

Chapter 15 – Responsibilities and Consequences

This section describes the responsibilities the various entities involved in public education have with respect to the state accountability system. These include statutory requirements for the district and safeguards to the system that the state has developed. Consequences—those actions that occur as a result of the accountability system—follow. Consequences include sanctions and rewards. All statutes referenced in this section are listed in *Appendix B – Texas Education Code* with the web address provided for the complete citations.

Local Responsibilities

Districts have responsibilities associated with the state accountability system. Primarily these involve properly managing campus identification numbers, following statutory requirements, submitting accurate data, maintaining current district and campus improvement plans, and implementing an optional local accountability system.

CAMPUS IDENTIFICATION NUMBERS

In a given year, districts may need to change one or more of their campus identification numbers, the unique 9-digit county-district-campus number (CDC), due to closing old schools, opening new schools, or changing the grade span or population served by an existing school. The Texas Education Agency's data system can accommodate these events; however, it does not track these organizational changes over time. Unintended consequences can occur when districts "recycle" campus ID numbers. Because two-year performance changes are a component of the accountability system, and merging prior year files with current year files is driven by campus identification numbers, comparisons may be inappropriate when a campus configuration has changed. The following example illustrates this situation:

Example: A campus served grades 7 and 8 in 2005, but in 2006, serves as a 6th grade center. The district did not request a new campus number for the new configuration. Instead, the same identifying number used in 2005 was maintained (recycled). Therefore, in 2005, grade 6 performance on the assessments would be compared to prior year grade 7 and 8 performance. Also, any dropouts reported for the campus for 2004-05 would be subject to evaluation for the 2006 accountability rating for the 6th grade center.

Whether or not to change a campus number is a local decision. However, districts should exercise caution in requesting new numbers and in continuing to use existing numbers when the student population or the grades offered change significantly. Districts are strongly encouraged to request new campus numbers when school organizational configurations change dramatically.

Alternatively, if a CDC number is retired for a campus that has received an *Academically Unacceptable* rating, TEA will follow up with the district to determine if the campus truly closed or if the number was changed to avoid TEA actions to address its poor performance.

Analyses to screen for the inappropriate use of new campus numbers are part of *System Safeguards*, below. TEA's PEIMS Division can assist in establishing new or retiring old campus numbers. For TEA contact information, see *Appendix G – Contacts*.

PUBLIC DISCUSSION OF RATINGS

Each campus site-based decision-making committee shall hold at least one public meeting annually after the receipt of the annual campus accountability rating for the purpose of discussing the performance of the campus and the campus performance objectives (TEC §11.253 (g)). The confidentiality of the performance results should be ensured before public release of the data table. Data have been masked to protect confidentiality of individual student results on the data tables available on the TEA public website.

NOTICE ON WEBSITE AND IN STUDENT REPORT CARD

According to legislation passed during the last regular legislative session, districts are now required to publish accountability ratings on their websites (TEC §39.252) and include the rating in the student report cards (TEC §39.251). This legislation was effective beginning with the 2005-06 school year and requires districts:

1. by the 10th day of the new school year to have posted on the district website the most current accountability ratings, Academic Excellence Indicator System (AEIS) reports, and School Report Cards (SRC).
2. to include the most current campus performance rating with the first student report card each year, along with an explanation of the rating.

A document addressing frequently asked questions regarding this statute is available on the agency website at: http://www.tea.state.tx.us/perfreport/3297_faq.html.

ACADEMICALLY UNACCEPTABLE

If a district or campus is rated *Academically Unacceptable* or *AEA: Academically Unacceptable*, the board of trustees must notify property owners and parents in the district of the rating, the improvements in performance expected by the Texas Education Agency, and the sanctions that may be imposed if the performance does not improve (TEC §39.073 (d)).

Boards of trustees should attempt to comply with the statute in the most efficient ways possible. Where meetings and hearings required by various statutes can be combined, it is appropriate to do so.

