 and higher.

Comment: Texas School Alliance expressed concern that the proposed methodology over-values STAAR® outcomes and under-values CCMR.

Response: The agency disagrees, as this new district proportional weight methodology is intentionally aligned with campus results, including where the STAAR® results are a large proportion of the campus type results (elementary and middle), and this will factor into the district rating.

Comment: Austin Chamber, Commit, Good Reason Houston, Opportunity Austin, Texas Association of Business, Texas Business Leadership Council, and Teach Plus expressed support for the proposed proportional weighting, stating that it is a more accurate reflection of the performance of a district and accounts for campus enrollment/performance differences. Ed Trust commented that this methodology reinforces the importance of elementary and middle school success in supporting students' cumulative success and better reflects overall school system performance. Texas 2036 commented that the changes will make the district's score reflective of the academic outcomes of all students in the district.

Response: The agency agrees that the proportional methodology ensures every student in the same grade level in a district represents an equal portion in the district's total score, improving the alignment between a district and their campus ratings.

Calculating Ratings, Requests to Hold Ratings "Harmless"

Comment: Two individuals recommended holding ratings harmless since the previous school year was the first typical school year following the pandemic. Another individual commented that ratings have negative impacts on students, teachers, and families and suggested the ratings will drive uninformed decisions. The commenter also proposed holding ratings harmless.

Response: The agency disagrees as statute does not provide the authority to hold ratings harmless. TEC, §39.053(f) states that "standards are established and modified to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure this state is a national leader in preparing students for postsecondary success, in consultation with educators, parents, and business and industry representatives."

Comment: One teacher, a parent, a school district employee, and Texas School Alliance recommended holding ratings harmless due to the STAAR® redesign and inconsistency between 2022 and 2023. Texas School Alliance further commented that the 2022-2023 school year was transitional for IBCs, college prep courses, and CCMR methodology.

Response: The agency disagrees as statute does not provide the authority to hold ratings harmless. Unlike previous changes to the state summative assessment, which historically have increased the rigor of the assessment, the STAAR® redesign does not increase the rigor of the test. Instead, the STAAR® was redesigned to make the test more tightly aligned to the classroom experience. The redesign does not mean the test will be harder. The same rigorous statistical processes used to ensure that the test is measuring the same thing each year will be applied during the redesign of STAAR®. However, the redesign does mean that in many grades, the reading/language arts test will include writing for the first time. Based on the

addition of writing and the impact of COVID-19, TEA is maintaining the same baseline used when setting 2017 cut points for STAAR® proficiency.

Comment: Two school district employees and Texas School Alliance suggested holding ratings harmless in 2023 unless the new methodology results in a higher score. Texas School Alliance also suggested implementing the new system in fall 2024.

Response: The agency disagrees as statute does not provide the authority to hold ratings harmless. Before the A-F system became law with HB 22 in 2017, Texas accountability rules were changed every year, with goals for students constantly increasing each year. Each year, the new methodology was applied without using a "better of" calculation.

Comment: A teacher commented that a hold harmless provision would allow for a year for adjustment and requested the agency use the previous system for ratings while publishing results using the new system. The commenter suggested that the one-year hold harmless would provide time for planning and implementation of changes. Another school district employee stated that that new 2023 ratings will communicate that the 2022 ratings were flawed and recommended issuing a hold harmless on ratings.

Response: The agency disagrees as statute does not provide the authority to hold ratings harmless. Before the A-F system became law with HB 22 in 2017, Texas accountability rules were changed every year, with goals for students constantly increasing each year. Given this, when rating methodologies are changed, the methodology applies to all data currently available for the effective year of the rating. The agency is statutorily committed to ensuring Texas is a national leader in preparing students for postsecondary success and disagrees with holding ratings harmless.

Comment: Commit, TPCSA, Texas Business Leadership Council, Teach Plus, and Good Reason Houston made a request for the agency to publish the 2023 results under 2022 methodology, while still moving ahead to issuing ratings under 2023 methodology, noting that providing both results helps schools better interpret and communicate their year-over-year performance during this transition.

Response: The agency disagrees. It is not possible to produce 2023 results under 2022 methodology because of limited data. For example, TEA cannot calculate Academic Growth using 2023 data under 2022 methodology because of the lack of a STAAR® Progress Measure.

