

Chapter 97. Planning and Accountability

Subchapter EE. Accreditation Status, Standards, and Sanctions

Division 1. Status, Standards, and Sanctions

§97.1051. Definitions.

For purposes under Texas Education Code (TEC), Chapters 39 and 39A, and this subchapter, the following words and terms shall have the following meaning, unless the context clearly indicates otherwise:

- (1) Board of managersA board appointed by the commissioner of education to serve as a governing body that must, if possible, include:
 - (A) community leaders;
 - (B) business representatives who have expertise in leadership; and
 - (C) Co 7 T4.2o()8.2te()8.2d)-9. o)-7 T4.2o()8.2te()8.2d)-9.: D(7 T4.2a()8.2ta()8.2

s. The definition of this term includes a charter school campus as defined by §100.1001(3)(C) s title (relating to Definitions).

pus turnaroundA comprehensive change in an academically unacceptable campus that uces significant and sustainable gains in achievement within two years. For the purposes of

- (12) School district and district--The definition of these terms includes a charter operator, which is the same as a charter holder as defined by TEC, §12.1012.

Statutory Authority: The provisions of this §97.1051 issued under the Texas Education Code, §§39.051, 39.057, 39.102, 39A.001, 39A.007, 39A.051, 39A.063, 39A.101, 39A.115, 39A.151-

§97.1055. Accreditation Status.

- (a) General provisions.
 - (1) Each year, the commissioner of education shall assign to each school district an accreditation status under Texas Education Code (TEC), §39.052(b) and (c). Each district shall be assigned a status defined as follows.
 - (A) Accredited. Accredited means the Texas Education Agency (TEA) recognizes the district as a public school of this state that:
 - (i) meets the standards determined by the commissioner under TEC, §39.052(b) and (c), and specified in §97.1059 of this title (relating to Standards for All Accreditation Sanction Determinations); and
 - (ii) is not currently assigned an accreditation status of ~~Accredited~~ or ~~Accredited~~ ~~Probation~~.
 - (B) ~~Accredited~~ ~~Warned~~. ~~Accredited~~ ~~Warned~~ means the district exhibits deficiencies in performance, as specified in subsection (b) of this section, that, if not addressed, will lead to probation or revocation of its accreditation status.
 - (C) ~~Accredited~~ ~~Probation~~. ~~Accredited~~ ~~Probation~~ means the district exhibits deficiencies in performance, as specified in subsection (c) of this section, that must be addressed to avoid revocation of its accreditation status.
 - (D) ~~Not Accredited~~ ~~Revoked~~. ~~Not Accredited~~ ~~Revoked~~ means the TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under TEC, §39.052(b) and (c), and ~~specified~~ ~~in~~ ~~subsection~~ (d) of this section.
 - (2) The commissioner shall assign the accreditation status, as defined by this section, based on the performance of each school district. This section shall be construed and applied to achieve the purposes of TEC, §39.051 and §39.052, which are specified in §97.1053(a) of this title (relating to Purpose).
 - (3) The commissioner shall revoke the accreditation status of a district that fails to meet the standards specified in this section. In the event of revocation, the purposes of the TEC, §39.051 and §39.052, are to:
 - (A) inform the parents of students enrolled in the district, property owners in the district, general public, and policymakers that the TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under TEC, §39.052(b) and (c), and specified in subsection (d) of this section; and
 - (B) encourage other districts to improve their performance so as to retain their accreditation.
 - (4) Unless revised as a result of investigative activities by the commissioner as authorized under TEC, Chapter 39 or 39A, or other law, an accreditation status remains in effect until replaced by an accreditation status assigned for the next school year. An accreditation status shall be revised within the school year when circumstances require such revision in order to achieve the purposes specified in §97.1053(a) of this title.
 - (5) An accreditation status will be withheld pending completion of any appeal or review of an academic accountability rating, a financial accountability rating, or other determination by the commissioner, but only if such appeal or review is:
 - (A) specifically authorized by commissioner rule;
 - (B) timely requested under and in compliance with such rule; and
 - (C) applicable to the accreditation status under review.

