

## Chapter 17 – Responsibilities and Consequences

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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

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Districts have responsibilities associated with the state accountability system. Primarily these involve properly managing campus identification numbers, following statutory requirements, submitting accurate data, 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 of 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 2004, but in 2005, 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 2004 was maintained (recycled). Therefore, in 2004, 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 2003-04 would be subject to evaluation for the 2005 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 evaluated before considering 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.

## **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](mailto: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

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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; and review of the issuance of new campus identification numbers. If these or any other analyses raise cause for concern, TEA will follow up with the district.

All TEA-conducted safeguards are incorporated into the Performance-Based Monitoring (PBM) system and include data integrity monitoring. 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 where on-site review is the intervention of last resort. As a result of PBM activities, sanctions may be imposed.

## Sanctions

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

- problems identified through the application of system safeguards;
- unacceptable performance; or,
- on-site 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). The 2002 and 2004 ratings are considered to be consecutive years since no new ratings were issued during the 2003 transition year.

Ratings remain in effect for one complete school year following the issuance of the rating. For example, the 2005 ratings issued in August 2005 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 2005 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 transfer their children to other campuses. A list of campuses identified under the PEG criteria is generated and transmitted to districts annually. Districts must notify each parent of a student in the district assigned to attend a campus on the PEG list by February 1. In December 2005 the list of 2006-07 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 (2003, 2004, or 2005) **or** that were rated *Academically Unacceptable* in either 2004 or 2005.

## Rewards

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### STATUTORY AWARDS PROGRAMS

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 2003, the Texas Legislature did not appropriate funds for this program for the 2004/2005 biennium.

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 2004/2005 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 skills and knowledge, 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.