Algebra I

Comment: Philanthropy Advocates, Austin Chamber, Opportunity Austin, Commit, Good Reason Houston, Educate Texas, Texas Business Leadership Council, and Teach Plus suggested the inclusion of Algebra I completion bonus points in middle school. These groups, as well as Ed Trust, Texas 2036, and one school district employee shared concern about the impact of existing methodology on district decisions for top performers as potentially disincentivizing middle school students' placement in Algebra I, particularly in alignment with SB 2124, 88th Texas Legislature, Regular Session, 2023.

Response: The agency disagrees that bonus points should be included for students who complete Algebra I in middle school, as it will require further analysis regarding the statewide impacts. TEA agrees that research has shown the importance of access to advanced math pathways, and TEA will continue to research and analyze alternatives, such as bonus points, for future updates to the accountability system.

Early Grades Data

Comment: Teach Plus, Texas Association of Business, Texas Business Leadership Council, Commit, and Good Reason Houston recommended a pilot to measure and report on prekindergarten through Grade 2 success.

Response: The agency disagrees. TEA would require legislative funding and authority to create a pilot on early grade success.

CCMR Cuts, Pathways in Technology Early College High Schools (P-TECH)

Comment: One individual stated that the CCMR cut score is inequitable for traditional high schools and other campuses, such as P-TECH or early college high schools (ECHS) and suggested separating those specialized campuses and increasing the cut score for traditional high schools to 76 and leaving P-TECH and ECHS campuses at 88.

Response: The agency disagrees with setting different cut points for different high school campus types. TEA will continue to monitor any disproportionate impact to different campus types.

New English I to English II Growth

Comment: One school district employee suggested not implementing measure of growth for students concurrently enrolled in English I and II in the same year, given a concern of a lack of within-year data available for teachers to help a student adjust before taking English II.

Response: The agency disagrees. One of the benefits of moving to a transition table model is the inclusion of more students in the growth calculation. This includes students moving from English I EOC to English II EOC in the case that they take these assessments for the first time in the same year.

Military Indicators

Comment: One school district employee requested that military readiness include the Junior Reserve Officer Training Corps (JROTC) and the Armed Services Vocational Aptitude Battery (ASVAB) as indicators.

Response: The agency disagrees. Bills including JROTC and ASVAB in military readiness did not pass during the 88th Texas Legislature, Regular Session, 2023. Therefore, the agency lacks statutory authority to include the indicators.

New Distinction Designation Suggestion

Comment: One school district administrator and lead4ward suggested that annual growth be added as an Academic Achievement Distinction Designation indicator for those subjects.

Response: The agency disagrees. As this is the first year of the implementation of the new Annual Growth transition table, TEA will explore adding a distinction once data are more readily available.

Accelerated Tester Verification Window

Comment: One district employee requested adding add SAT/ACT verification window for accelerated testers using SAT/ACT tests taken prior to January 2023.

Response: The agency disagrees. School district and charter school responsibility for data quality is the cornerstone of a fair and uniform rating determination. TEA is committed to data quality in the system and will explore the currently available verification opportunities to ensure they are well communicated and appropriately available.

Results Driven Accountability (RDA)

Comment: TPCSA expressed concern with RDA being reported publicly alongside A-F ratings, stating that RDA must be clearly labeled, explained, contextualized, and separated from the primary measures used for A-F ratings.

Response: The agency disagrees. The incorporation of the RDA system into the A-F system will align federal reporting requirements, reduce duplication of data reporting, and create consistent focus across the state on special population performance improvement. However, the agency agrees that clarity and transparency will be key and will work with the RDA Taskforce on communication.

General Comments

Comment: An education service center (ESC) consultant suggested removing codes 04 and 05 under the Graduate with Completed Individualized Education Program and Workforce Readiness CCMR indicator and removing references throughout the manual to "Recommended," "Minimum," and "DAP - Distinguished Achievement Program."

Response: The agency disagrees. These codes are still used and are not yet ready to be removed.

Comment: A school district employee suggested moving the 0-4 points chart and explanation from its proposed location to a later page where the manual details the calculating the component score.

Response: The agency agrees and has made a technical change to the manual at adoption to move the chart to a more easily referenced location.