- (6) An accreditation status may be withheld pending completion ~~after~~ other investigative activities in order to achieve the purposes specified in §97.1053(a) of this title.
- (7) The commissioner may withhold the assignment of an accreditation status to ~~an~~ charter school that is subject to TEC, §12.115(c) or §12.1141(d), or has otherwise surrendered its charter.
- (8) If an accreditation status is withheld pending completion of an appeal or review as provided by this section, the district's last issued accreditation status remains in effect until otherwise finalized or changed.

- (B) for two consecutive school years, a financial accountability rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual adopted under §109.1001 of this title (relating to Financial Accountability);
 - (C) for two consecutive school years, any one of the ratings referenced in subparagraphs (A) and (B) of this paragraph; or
 - (D) for one school year, a combination of ratings referenced in both subparagraphs (A) and (B) of this paragraph.
- (2) Notwithstanding the district's performance under paragraph (1) of this subsection, a district shall be assigned Accredited/Warning status if the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.051 and §39.053. Such action is generally required by the following circumstances:
- (A) to an extent established under subsection (e) of this section, the district has failed to comply with requirements related to:
 - (i) the integrity of assessment or financial data used to measure performance under TEC, Chapter 39, 39A, or 48, and rules implementing those chapters;
 - (ii) the reporting of data under TEC, §48.008, and §61.1025 of this title (relating to Public Education Information Management System (PEIMS) Data and Reporting Standards);
 - (iii) other reports required by state or federal law or court order.

necessary to achieve the purposes of TEC, §39.051 and §39.052. Such action is generally required by the following circumstances:

- (A) to an extent established under subsection (e) of this section, the district has failed to comply with requirements related to:
 - (i) the integrity of assessment or financial data used to measure performance under TEC, Chapter 39, 39A, or 48, and rules implementing those chapters;
 - (ii) the reporting of data under TEC, §48.008, and §61.1025 of this title;
 - (iii) other reports required by state or federal law or court order;
 - (iv) awarding high school graduation under TEC, §28.025; or

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- (i) the district

- by subsections (a)(d) of this section. However, the commissioner shall not consider any academic rating that was issued for a school year in which the district was operated, in whole or in part, by the suspended board of trustees. The commissioner shall not consider any financial accountability rating that was issued based on financial data from a fiscal year in which the district was operated, in whole or in part, by the suspended board of trustees. Notwithstanding this provision, the commissioner may consider academic or financial ratings attributable to performance that occurred in a school year in which the district was operated, in whole or in part, by the suspended board of trustees if the commissioner, in his sole discretion, determines such consideration is necessary to achieve the purposes of TEC, §39.051 and §39.052.
- (C) For any district subject to this paragraph, the commissioner may lower the district's accreditation rating to Not Accredited or Revoled at any time if the commissioner determines that the district is not making acceptable progress to correct its academic or financial performance and that closure and annexation is necessary to achieve the purposes of TEC, §39.051 and §39.052, unless the district has earned an Accredited status absent the application of subparagraph (A) or (B) of this paragraph.
 - (D) For purposes of this subsection, the period of appointment of the board of managers includes any school year in which any member of the board of managers serves, including the school year during which the appointment of the board of managers expires.
- (4) A district shall have its accreditation revoked if, notwithstanding its performance under paragraph (1) of this subsection, the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.051 and §39.052. Such action is generally required by the following circumstances:
- (A) to an extent established under subsection (e) of this section, the district has failed to comply with requirements related to:
 - (i) the integrity of assessment or financial data used to measure performance under TEC, Chapter 39, 39A, or 48, and rules implementing those chapters;
 - (ii) the reporting of data under TEC, §48.008, and §61.1025 of this title;
 - (iii) other reports required by state or federal law or court order;
 - (iv) awarding high school graduation under TEC, §28.025; or
 - (v) any applicable requirement under TEC, §7.056(e)(3)(C) or
 - (B) after review and/or investigation under TEC, §39.003 or §39.056, the commissioner finds:
 - (i) the district's programs monitored under §97.1001 of this title exhibit serious or persistent deficiencies that require revocation of the district's accreditation; or
 - (ii) the district otherwise exhibits serious or persistent deficiencies that require revocation of the district's accreditation.
- (5) Notwithstanding paragraph (3) of this subsection, a district's accreditation shall be revoked if the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.051 and §39.052.
- (6) The commissioner's decision to revoke a district's accreditation may be reviewed under Chapter 157, Subchapter EE, of this title (relating to Informal Review, Hearing Following Investigation, and Review by State Office of Administrative Hearings) after review, the decision is sustained, the commissioner shall appoint a management team or board of managers to bring to closure the district's operation of the public school.
- (7) Issuance of an accreditation status of Not Accredited or Revoled does not invalidate a diploma awarded, course credit earned, or grade promotion granted by a school district before the effective date of the annexation of the district.