TEA's Division of Program Monitoring and Interventions handles all inquiries regarding the interventions that take place when a campus or district is rated *Academically Unacceptable* or *AEA: Academically Unacceptable*. For more information, contact this division at PMIdivision@tea.state.tx.us or by phone at (512) 463-9414.

COMPLEMENTARY LOCAL ACCOUNTABILITY SYSTEMS

Although the statewide accountability system has been designed to address the guiding principles articulated in the *Introduction*, it is not a comprehensive system of performance evaluation. Communities across Texas have varied needs and goals for the school districts educating their students. Local systems of accountability can best address those priorities.

Districts are encouraged to develop their own complementary local accountability systems to plan for continued student performance improvement. Such systems are entirely voluntary and for local use only. Performance on locally-defined indicators does not affect the ratings determined through the statewide system.

Examples of locally-defined indicators include:

- level of parent participation;
- progress on locally administered assessments;
- progress on goals identified by campus improvement plans;
- progress compared to other campuses in the district;
- progress on professional development goals; and
- school safety measures.

As a different approach, districts may choose to expand the state-designated accountability ratings. For example, they may wish to further differentiate among campuses rated *Academically Acceptable* or *AEA: Academically Acceptable*.

A third approach might be to examine those base indicators, both currently in use and planned for implementation, that fall short of local expectations. Additional performance measures could be constructed to track efforts to improve performance in those areas.

Regardless of the strategy chosen, local accountability systems should be designed to serve the needs of the local community and to improve performance for all students.

System Safeguards

System safeguards are those activities conducted by TEA to ensure the integrity of the system. These help protect the system from purposeful manipulation as well as from the use of data of such poor quality—whether intentional or not—that no reliable rating can be determined.

These analyses include, but are not limited to, an audit of leaver data; examination of assessment data including data attributed to JJAEPs and/or DAEPs; review of the issuance of new campus identification numbers; and an analysis of the KRI code values compared to prior year attendance information. If these or any other analyses raise cause for concern, TEA will follow up with the district.

To the extent possible, TEA-conducted safeguards are incorporated into the data integrity monitoring component of the Performance-Based Monitoring (PBM) system. This component of the PBM system was implemented in its pilot year in 2005-06. PBM is part of an overall framework for program monitoring and interventions developed in response to legislation passed in 2003. New strategies for monitoring are data-driven with interventions designed to improve performance and program effectiveness. As a result of PBM activities, sanctions may be imposed.

Sanctions

Sanctions describe the consequences that can occur as a result of:

- problems identified through the application of system safeguards;
- unacceptable performance; or,
- investigations authorized under the Texas Education Code (TEC).

GENERAL INTERVENTIONS

A number of steps may be taken in response to identified concern(s) based on the nature and severity of the problem(s) identified. The Commissioner of Education has the authority to take action under TEC §39.131 and TEC §39.132, *Sanctions for Districts* and *Sanctions for Campuses*, respectively. These sections of statute list sanctions in order of severity, ranging from requiring the district to issue public notice of the deficiency to the board of trustees to appointing a management team (district) or special campus intervention team (campus).

If a district or campus receives the lowest rating for two consecutive years or more, the level of state intervention increases and includes possible closure or annexation (district) or reconstitution (campus). For districts and campuses issued *Not Rated: Other* in 2006 due to hurricane-related issues, the 2005 and 2007 ratings shall be treated as consecutive years. Under standard procedures, the 2002 and 2004 ratings are treated as consecutive years, since no new ratings were issued during the 2003 transition year. Under AEA procedures, 2002 and 2005 are treated as consecutive years, since no AEA ratings were issued in either 2003 or 2004.

