

Appeal Decision Guidelines

2023 State Academic Accountability Rating Appeals

Background

The state accountability appeals process meets the requirement of Texas Education Code (TEC) §39.151 to provide a way for school districts and open-enrollment charter schools to challenge an agency decision regarding academic accountability ratings. The law requires an independent committee to make recommendations to the commissioner of education to grant or deny each appeal. After considering the committee's recommendations, the commissioner makes the final decision, and agency staff notify districts and charters.

The accountability system assigns ratings by collecting data from several different sources and evaluating that data against objective performance standards. The appeals process permits ratings to be changed in rare cases when either errors on the part of TEA or the test contractor or unanticipated circumstances results in a rating that does not appropriately reflect district or campus performance. The appeals process is essential to preserving the intent and integrity of the state academic accountability system.

Below are the guidelines that staff followed when researching each appeal and making each recommendation. Guidelines for each indicator or measure are discussed separately.

General Considerations

General considerations are found in Chapter 8 of the *2023 Accountability Manual*.

The basis for appeals should be a data or calculation error attributable to TEA, an ESC, or the testing contractor(s). The appeals process is not an appropriate method to correct data that were inaccurately reported by the district. A district that submits inaccurate data must follow the procedures and timelines for resubmitting data (e.g., the Texas Education Data Standards). Appeals based on poor data quality will not receive favorable consideration. Poor data quality can, however, be a reason to lower a district's accreditation status (TEC §39.052[b][2][A][i]). When a district or campus rating is changed as the result of an appeal, the data and calculations on which the original rating was based are not changed; only the rating and affected scaled scores are changed. The Accountability Report Card and all other reports related to accountability for the 2022–23 school year (e.g., School Report Cards, TAPR, etc.) will include the same data and calculations as do the original reports.

Districts and charter schools may appeal for any reason. However, the accountability system requires that the rules be applied uniformly. Therefore, requests for exceptions to the rules for a district, charter school, or campus are viewed unfavorably and will most likely be denied.

- Districts and charter schools may appeal any overall or domain rating and any campus overall or domain rating.
- Only appeals that would result in a changed rating are considered. For its appeal to be considered, a district, charter school, or campus must explain how the proposed change will affect the district, charter school, or campus rating. The district, charter school, or campus must submit all relevant data and revised calculations that support all requirements for a higher rating. All supporting documentation must be submitted at the time of the appeal. Districts and charter schools will not be prompted for additional materials.
- Per TAC 97.1061(j), districts, charter schools, and campuses must engage in required interventions that begin upon release of preliminary ratings. Interventions may only be adjusted based on final accountability ratings.

Appeal Decision Guidelines

2023 State Academic Accountability Rating Appeals

- Appeals of the Closing the Gaps domain will not affect identification for the comprehensive, targeted, or additional targeted interventions as this identification is based on November 2023 accountability data. District, charter school, or campus intervention requirements are determined in part by the current rating outcome. Requests to waive intervention requirements are not considered an appeal of the accountability rating and are, therefore, denied.
- Campuses identified for comprehensive, targeted, or additional targeted support interventions may not appeal the designation as this identification is based on November 2023 accountability data.
- Districts and charter schools are responsible for providing accurate information to TEA, including information provided on student answer documents or submitted via online testing systems. Districts and charter schools have several opportunities to confirm and correct data submitted for accountability purposes during the correction window.
- The appeals process is not a permissible method to correct data that were inaccurately reported by the district or charter school. Appeals from districts and charter schools that missed data resubmission window opportunities are denied. Appeal requests for data corrections for the following submissions are not considered:

TSDS PEIMS data submissions for the following:

- Student identification information or program participation
- Student racial/ethnic categories
- Student economic status
- Student at-risk status
- Student attribution codes
- Student leaver data
- Student grade-level enrollment data
- Student course completion

STAAR, STAAR Alternate 2, TELPAS Alternate, and TELPAS answer documents, specifically, the following:

- Student identification information, demographic, or program participation
- Student racial/ethnic categories
- Student economic status
- Score codes or test version codes
- Student year in U.S. schools information reported on TELPAS
- Campus ID
- Requests to modify the 2023 state accountability calculations adopted by commissioner rule are not considered. Commissioner rules are adopted under the Administrative Procedures Act (APA) in Texas Government Code Chapter 2001, and challenges to a commissioner rule should be made under that chapter of the Government Code. Recommendations for changes to state accountability rules submitted to the agency outside of the appeals process may be considered by accountability advisory groups for future accountability cycles.