- (e) Legal compliance. In addition to the district's performance as measured by ratings under §97.1001 and

- (D) copies of the notice required by paragraph (3)(D) of this subsection and copies of the board of trustees meeting notice and minutes for the board meeting in which the notice was presented and publicly discussed.

Statutory Authority: The provisions of this §97.1055 issued under the Texas Education Code, §§39.051, 39.052, 39.054(a5), 39.05639.058, 39.0823, and 39.10239.115

Source: The provisions of this §97.1055 adopted to be effective January 6, 2008, 33 TexReg 150; amended to be effective 33 TexReg 3150s t3 0 Tw 150(e)4.2 (x)4d, 2ts 22479i 22479ve-

- (h) The commissioner shall notify the school district or open enrollment charter school in writing of a sanction imposed under this subchapter or §100.1045 of this title (relating to Intervention Based on Charter Violations). The notice must state the basis for finding that the district or open enrollment charter school does not satisfy the applicable criteria as indicated in this subchapter or §100.1045 of this title. The finding(s) may be made in the notice or in a final investigative report or based on a final investigative report.
- (i) If a finding is made for the first time in the notice required by subsection (h) of this section, the Texas Education Agency shall comply with Chapter 157, Subchapter EE, Division 1, of this title (relating to Informal Review) with respect to the finding.
- (j) A determination under this section must be made in writing and may be included in a written notice under subsection (h) of this section. The determination may be made in the notice or in a final investigative report or based on a final investigative report. A determination under this section may be based on a report on the progress of a prior action under this subchapter.
- (k) The commissioner shall annually review a sanction imposed under subsection (h) of this section and shall increase the sanction, as required by TEC, §39A.901. The commissioner shall quarterly review the need for a conservator or a management team imposed under this subchapter, as required by TEC, §39A.003. If reviews are required under both TEC, §39A.901 and §39A.003, a quarterly review under TEC, §39A.003, may satisfy the annual review under TEC, §39A.901. An annual or quarterly review is not subject to requirements of this section.

Statutory Authority: The provisions of this §97.1057 issued under the Texas Education Code, §§39.051, 39.052, 39.054(a5), 39.057, 39.102, 39A.003, 39A.007, 39A.053, 39A.063, 39A.103, 39A.115, 39A.153, 39A.161, 39A.201, 39A.209, 39A.253, 39A.260, 39A.301, and 39A.903, 39A.907.

Source: The provisions of this §97.1057 adopted to be effective January 6, 2008, 33 TexReg 150; amended to be effective 6/1/08, 34 TexReg 178 (e) 2d to 9 (f) 6]TJ 0 -1 [(e)4.2 (f)12 (9.)3 ((t)6.9 (i)6vi-)Tj 0.0036 (t)6.9 (i-pl(i)6vi-)Tj 0.0036 (

(G) an inability to implement effective change to improve the performance of students in the

- allow a majority of stakeholders to attend and participate. The campus may hold more than one meeting if necessary.
- (ii) The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus.
 - (iii) All input provided by family and community members should be considered in the development of the final local improvement.
- (B) The completed local improvement plan must be presented at a public hearing and approved by the board of trustees.
- (c) The commissioner shall assign members to a campus intervention team (CIT) as outlined in §97.1063 of this title (relating to Campus Intervention Team) and TEC, §39A.052.
 - (d) The campus shall establish a campus leadership team (CLT) that includes the campus principal and other campus leaders responsible for the development, implementation, and monitoring of the targeted improvement plan.
 - (e) The campus intervention team shall:
 - (1) conduct a data analysis related to areas of low performance;
 - (2) conduct a needs assessment based on the results of the data analysis, as follows.
 - (A) The needs assessment shall include a root cause analysis.

campus must develop a campus turnaround plan to be approved by the commissioner as described in

§97.1064. Campus Turnaround Plan.

