

The Texas Education Agency (TEA) adopts an amendment to §97.1001, concerning the accountability rating system. The amendment is adopted with changes to the proposed text as published in the February 23, 2024 issue of the *Texas Register* (49 TexReg 951) and will be republished. The amendment adopts in rule applicable excerpts of the *2024 Accountability Manual*.

REASONED JUSTIFICATION: The proposed rule, 19 Texas Administrative Code (19 Tex. Admin. Code) §97.1001, contains excerpts, Chapters 1-12 of the *2024 Accountability Manual*, specify the indicators, standards, and procedures used by the commissioner to determine accountability ratings for districts, campuses, and charter schools. These chapters also specify indicators, standards, and procedures used to determine distinction designations on additional indicators for Texas public school campuses and districts. Chapter 12 describes the specific criteria and calculations that will be used to assign 2024 Results Driven Accountability (RDA) performance levels. Ratings may be revised as a result of investigative activities by the commissioner as authorized under Texas Education Code (TEC), §39.056 and §39.003.

Following is a chapter-by-chapter summary of the changes for this year's manual. In every chapter, dates and years for which data are considered were updated to align with 2024 accountability and RDA. Edits for clarity regarding consistent language and terminology throughout each chapter are embedded within the proposed *2024 Accountability Manual*.

Chapter 1 gives an overview of the entire accountability system. Dates and years for which data are considered are updated. Edits for clarity regarding consistent language and terminology have been added. Language is adjusted to clarify the existing processes and implications of data compliance reviews and special investigations related to data concerns. Detailed language has been added to clarify compliance reviews, results, and special investigations.

Chapter 2 describes the "Student Achievement" domain. Dates and years for which data are considered have been updated. Edits for clarity regarding consistent language and terminology have been added. Detailed language on the phase-in timeline for approved industry-

Chapter 6 describes distinction designations. Dates and years for which data are considered have been updated. Edits for clarity regarding consistent language and terminology have been added.

Chapter 7 describes the pairing process and the alternative education accountability (AEA) provisions. Dates and years for which data are considered have been updated. Edits for clarity regarding consistent language and terminology have been added.

Chapter 8 describes the process for appealing ratings. Dates and years for which data are considered have been updated. Edits for clarity regarding consistent language and terminology have been added.

Chapter 9 describes the responsibilities of TEA, the responsibilities of school districts and open-enrollment charter schools, and the consequences to school districts and open-enrollment charter schools related to accountability and interventions. Dates and years for which data are considered have been updated. Edits for clarity regarding consistent language and terminology have been added. In response to public comment, Chapter 9 was modified at adoption to reflect that the PEG list becomes final when final ratings are released.

Chapter 10 provides information on the federally required identification of schools for improvement. Dates and years for which data are considered have been updated. Edits for clarity regarding consistent language and terminology have been added.

Chapter 11 describes the local accountability 3 (que) (r)1.7 (9bo)-4 (u).n7ability 3 (que) (r)1.7 (9bo)-4 (u).n7yeyean (t)6.9feti7.108 P termino(t)6.9fytt1.6 (or)13.7 (m)0.9 (a)4.2 (ts.9 (no(t)6.9f)Tv (c)4).9 (l)ym P <<04 Tw4-3inpt(t)16.3 (n 0 >>BDC 0 ce)4.2 (o2 (r)1.7 (

agency to consider strategies to ensure legislative requirements are met and expand public reporting on relevant data points to support local decision-making.

Response: The agency agrees that research has shown the importance of access to advanced math pathways; however, the agency disagrees with making changes that are beyond the scope of the current rule proposal. TEA will continue to research and analyze alternatives, such as bonus points, for future implementation into the next refresh of the A-F system.

Industry Based Certifications/ Programs of Study

Comment: A school administrator suggested a need to review the complete methodology for special student populations, including students with special needs or non-English language backgrounds.

Response: The agency disagrees. Statute requires that program of study completion is included in college, career,

Alternative Education Accountability (AEA)/ Dropout Recovery System (DRS)

Response: The agency agrees to model the TELPAS composite methodology data for the 2025 accountability cycle.

Identification of Schools in Improvement

Comment: A Texas school administrator suggested that new campuses either be excluded from being identified as a comprehensive support campus for the first year upon opening or be paired with an existing campus, or that a new methodology be developed that would allow for more opportunities to earn a score of 1 or 2 for approaching the 3-point target in year one.

Response: The agency disagrees. Identifications must include the schools in the bottom 5% of Title I campuses for comprehensive support and improvement (CSI). TEA will continue to work with stakeholders to model and monitor CSI identification data for future accountability refresh cycles.

Comment: A Texas school administrator and Lead4ward recommended not publishing the Public Education Grant (PEG) data for the next 4.2 refresh cycles.

Comment: TPCSA commented in support of TEA's efforts to release the *2024 Accountability Manual* for public comment earlier in the year but suggested that a preliminary or near-final accountability manual be released by

Comment: Lead4ward and a school administrator suggested including the inclusion/exclusion of EB students in various indicators and domains.

Response: The agency disagrees as the definitions are summarized in Appendix H where the criteria is listed.

Comment: A Texas school administrator requested additional percentages be added to a chart used for the identification of targeted support campuses in Chapter 10.

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.

Comment: A Texas school administrator highlighted a need for clarity regarding the use of scaled scores, particularly concerning whether the goal for improvement consequences involves achieving a full letter grade increase or a specific increase in the scale score, such as from 40 to 50.

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.

Comment: A Texas school administrator requested clarification of the exit criteria for comprehensive campuses in Chapter 10.

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.

Comment: Several administrators and Lead4ward commented on various typographical and grammatical errors throughout the manual and suggested changes that would provide clarity to the content.