Ratings remain in effect for one complete school year following the issuance of the rating. For example, the 2006 ratings issued in August 2006 remain in effect until new ratings are issued the following August. This also applies to a rating lowered during a school year based on a special accreditation investigation—the final rating remains in effect until a subsequent rating is issued. Any sanctions that require a rating for a period of one year or more may be imposed immediately upon the issuance of a final rating for a given school year. A sanction that requires a rating for a period of two or more years may be imposed immediately upon the issuance of a final rating for the second consecutive year.

LOWERING A RATING

Additionally, TEC §39.074 and §39.075 authorize the Commissioner of Education to lower a campus and/or district accountability rating. Lowering an accountability rating is typically not the first action taken in response to a problem. However, if other actions are not successful in correcting the problem, a district is unresponsive, or the severity of the problem warrants, this is an option available to the Commissioner. If the Commissioner determines that a change in rating is appropriate, the district is notified in writing.

DATA INTEGRITY ISSUES

A rating can also be changed to *Not Rated: Data Integrity Issues*. This rating is used in the rare situation where the accuracy and/or integrity of performance results have been compromised and it is not possible to assign a rating based on the evaluation of performance. This label may be assigned temporarily pending an on-site investigation, or may be assigned as the final rating label for the year. This rating label is not equivalent to an *Academically Unacceptable* rating. The Commissioner of Education has the authority to assign an *Academically Unacceptable* rating for data quality issues, as described above in *Lowering a Rating*. All districts and campuses with a final rating label of *Not Rated: Data Integrity Issues* are automatically subject to desk audits the following year.

TIMING

System safeguard activities can occur either before or after the ratings release. Sanctions can be imposed at any time. To the extent possible, ratings for the year are finalized when updated ratings are released following the resolution of appeals (in 2006 the update is scheduled for late October). A rating change resulting from an imposed sanction will stand as the final rating for the year.

PUBLIC EDUCATION GRANT PROGRAM

In 1995, the Texas Legislature created the Public Education Grant (PEG) program (TEC §§29.201 - 29.205). The PEG program permits parents with children attending campuses that are on the PEG list to request that their children be transferred to another campus, within the same district, or to another district. If a transfer is granted to another district, funding is provided to the receiving district. A list of campuses identified under the PEG criteria is generated and transmitted to districts annually. By February 1, 2007, districts must notify each parent of a student assigned to attend a campus on the PEG list. In December 2006 the list of 2007-08 PEG campuses will be transmitted. This list will identify campuses at which 50 percent or more of the students did not pass TAKS in any two of the preceding three years (2004, 2005, or 2006) **or** that were rated *Academically Unacceptable* in any one of the preceding three years (2004, 2005, or 2006).

Rewards

AWARDS PROGRAMS

Governor's Educator Excellence Award. This program awards funds to campuses that have high percentages of economically disadvantaged students and have demonstrated high levels of student achievement or marked improvement in student performance. Campuses qualifying for this grant will be eligible for continuation of funding for two additional years.

Texas Successful Schools Award System. Statute provides monetary rewards for high performance or improvement. The Texas Successful Schools Award System (TSSAS) provides monetary awards to campuses (TEC Chapter 39, Subchapter E). In 2005, the Texas Legislature did not appropriate funds for this program for the 2006/2007 biennium.

Principal Incentive Program. Another statutory awards program, the Performance Incentive Program (PIP), rewards the principals of campuses demonstrating performance gains (TEC §21.357). This program was not funded for the 2006/2007 biennium.

EXCELLENCE EXEMPTIONS

Texas Education Code §39.112 automatically exempts districts and campuses rated *Exemplary* from some statutes and rules. The exemptions remain in effect until the Commissioner of Education determines that achievement levels of the district or campus have declined, or the district or campus rating changes.

Statute lists a number of areas in law and regulation to which the exemption does not apply. These include criminal behavior, due process, federal and state program requirements, the curriculum essential knowledge and skills, public school accountability, extracurricular activities, and employee rights and benefits. (See TEC §39.112 for a complete list.) Under

specific circumstances the Commissioner may exempt a campus from class size limits for elementary grades.