(a)

- (3) In accordance with TEC, §39A.107(a), the commissioner may approve a campus turnaround plan if the commissioner determines that the campus will satisfy all student performance standards required under TEC, §39.054(e), not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan. In order to make that determination, the commissioner will consider the following:
 - (A) an analysis of the campus and district's longitudinal performance data, which may be used to measure the expected outcomes for the campus;
 - (B) the district's success rate in turning around ~~per~~forming campuses, if applicable; and
 - (C) evaluation of the efficacy of the plan, with consideration given to whether the turnaround plan is sufficient to address the specific and expected needs of the campus.
- (i) A district must submit a modified campus turnaround plan if the commissioner rejected the district's initial submission.
 - (1) The modified plan must be created with assistance from TEA staff, as requested by the district.
 - (2) The modified plan must be made available for stakeholder comment prior to board approval and be approved by the board prior to submission to the TEA.
 - (3) The district must submit the plan no later than the 60th day from the date the commissioner rejected the initial campus turnaround plan.
 - (4) The commissioner's decision regarding the modified plan must be given in writing no later than the 15th day after the commissioner receives the plan.
- (j) A campus may implement, modify, or withdraw its campus turnaround plan with board approval if th(a)4.2 (m(boa)

- (B) The petition must clearly state the sanction action under subsection (a)(2) of this section being requested by the parents.
- (C) In accordance with this subparagraph, the parent(s) of more than 50% of the students enrolled at the campus must provide the handwritten or typed name and an original signature on the petition.
 - (i) For the purposes of the petition, a parent means the parent who is indicated on the student registration form at the campus.
 - (ii) A student will be considered enrolled at the campus for the purposes of the petition if the student is enrolled and in membership at the campus on a TEA determined enrollment snapshot date, as reflected in TEA procedures.
 - (iii) For the purposes of determining whether parents of more than 50% of the students enrolled at the campus have signed the petition, only one parent signature per enrolled student can be counted by the district in its calculation assuring validity of the petition.
 - (iv) A signature is valid if the person signed the petition on or after the date on which a preliminary rating indicating four or more consecutive years of unacceptable performance at the campus was issued.
- (3) If the board of trustees of the school district requests that the TEA consider a specific action under subsection (a) of this section other than the action requested by the parents in a valid petition and submitted to the TEA in accordance with this section, the board must submit a written request to the commissioner and include a written explanation of the basis for the board's request for an action other than the one reflected in a valid parent petition. Any written request must be:
 - (A) approved by a majority of the board members in an action taken in a public meeting conducted in compliance with the Texas Open Meetings Act; and
 - (B) submitted to the commissioner no later than December 15 in accordance with procedures established by the TEA.
- (4) If a valid parent petition under paragraph (1) of this subsection or board of trustees submission under paragraph (3) of this subsection requests that the commissioner order campus closure, the

Source: The provisions of this §97.1065 adopted to be effective January 6, 2008, 33 TexReg 150; amended to be effective July 28, 2010, 35 TexReg 6523; amended to be effective July 17, 2012, 37 TexReg 5268; amended to be

(d) Distinctly different academic program. For purposes of this section, a distinctly different academic program must meet the conditions in paragraphs(4) of this subsection. Notwithstanding the requirements in this subsection, the campus will be ~~certified~~ allowed to operate a distinctly different education program if the campus is operated under contract as described in TEC, §39A.113(a)(1)(B), and the contract meets the requirements described in §97.1075(d) of this title (relating to Contracting to ~~Participate~~ Operate a Campus under Texas Education Code, §11.174).

(1) The principal and all assistant principals must not have previously served at the campus, unless they are in their first year of assignment at the campus and have demonstrated improvement in academic outcomes at the campus.