Response: The agency agrees and has made various typographical and grammatical updates to the manual based on stakeholder feedback to provide clarity throughout the manual.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §7.021(b)(1), which authorizes the Texas Education Agency (TEA) to administer and monitor compliance with education programs required by federal or state law, including federal funding and state funding for those programs; TEC, §7.028, which authorizes TEA to monitor as necessary to ensure school district and charter school compliance with federal law and regulations, financial integrity, and data integrity and authorizes the agency to monitor school district and charter schools through its investigative process. TEC, §7.028(a), authorizes TEA to monitor special education programs for compliance with state and federal laws; TEC, §12.056, which requires that a campus or program for which a charter is granted under TEC, Chapter 12, Subchapter C, is subject to any prohibition relating to the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with TEC, Chapter 12, Subchapter C, as determined by the commissioner; high school graduation under TEC, §28.025; special education programs under TEC, Chapter 29, Subchapter A; bilingual education under TEC, Chapter 29, Subchapter B; and public school accountability under TEC, Chapter 39, Subchapters B, C, D, F, and J, and Chapter 39A; TEC, §12.104, which states that a charter granted under TEC, Chapter 12, Subchapter D, is subject to a prohibition, restriction, or requirement, as applicable, imposed by TEC, Title 2, or a rule adopted under TEC, Title 2, relating to PEIMS to the extent necessary to monitor compliance with TEC, Chapter 12, Subchapter D, as determined by the commissioner; high school graduation requirements under TEC, §28.025; special education programs under TEC, Chapter 29, Subchapter A; bilingual education under TEC, Chapter 29, Subchapter B; discipline management practices or behavior management techniques under TEC, §37.0021; public school accountability under TEC, Chapter 39, Subchapters B, C, D, F, G, and J, and Chapter 39A; and intensive programs of instruction under TEC, §28.0213; TEC, §29.001, which authorizes TEA to effectively monitor all local educational agencies (LEAs) to ensure that rules relating to the delivery of services to children with disabilities are applied in a consistent and uniform manner, to ensure that LEAs are complying with those rules, and to ensure that specific reports filed by LEAs are accurate and complete; TEC, §29.0011(b), which authorizes TEA to meet the requirements under (1) 20

U.S.C. Section 1418(d) and its implementing regulations to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the state and in the school districts and open-enrollment charter schools in the state with respect to the (a) identification of children as children with disabilities, including the identification of children as children with particular impairments; (b) placement of children with disabilities in particular educational settings; and (c) incidence, duration, and type of disciplinary actions taken against children with disabilities including suspensions or expulsions; or (2) 20 U.S.C. Section 1416(a)(3)(C) and its implementing regulations to address in the statewide plan the percentage of schools with disproportionate representation of racial and ethnic groups in special education and related services and in specific disability categories that results from inappropriate identification; TEC, §29.010(a), which authorizes TEA to adopt and implement a comprehensive system for monitoring LEA compliance with federal and state laws relating to special education, including ongoing analysis of LEA special education data; TEC, §29.062, which authorizes TEA to evaluate and monitor the effectiveness of LEA programs and apply sanctions concerning emergent bilingual students; TEC, §29.066, which authorizes PEIMS reporting requirements for school districts that are required to offer bilingual education or special language programs to include the following information in the district's PEIMS report: (1) demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs; (2) the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and (3) the number and percentage of emergent bilingual students who do not receive specialized instruction; TEC, §29.081(e), (e-1), and (e-2), which define criteria for alternative education programs for students at risk of dropping out of school and subjects those campuses to the performance indicators and accountability standards adopted for alternative education programs; TEC, §29.201 and §29.202, which describe the Public Education Grant program and eligibility requirements; TEC, §39.003 and §39.004, which authorize the commissioner to adopt procedures relating to special investigations. TEC, §39.003(d), allows the commissioner to take appropriate action under Chapter 39A, to lower the district's accreditation status or the district's or campus's accountability rating based on the results of the special investigation; TEC, §39.051 and §39.052, which authorize the commissioner to determine criteria for accreditation statuses and to determine the accreditation status of each school district and open-enrollment charter school; TEC, §39.053, which authorizes the commissioner to adopt a set of indicators of the quality of learning and achievement and requires the commissioner to periodically review the indicators for consideration of appropriate revisions; TEC, §39.054, which requires the commissioner to adopt rules to evaluate school district and campus performance and to assign a performance rating; TEC, §39.0541, which authorizes the commissioner to adopt indicators and standards under TEC, Chapter 39, Subchapter C, at any time during a school year before the evaluation of a school district or campus; TEC, §39.0543, which describes acceptable and unacceptable performance as referenced in law; TEC, §39.0546, which requires the commissioner to assign a school district or campus a rating of "Not Rated" for the 2021-2022 school year, unless, after reviewing the district or campus under the methods and standards adopted under Section 39.054, the commissioner determines the district or campus should be assigned an overall performance rating of C or higher; TEC, §39.0548, which requires the commissioner to designate campuses that meet specific criteria as dropout recovery schools and to use specific indicators to evaluate them; TEC, §39.055, which prohibits the use of assessment results and other performance indicators of students in a residential facility in state accountability; TEC, §39.056, which authorizes the commissioner to adopt procedures relating to monitoring reviews and special investigations; TEC, §39.151, which provides a process for a school district or an open-enrollment charter school to challenge an academic or financial accountability rating; TEC, §39.201, which requires the commissioner to award distinction designations to a campus or district for outstanding performance; TEC, §39.2011, which makes open-enrollment charter schools and campuses that earn an acceptable rating eligible for distinction designations; TEC, §39.202 and §39.203, which authorize the commissioner to establish criteria for distinction designations for campuses and districts; TEC, §39A.001, which authorizes the ns