Comment: A school district employee questioned a reference to a "fall 2021 result" instead of "fall 2022 result" on page eight in Chapter 1.

Response: The agency agrees and has made a technical correction in the accountability subset example referenced at adoption.

Comment: An ESC employee noted that in Chapter 12, related to RDA, the terms "students" and "children" are used inconsistently.

Response: The agency agrees and has made changes at adoption to use the term "students" consistently.

Comment: Lead4ward and a school district employee requested clarification on what is meant by the term "acceptable accountability ratings" when referring to distinction designation eligibility.

Response: The agency agrees and has made a change at adoption to clarify in Chapter 1 that acceptable performance is defined as an overall rating of A, B, or C for eligibility to earn distinction designations.

Comment: Two school district employees and lead4ward made a suggestion to replace "progress" with "growth" when describing subset in Chapter 1. Lead4ward also suggested a change from "progress" to "growth" in Chapter 3 when describing year-over-year student-level change.

Response: The agency agrees and has made a change at adoption to this language in Chapters 1 and 3.

Comment: An ESC specialist suggested adding Progress to English language proficiency as one of the areas that would get one point in Closing the Gaps for meeting minimal growth.

Response: The agency agrees and has made a change to Chapter 4 at adoption to clarify this area as one that would get one point in Closing the Gaps for meeting minimal growth.

Comment: Three school district employees and lead4ward requested that all appendices to the manual be included as part of the publication of the proposed manual. One of the district employees also requested to include in Appendix H course codes that would be considered English language arts/mathematics if taken for dual credit.

Response: The agency disagrees that the appendices should be published with the proposed manual. Since the appendices contain so much detail, a great deal of effort is involved to ensure the appendices are accurate and reflective of any changes to methodology made through the process of finalizing the manual. Therefore, the appendices will be published as soon as it is feasible after the adoption of the new manual.

Comment: Lead4ward and a school district employee made a suggestion to rewrite the School Progress Domain Overview (Chapter 3) and to rewrite the description of which student groups are evaluated in Closing the Gaps (Chapter 4). Lead4ward also suggested a rewrite to the description of the School Progress, Part B Relative Performance Score overview (Chapter 3).

Response: The agency agrees and has made changes at adoption to clarify in Chapter 3 that the School Progress domain measures campus outcomes in two areas (Part A and Part B), to clarify in Chapter 4 the specific student groups in the Closing the Gaps calculation, and to clarify in Chapter 3 that relative performance scaling is done differently from elementary and middle schools using STAAR® and CCMR scores.

Comment: A school district employee suggested clarifying the TSI assessment diagnostic in the Meet TSI Criteria section of CCMR.

Response: The agency disagrees as this section references Appendix H, where the criteria is listed.

Comment: A school district employee suggested the Student Group Growth and the Expected Growth calculations should be rounded to one decimal point on example 2 on page 41.

Response: The agency agrees and has made a change to Chapter 4 at adoption to address the rounding in the example.

Comment: Lead4ward requested clarity on the Not Rated: Data Integrity label and the process that leads to such a rating.

Response: The agency agrees and has made a change at adoption to Chapter 1 to clarify that the label is used after the conclusion of a special investigation has been conducted.

Comment: Lead4ward requested a sentence be deleted from the Annual Dropout Rate Conversion section regarding the three-year sum of ten students per class required. Lead4ward also recommended a definition of "previous dropouts who complete" in the AEA Graduation/Dropout Rate.

Response: The agency disagrees and will keep the sentence in order to provide this detail and not falsely indicate a change to the required number of students. The agency also disagrees with describing a "previous dropout who completes as it is duplicative to completers as already defined in the formula: Number of Graduates + Continuers + TxCHSE Recipients + Previous Dropouts who Complete.

Comment: Lead4ward recommended the name of the AEA measure for School Progress - Part B be revised from AEA Part B: Retest Growth to AEA Part B: EOC Retest Performance, suggesting that "retest growth" sounds like "academic growth." The commenter stated that a different name would help the public understand the measure.

Response: The agency disagrees that the term "retest growth" is needed to improve public understanding. In addition, the agency has determined that the phrase "retest performance" sounds like an achievement measure when it is a measure of improvement for those previously scoring below approaches.