(2)

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- (ii) requesting closure of a CDCN and then serving students in that facility under a different CDCN;
 - (iii) relocating the majority of students to a new facility without prior TEA approval;
 - (iv) requesting closure of a CDCN and repurposing the campus with the same grade configuration; or
 - (v) requesting significant modification of grade levels at a campus with an unacceptable rating even if campus closure is not requested.
- (3) A school district that closes a campus whose most recent academic accountability rating is acceptable or higher, including a rating of D that meets the criteria in TEC, §39.0543(b), may repurpose the facility that housed that campus and receive a new CDCN unless the commissioner determines that such an assignment would allow the district or campus to evade state or federal accountability sanctions and interventions as described in paragraph (2)(A) of this subsection.
- (4) A school district that closes a campus whose most recent academic accountability rating is unacceptable may repurpose a facility and receive a new CDCN if:
- (A) the school district board of trustees ordered the campus closed no later than January 31 of the school year in which the campus could earn its second, third, or fourth consecutive unacceptable rating, as defined in TEC, §39.0543(a) and (c), regardless of whether the facility was used for direct educational services in the school year prior to the proposed operation of the new campus under a new CDCN;
 - (B) the campus meets all criteria in TEC, §39A.113(a)(1)(A), subsection (c)(3) of this section, and subsection (d) of this section related to campus repurposing; and
 - (C) the school district meets the following criteria by June 30 of the year in which the

direct educational services for at least one complete school year without having to meet requirements in this section.

(h)

(d)

- (c) In addition to any action by the district on the contract, a service provider failing to comply with the terms of a contract under this section, or to perform services as specified in the RFQ, shall be removed from the TEA list of approved service providers.
- (d) A service provider shall comply fully and promptly with TEA requests for information for the purpose of evaluating implementation of the contract, student performance, and management of the campus.

Statutory Authority: The provisions of this §97.1069 issued under the Texas Education Code, §§39.051, 39.052, 39.05639.058, 39.0823, and 39.102.115.

Source: The provisions of this §97.1069 adopted to be effective January 6, 2008, 33 TexReg 150; amended to be effective July 28, 2010, 35 TexReg 6523; amended to be effective September 10, 2024, 49 TexReg 6994.

§97.1070. Increasing Intensity of Interventions and Sanctions.

- (a) If a school district, open enrollment charter school, or campus thereof does not exhibit improvement in student performance, the commissioner of education may increase the intensity of intervention and sanction that would otherwise be required by statute or rule, including ordering campus closure, school district annexation, or appointment of a board of managers for the school district or open enrollment charter school.
- (b) For purposes of this section, improvement means an increase in the scaled score for the overall academic performance rating under Texas Education Code (TEC), Chapter 39 pur 51 ((r) f3)3re(a)
- (b) In the school district, the scaled score for the overall academic performance rating under Texas Education Code (TEC), Chapter 39 pur 51 ((r) f3)3re(a)

- (b) Activities described in subsection (a) of this section are applicable for compliance with requirements for reading diagnosis in TEC, §28.006, and dyslexia and related disorders in TEC, §38.003, and §74.28 of this title (relating to Students with Dyslexia and Related Disorders).
- (c) The commissioner of education shall assign school districts, including ~~open~~ charter schools, an annual determination level based on performance levels of certain special populations student groups under §97.1005 of this title (relating to Results Driven Accountability) according to the following general criteria:
 - (1) the degree to which the district's performance reflects a need for targeted or intensive, ~~supports~~ indicated by the seriousness, number, extent, and duration of the student performance, program effectiveness, and/or program compliance deficiencies identified by the Texas Education Agency (TEA);
 - (2) a comparison of the district's performance relative to aggregated state performance and state performance standards
 - (3) a statistical distribution of districts exhibiting a comparable need for targeted ~~support~~
 - (4) the length of time the performance standard has been in place and the length of time the district has exhibited deficiencies under the standard.
- (d) In addition to performance levels determined under §97.1005 of this title, the commissioner may consider any other applicable information, such as:
 - (1) complaints investigation results;
 - (2) special education due process hearing decisions;
 - (3) data validation activities;
 - (4) integrity of assessment or financial data;
 - (5) longitudinal intervention history; and
 - (6) other federally required elements.
- (e) The standards used to assign districts to specific determination levels this section are established annually by the commissioner and communicated to all school districts. Determination level categories for assignment include:
 - (1) meets requirements;
 - (2) needs assistance;
 - (3) needs intervention; and
 - (4) needs substantial intervention.
- (f) In addition to determination levels described in subsections (c) and (e) of this section, the commissioner may develop a system of cyclical monitoring to ensure every district participates in general supervision activities. Based on a district's assigned determination level, as part of its cyclical monitoring process, or as part of compliance monit

