

## Chapter 15 – 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 as well as other responsibilities that are not mandated in statute. Many responsibilities are shared between the Texas Education Agency and local districts. Due to the passage of House Bill 1 during the Third Called Session of the 79<sup>th</sup> Legislature in 2006, there are many new requirements for both districts and the state. This chapter describes these to the extent they are known at the time of publication.

Consequences—those actions that occur as a result of the accountability system—are also described. Consequences include interventions and rewards. All statutes referenced in this section are listed in *Appendix B – Texas Education Code* which provides the web address for the complete citations.

### Local Responsibilities

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

#### STATUTORY COMPLIANCE

A number of state statutes direct local districts and/or campuses to perform certain tasks or duties in response to the annual issuance of the state accountability ratings. Key statutes are discussed below.

*Public Discussion of Ratings (TEC §11.253 (g)).* Each campus site-based decision-making committee must 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. The confidentiality of the performance results should be ensured before public release of the data table. The data tables available on the TEA public website have been masked to protect confidentiality of individual student results.

*Notice in Student Report Card and on Website (TEC §39.251 and TEC §39.252).* Districts are required to publish accountability ratings on their websites and include the rating in the student report cards. These statutes require 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); and,
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 these requirements is available on the agency website at: [http://www.tea.state.tx.us/perfreport/3297\\_faq.html](http://www.tea.state.tx.us/perfreport/3297_faq.html).

*Public Education Grant Program (TEC §§29.201 - 29.205).* In 1995, the Texas Legislature created the Public Education Grant (PEG) program. 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 following the release of the list, districts must notify each parent of a student assigned to attend a campus on the PEG list. For more information on the PEG program, please refer to *PEG Frequently Asked Questions*, available at [http://www.tea.state.tx.us/perfreport/peg\\_faq.html](http://www.tea.state.tx.us/perfreport/peg_faq.html).

*Actions Required Due to Low Ratings or Low Accreditation Statuses (TEC §§39.076, 39.131-39.132, 39.1322-39.1324, 39.1327, 39.1331, 39.133-39.136, 39.302)*. As mentioned previously, House Bill 1 significantly amended TEC Chapter 39. Districts with *Academically Unacceptable* ratings (campus or district) or *Accredited Probation/Accredited Warned* accreditation statuses will be required to follow directives from the Commissioner designed to remedy the issues of concern. Requirements will vary depending on the circumstances for each district affected. At the time of this manual's publication, Commissioner of Education rules have been proposed to define the implementation details of these statutory changes. Further information on these rules will be available on the TEA website or on the website for the TEA Division of Program Monitoring and Interventions, at <http://www.tea.state.tx.us/pmi/>.

## ACCURATE DATA

Accurate data is critical to the success of the ratings system. The bulk of the responsibility for the quality of the indicators used in establishing campus and district ratings rests with local districts. Though the state shares responsibility for ensuring the quality of the data used, the system depends on the responsible collection and submission of assessment and Public Education Information Management System (PEIMS) information by local school districts.

## CAMPUS IDENTIFICATION NUMBERS

In a given year, districts may need to change, delete, or add 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. 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 2006, but in 2007, 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 2006 was maintained (recycled). Therefore, in 2006, 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 2005-06 would be subject to evaluation for the 2007 accountability rating for the 6th grade center.

Whether or not to change a campus number is, in most cases, 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.

New TEA policy requires school districts and charters to request campus number changes of existing campuses for the current school year by October 1 to ensure time for processing before the PEIMS fall snapshot date in late October. Changes for a subsequent school year will not be processed before November 1. This policy does not apply to new active campuses opening mid-year or to campuses under construction.

School districts and charters must receive TEA approval to change the campus number of a campus rated *Academically Unacceptable* or *AEA: Academically Unacceptable*. The determination of whether or not accountability ratings histories will be linked to new campus numbers will be made at the time the new numbers are approved so that districts are aware of the accountability consequences of changing campus numbers.

Although the ratings history may be linked across campus numbers for purposes of determining consecutive years of *Academically Unacceptable* ratings, data will not be linked across campus numbers. This includes PEIMS data, assessment data, and accountability indicators that draw on those data. Campuses with new campus numbers cannot take advantage of Required Improvement provisions of the accountability system to gate up to higher ratings the first year under a new number. Therefore, changing a campus number under these circumstances can be to the disadvantage of an *Academically Unacceptable* campus, which should be considered by districts and charters when requesting campus number changes for *Academically Unacceptable* campuses. In the rare circumstance where a charter district receives a new district number, the ratings history is also linked while the data are not linked across the district numbers.

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

## 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.

## State Responsibilities

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The Texas Education Agency also has responsibilities associated with the state accountability system. As is true for districts, TEA must follow statutory requirements related to the implementation of the accountability system. In addition, TEA applies a variety of system safeguards to ensure the integrity of the system. Finally, TEA is charged with taking actions to intervene when conditions warrant. The agency may also offer certain exemptions to districts when excellent performance is attained.

### 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.

*Campus Number Tracking.* *Academically Unacceptable* ratings received under two different campus numbers may be considered to be consecutive years of *Academically Unacceptable* ratings for accountability interventions and sanctions for an *Academically Unacceptable* campus whose campus number changes. Furthermore, in determining consecutive years of *Academically Unacceptable* ratings for purposes of accountability interventions and sanctions, only years that the campus is assigned an accountability rating of *Exemplary*, *Recognized*, *Academically Acceptable*, *Academically Unacceptable*, *AEA: Academically Acceptable*, *AEA: Academically Unacceptable*, or equivalent ratings in previous years, will be considered. That is, the consecutive years of AU ratings could be separated by more than one year of temporary closure or *Not Rated* ratings. This policy applies to districts and charters as well as campuses when *Not Rated: Data Integrity Issues* and *Not Rated: Other* ratings are assigned. However, the policy does not apply to districts (charters) or campuses that receive a rating of *AEA: Not Rated – Other* under the Alternative Education Accountability (AEA) Residential Facility procedures.