Comment: Lead4ward suggested changing language in Chapter 4 from 2023-2024 evaluation to 2024 accountability and from 2022-2023 Academic Achievement performance to 2023 accountability; adding the year 2023 to a bullet point on minimum size; removing a paragraph about minimum size from Chapter 4; adding 2027-2028 through 2032-2033 target to the 2-point description; and changing the description of Calculating Component Scores.

Response: The agency disagrees and has determined that the proposed language presents the clearest descriptions. In addition, maintaining language as proposed will ensure that the agency does not signal a change to methodology where there is not a change.

Reporting on Texas Performance Reporting System (TPRS) and TXSchools.gov

Comment: The Austin Chamber, Opportunity Austin, and Texas 2036 commented in support of including extra and co-curricular elements as informational items in TXSchools.gov as a means to allow schools to highlight their extracurricular accomplishments, voicing concerns about inequity if factored into the calculations of the A-F rating system.

Response: This comment is outside the scope of the proposed rulemaking. However, the agency provides the following clarification. TEA has collected data and conducted analyses on the potential incorporation of extracurriculars to the A-F system and will continue to explore what data is available to include on TXSchools.gov or TPRS.

Comment: Ed Trust suggested chronic absenteeism rates and access to advanced math pathways serve as key inputs for student success and advocated for its inclusion within TPRS and TXSchools.gov.

Response: This comment is outside the scope of the proposed rulemaking. However, the agency provides the following clarification. These data are already slated to be added to TXSchools.gov and TPRS.

Comment: Austin Chamber and Opportunity Austin commented in support of strengthening transparency by publishing additional school performance data to the TPRS and TXSchools.gov to ensure employers, parents, and students have better information on school performance.

Response: This comment is outside the scope of the proposed rulemaking. However, the agency provides the following clarification. For future updates to the system, TEA will continue to explore the inclusion of data in the accountability rating system, balanced with making data available in reporting systems.

Comment: Lead4ward suggested publishing both parts of the School Progress, Part A: Academic Growth score (Annual Growth and Accelerated Learning) separately.

Response: This comment is outside the scope of the proposed rulemaking. However, the agency provides the following clarification. The TPRS and TXSchools.gov will report each data point separately for campuses and communities.

Comment: The Condra School voiced concern for the circumstances of the students at the school, who are often students with attention deficit hyperactivity disorder, dyslexia, and other learning disabilities, as reflected in the accountability rating.

Response: This comment is outside the scope of the proposed rulemaking.

USDE ESSA Amendment.

As part of the 2023 A-F Refresh, TEA submitted an amendment to the state's Every Student Succeeds Act plan to adjust the methodology within the Closing the Gaps domain. Proposed amendments to the consolidated state plan must be submitted to the USDE for review and approval before implementation. The USDE submitted the following comments.

Comment: The USDE commented that TEA's methodology for calculating the Progress in Achieving ELP indicator must be revised to include all four domains.

Response: The agency agrees and made this change to Chapter 4 at adoption to include writing in the calculation in order to meet statutory requirements.

Comment: The USDE commented that under the label of English language (EL) Proficiency Status, instead of the currently approved EL Progress label, it is unclear if the state is basing its goals on the percentage of English learners making progress toward achieving proficiency as required or the percentage of English learners who are proficient.

Response: The agency agrees and has made this change to Chapter 4 at adoption to clarify that the calculation is not a proficiency rate but is progress in achieving English language proficiency.

Comment: The USDE commented that TEA must use the same methodology it uses for CSI to identify schools for additional targeted support and improvement (ATSI). This means that TEA must use the same methodology as its Closing the Gaps domain, including calculating a weighted average that is scaled to grades A-F, and then determining the lowest-performing 5% on this summative scale by rank order. USDE recommended that TEA use as similar language as possible to the CSI section in the ATSI section. Additionally, USDE requested that TEA revise the ATSI exit criteria to ensure that it ensures continued progress to improve student academic achievement and school success, clarifying that the CSI cutpoint will be used from the year of identification.

Response: The agency agrees and has made these changes to Chapter 10 at adoption to ATSI identification and exit criteria as required by the Elementary and Secondary Education Act, §1111(d)(3).