Appeal Decision Guidelines

2023 State Academic Accountability Rating Appeals

- Requests to modify statutorily required implementation rules defined by the commissioner are not considered. TSDS PEIMS requirements, campus identifications, and statutorily required exclusions are based on data submitted by districts. These data reporting requirements are reviewed by the appropriate advisory committee(s), such as the TEA Information Task Force (ITF) and Policy Committee on Public Education Information (PCPEI). Recommendations for changes to agency rules submitted outside of the appeals process may be considered as the appropriate advisory groups reconvene annually.
- Examples of issues considered unfavorably by TEA on appeal are described below.
 - *Late Online Application Requests.* Requests to submit or provide information after the deadline of the online alternative education accountability (AEA) campus registration (5:00 p.m. CDT on April 7, 2023) or the pairing application (5:00 p.m. CDT on May 5, 2023)
 - *Inclusion or exclusion of specific test results*
 - Specific administration results used to meet grade 5 or 8 Student Success Initiative (SSI)
 - Grade-level mathematics assessment for a middle school student who took the Algebra I end-of-course (EOC)
 - *Inclusion or exclusion of specific students*
 - Emergent Bilingual (EB) students
 - Unschooled asylees, unschooled refugees, and students with interrupted formal education
 - Students receiving special education services
 - *Requests to modify calculations or methodology applied to all districts and campuses*
 - STAAR progress measures; EL performance measures, longitudinal graduation rates; annual dropout rates; college, career, and military readiness indicators
 - District and campus mobility/accountability subsets
 - Rounding
 - Minimum size criteria
 - Small-numbers analysis
 - *Requests to modify provisions or methodology applied to accountability*
 - *AEA Provisions.* Requests for consideration of campus registration criteria, at-risk or grades 6–12 enrollment criteria, previous year safeguard methodology, dropout recovery school (DRS) designations, and to waive the alternative education campus (AEC) enrollment criterion for charter schools
 - *School Types.* The four campus types categories used for 2023 accountability are identified based on TSDS PEIMS enrollment data submitted in fall 2022. Requests to redefine the grade spans that determine school types
 - *Campus Configuration Changes.* Districts and charter schools have the opportunity to determine changes in campus identification numbers and grade configurations. Requests for consideration of accountability rules based on changes in campus configurations are, therefore, viewed unfavorably

Appeal Decision Guidelines

2023 State Academic Accountability Rating Appeals

- *New Campuses.* Requests to assign a *Not Rated* label to campuses that are rated in their first year of operation

Late Appeals

Late appeals are denied. Appeal letters must have been postmarked on or before May 19, 2025. Appeals postmarked after this date are denied. Appeals delivered to TEA in person had to be time-stamped by the Performance Reporting Department before 5:00 p.m. CDT on May 19, 2025. Overnight courier tickets or tracking information had to indicate package pickup on or before May 19, 2025.

Special Circumstance Appeals

- *Other Issues.* If other serious issues are found, copies of correspondence with the testing contractor(s), the regional ESC, or TEA must be provided with the appeal.
- *Online Testing Errors.* Appeals based on STAAR or TELPAS online test submission errors must include documentation or validation of the administration of the assessment.
- *Years in U.S. Schools.* Districts and charter schools should include documentation demonstrating that using prior-spring TELPAS records for students taking EOCs in summer or fall would result in a higher accountability rating.
- *Special Program Campuses.* Districts and charter schools should include documentation demonstrating the special nature of a campus designed to serve a specific population such as a campus designed solely to serve students receiving transition services under an individualized education program or a newcomer center designed specifically to serve unschooled asylees and refugees or students with interrupted formal education.

General Guidelines for Granting Appeals

The reasons for granting an appeal include, but are not limited to, the following, if sufficient documentation is provided.

- Appeal requests to exclude specific students who experienced a disruption in testing because of the testing contractor. Staff research must confirm that the exclusion of the affected students listed in the appeal documentation would result in the district or campus meeting the domain target.
- Appeal requests to label a campus *Not Rated* because it serves only severely disabled, special education students whose Admission, Review, and Dismissal committees prescribe services until age 21 or older
- Appeal requests to label a campus with very few students *Not Rated* because it serves only severely disabled, special education; highly mobile; and/or overage, at-risk students, making small-numbers analysis unreliable

Alternative Education Accountability (AEA) Decision Guidelines

AEA appeals are processed following the guidelines described above.

Some districts and campuses evaluated under standard accountability procedures may appeal to be classified as an alternative education campus (AEC) or labeled *Not Rated*. These appeals are generally denied but may be granted in rare, unique instances, such as when the students served are described as medically fragile or the settings are adjudication centers with very few tested students.

Residential Facility Decision Guidelines

Appeal Decision Guidelines

2023 State Academic Accountability Rating Appeals

The performance of students served in certain campuses cannot be used to evaluate the district in which the campus is located. Students ordered by a juvenile court into a residential program or facility operated by the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity, and students who are receiving treatment in a residential facility are excluded from their campus's and district's data for the purpose of assigning accountability ratings.

TSDS PEIMS student attribution codes are used to exclude students served in residential facilities (RFs) from campus and district accountability calculations.

If sufficient documentation is provided, appeals are generally granted for the following reasons:

- Appeals to be labeled *Not Rated* by campuses that were not identified originally as RFs
- Appeals by campuses serving special populations including students from the RF located within a district's boundaries, if the campus meets the domain target when the RF data are removed from the domain calculations
- Appeals by districts with RFs that serve special populations, if the district meets the target when the RF data are removed from the domain calculations

Distinction Designations

Decisions regarding distinction designations cannot be appealed. Indicators for distinctions are reported for most districts, charter schools, and campuses regardless of eligibility for a designation. Districts, open-enrollment charter schools, and campuses receiving a *Not Rated* rating are not eligible for a distinction. However, districts, charter schools, and campuses that appeal an unfavorable rating will automatically receive any distinction designation earned if their appeal is granted and the rating is revised to A–C.

Federal Identification for Support and Improvement

Appeals of the Closing the Gaps domain will not affect identification for the comprehensive, targeted, or additional targeted interventions as this identification is based on November 2023 accountability data. District, charter school, or campus intervention requirements are determined in part by the current rating outcome. Requests to waive intervention requirements are not considered an appeal of the accountability rating and are, therefore, denied.