*School Leaver Provision Safeguards.* Campuses that avoid being rated *Academically Unacceptable* in 2007 due to the application of the School Leaver Provision will be subject to technical assistance team (TAT) intervention requirements in the 2007-08 school year. This is because campuses rated *Academically Acceptable* in 2007 are identified for technical assistance teams (TATs) if their 2007 accountability results do not meet the 2008 accountability standards. Since the 2008 dropout/completion standards are identical to those waived in 2007 through the application of the School Leaver Provision, these campuses are

automatically subject to the requirements for TAT campuses and are not eligible to receive a waiver from the commissioner.

Districts that avoid being rated *Academically Unacceptable* in 2007 due to the application of the School Leaver Provision will be subject to identification and intervention under Performance-Based Monitoring (PBM) for dropout rates and leaver reporting.

*Data Validation.* Analyses designed to identify questionable data include, but are not limited to, audits of leaver data and examination of assessment data including data attributed to JJAEPs and/or DAEPs. Also, TEA-conducted data quality analyses are incorporated into the data validation monitoring component of the PBM system. For more information, see the PBM website at <http://www.tea.state.tx.us/pbm/>.

*Not Rated: 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, though the Commissioner of Education has the authority to assign an *Academically Unacceptable* rating due to data quality issues. All districts and campuses with a final rating label of *Not Rated: Data Integrity Issues* are automatically subject to desk audits the following year.

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 2007 the update is scheduled for late October 2007). A rating change resulting from an imposed sanction will stand as the final rating for the year.

## **DISTRICT ACCREDITATION STATUS**

Amendments to TEC §39.071 require the Commissioner of Education to determine an accreditation status for districts and charters. This new accreditation status is to be assigned beginning in 2007. In determining accreditation status and sanctions, TEA is to take into account the district's state accountability rating and its financial accountability rating. As with other changes to Chapter 39 resulting from HB 1, rules have been proposed that will define the procedures for determining a district's accreditation status. These rules will be available on the TEA website or on the website for the TEA Division of Program Monitoring and Interventions, at <http://www.tea.state.tx.us/pmi/>.

## **PUBLIC EDUCATION GRANT PROGRAM CAMPUS LISTS**

TEA is responsible for annually producing the list of campuses identified under the PEG criteria. In December 2007 the list of 2008-09 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 (2005, 2006, or 2007) **or** that were rated *Academically Unacceptable* in any one of the preceding three years (2005, 2006, or 2007). At the time of publication for this manual, the Texas Legislature is considering at least one bill that would significantly alter the PEG program criteria. If any PEG-related legislation passes, districts will be notified as soon as possible.

For more information on the PEG program, please refer to *PEG Frequently Asked Questions*, available at [http://www.tea.state.tx.us/perfreport/peg\\_faq.html](http://www.tea.state.tx.us/perfreport/peg_faq.html).

## INTERVENTIONS

Interventions are those activities conducted by TEA to follow-up with districts and campuses either at-risk of a future low rating, or already assigned a low rating. Interventions are more aggressive when multiple years of low ratings are involved.

*Identification of Technical Assistance Team Campuses.* Texas Education Code §39.1322 requires the assignment of a technical assistance team (TAT) to a campus rated *Academically Acceptable* if that campus would be rated *Academically Unacceptable* using the accountability standards for the subsequent year. The purpose of the TAT identification is to serve as an early warning system and, therefore, provide interventions that may prevent the campus from being rated *Academically Unacceptable* in the subsequent year.

TAT schools were first identified for the 2006-07 school year, but technical assistance teams will not be fully implemented until the 2007-08 school year. TEA will provide the 2007-08 list of TAT campuses to affected districts by November 1, 2007, following the release of the final 2007 accountability ratings.

For the 2007-08 school year, campuses rated *Academically Acceptable* in 2007 under either standard or alternative education accountability procedures are identified for technical assistance teams if their 2006-07 performance does not meet the accountability standards established for the 2008 school year.

Campuses identified for technical assistance teams that demonstrate improvement over the preceding three years are eligible to receive a waiver from the Commissioner. A campus must be evaluated under the same accountability procedures, either standard or alternative education accountability, in each of the preceding three years in order to be eligible for the waiver. Campuses meet the TAT required improvement if the sum of actual change averaged across the three prior years is equal to or greater than the improvement needed to achieve each standard established for the subsequent school year. The improvement needed is the difference between the standard established for the subsequent school year and actual performance in the current school year.

Questions regarding the methodology used to identify the TAT campuses should be directed to the Division of Performance Reporting at [performance.reporting@tea.state.tx.us](mailto:performance.reporting@tea.state.tx.us) or (512) 463-9704. Questions regarding interventions for TAT campuses should be directed to the Division of Program Monitoring and Interventions at [pmdivision@tea.state.tx.us](mailto:pmdivision@tea.state.tx.us) or (512) 463-9414.

*Academically Unacceptable Campus/District Ratings and Accredited Warned/Accredited Probation District Accreditation Statuses.* The 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* or when a district accreditation status is accredited-warned or accredited-probation. For more information, contact this division at [pmdivision@tea.state.tx.us](mailto:pmdivision@tea.state.tx.us) or (512) 463-9414.

## **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.