(h) Action taken under this section are intended to assist the district in raising its performance and/or

- (3) expanded oversight, including, but not limited to, frequent follow-up contacts with the district, submission of documentation verifying implementation of intervention activities and/or a corrective action plan, and submission of district/program data;
- (4) public release of RFM review findings;
- (5) issuance of a public notice of deficiencies and planned corrective actions to the district's board of trustees;
- (6) denial of requests under TEC, §7.056 and/or §12.114;
- (7) appointment of a monitor, conservator, management team, or board of managers under TEC, Chapter 39, and/or §97.1073 of this title (relating to Appointment of Monitor, Conservator, or Board of Managers);
- (8) reduction, suspension, redirection, or withholding of program funds;
- (9) lowering of the district's special education monitoring status; and/or
- (10) lowering of the district's accreditation status-7 (f) Tc -0 -0.001 Tc 0. -0 -0.001 T(E)2.6 (C)10..1 rvis unJ 0 T

Source: The provisions of this §97.1075 adopted to be effective April 4, 2018, 43 TexReg 1993; amended to be effective September 1, 2019, 44 TexReg 4176; amended to be effective March 31, 2020, 45 TexReg 2168; amended to be effective March 26, 2024, 49 TexReg 1922.

§97.1077. School Year Under Contract to Operate a District Campus.

- (a) A campus is eligible under Texas Education Code (TEC), §11.174(f) or (g), for an exemption from applicable sanctions or actions under TEC, §39A.101(a) and §39A.111, if:
 - (1) the campus and the partnership to operate the campus meet all applicable requirements; and
 - (2) the campus was operated under the partnership from the first to the last day of the school year of the campus.
- (b) The provisions of this subsection expire on September 1, 2022. Notwithstanding any other provision, if a partnership agreement is executed prior to the first day of the ~~2018~~ 2019 school year, the campus will be eligible for an exemption under TEC, §11.174(f) and (g), from applicable sanctions or actions under TEC, §39A.101(a) or §39A.111, based on failure to satisfy the academic performance standards during the 2017-2018 school year if:
 - (1) the campus and the partnership to operate the campus meet all applicable requirements;
 - (2) the partnership agreement is executed prior to April 30, 2018; and
 - (3) the campus is operated under the partnership agreement during a portion of ~~the 2017~~ school year.
- (c) The provisions of this subsection expire on September 1, 2023. Notwithstanding any other provision, if a partnership agreement is executed prior to the first day of the ~~2019~~ 2020 school year, the campus will be eligible for an exemption under TEC, §11.174(f) and (g), from applicable sanctions or actions under TEC, §39A.101(a) or §39A.111, based on failure to satisfy the academic performance standards during the 2018-2019 school year if:
 - (1) the campus and the partnership to operate the campus meet all applicable requirements;
 - (2) the partnership agreement is executed prior to November 30, 2018; and
 - (3) the campus is operated under the partnership agreement during a portion of ~~the 2018~~ school year.
- (d) A school year under subsection (a)(2) of this section must include, at a minimum:
 - (1) all minutes of operation and instructional time conducted on the campus for purposes of TEC, §25.081 and §42.005; and
 - (2) all the days for which the instructional workforce of the campus that provides educational services for students under paragraph (1) of this subsection was employed.
- (e) While the performance of a campus operated under a partnership for less than a school year as described by subsections (a)(2) and (d) of this section may not qualify for an exemption from applicable sanctions or

- (7) TEA staff may interview applicants, may specify individuals from the district and proposed

(D)