

Chapter 16 – 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 as well as other responsibilities that are not mandated in statute. Many responsibilities are shared between the Texas Education Agency and local districts.

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 addresses for the complete citations.

Local Responsibilities

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 must 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://ritter.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://ritter.tea.state.tx.us/perfreport/peg_faq.html.

Actions Required Due to Low Ratings or Low Accreditation Statuses (TEC §§39.071, 39.116, 39.131-39.132, 39.1322-39.1324, 39.1327, 39.133, 39.1331, 39.134-39.136, 39.302).

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 identified concerns. Requirements will vary depending on the circumstances for each individual district. Commissioner of Education rules that define the implementation details of these statutes are available on the website for the TEA Division of Program Monitoring and Interventions, at <http://ritter.tea.state.tx.us/pmi/>, and on the TEA Accreditation Status website at <http://ritter.tea.state.tx.us/accredstatus/>.

ACCURATE DATA

Accurate data is critical to the credibility of the ratings system. Responsibility for the quality of data used for the indicators that determine campus and district ratings rests with local districts. The system depends on the responsible submission and collection of assessment and Public Education Information Management System (PEIMS) information by local school districts. Procedures for assuring test security have long been in place; however, beginning with spring 2008 testing, additional requirements were implemented that district personnel must fulfill.

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 grades or populations 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 2008, but in 2009, 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 2008 was maintained (recycled). Therefore, in 2009, grade 6 performance on the assessments will be compared to prior year grade 7 and 8 performance. Also, any dropouts reported for the campus for 2007-08 will be subject to evaluation for the 2009 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 when either requesting new numbers or 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.

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. This 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.

Analysis to screen for the inappropriate use of campus numbers is part of *System Safeguards*, described below. TEA 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

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 for the same campus under two different campus numbers may be considered to be consecutive years of *Academically Unacceptable* ratings for accountability interventions and sanctions.

Data Validation. The Performance-Based Monitoring (PBM) system is a comprehensive system designed to improve student performance and program effectiveness. The PBM system, like the state accountability rating system, is data-driven; therefore, the integrity of the data used is critical. To ensure data integrity, the PBM system includes annual data validation analyses. Data validation analyses use several different indicators to examine district leaver and dropout data, student assessment data, and discipline data. The process districts must engage in to either validate the accuracy of their data or determine that erroneous data were collected and/or submitted is fundamental to the integrity of all the agency's evaluation systems. For more information, see the Data Validation Manuals on the PBM website at <http://ritter.tea.state.tx.us/pbm/DIManuals.html/>.

Test Security. As part of ongoing efforts to improve security measures surrounding the assessment program, TEA has a comprehensive 14-point plan to assure parents, students, and the public that test results are meaningful and valid. Several aspects of the plan were implemented with the spring 2008 administrations, while other measures will be instituted over the next few years. Among other measures, districts are required to implement seating charts during all administrations, students testing in grades 9, 10, and exit level are required to sign an honor statement immediately prior to taking TAKS; and, districts are required to maintain test security materials for five years.

Not Rated: Data Integrity Issues. A rating can 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 lower a rating or 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 2009 the update is scheduled for late October 2009). A rating change resulting from an imposed sanction will stand as the final rating for the year.

PUBLIC EDUCATION GRANT PROGRAM CAMPUS LISTS

TEA is responsible for annually producing the list of campuses identified under the PEG criteria. By December 2009 the list of 2010-11 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 (2007, 2008, or 2009) **or** that were rated *Academically Unacceptable* in any one of the preceding three years (2007, 2008, or 2009).

For more information on the PEG program, please refer to *PEG Frequently Asked Questions*, available at http://ritter.tea.state.tx.us/perfreport/peg_faq.html.

DISTRICT ACCREDITATION STATUS

Texas Education Code §39.071 requires the Commissioner of Education to determine an accreditation status for districts and charters. Accreditation statuses were first assigned to districts under this statute in 2007. To determine accreditation status and sanctions, TEA takes into account the district's state accountability rating and its financial accountability rating. There are other factors that may be considered in the determination of accreditation status. These include, but are not limited to, the integrity of assessment or financial data used to measure performance, the reporting of PEIMS data, and serious or persistent deficiencies in programs monitored in the Performance-Based Monitoring Analysis System. Accreditation status can also be lowered as a result of data integrity issues or as a result of special accreditation investigations. The four possible accreditation statuses are: *Accredited*, *Accredited-Warned*, *Accredited-Probation*, and *Not Accredited-Revoked*.

Rules that define the procedures for determining a district's accreditation status are available on the TEA website at <http://www.tea.state.tx.us/rules/home/> or on the TEA Accreditation Status website. The 2008-09 accreditation statuses for all districts and charters in Texas were issued in March 2009 and are posted at the TEA Accreditation Status website at <http://ritter.tea.state.tx.us/accredstatus/>.

Consequences

Actions that occur as a result of the accountability system are described in this section. They include interventions and rewards.

INTERVENTIONS

Interventions discussed below pertain to activities that result from the issuance of ratings under the state accountability system. State accountability-related 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. Intervention activities reflect an emphasis on increased student performance, focused improvement planning, data analysis, and data integrity. Required levels of intervention are determined based on the requirements of TEC, Chapter 39. See the Division of Program Monitoring and Interventions website at: <http://ritter.tea.state.tx.us/pmi/accmon/2009/index.html> for more information.

Academically Unacceptable or AEA: Academically Unacceptable Campus/District Rating. Guidance and resources have been developed to address the graduated stages of intervention for districts and campuses rated *Academically Unacceptable* or *AEA: Academically Unacceptable* in the state accountability rating system. Activities for a first-year *Academically Unacceptable* campus include creation of a campus intervention team, completion of a focused data analysis, and development of a school improvement plan. Districts with a first-year *Academically Unacceptable* rating perform similar activities that are designed to address program improvement in the area(s) identified as unacceptable. Interventions are more aggressive when multiple years of *Academically Unacceptable* ratings are involved.

Determination of Multiple-year Academically Unacceptable Status. In determining consecutive years of *Academically Unacceptable* ratings for purposes of accountability interventions and sanctions, only years that a 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 *Academically Unacceptable* ratings may be separated by one or more years 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. In 2004 no alternative education ratings were issued; instead the label *Not Rated: Alternative Education* was used. *Academically Unacceptable* ratings separated by the 2004 *Not Rated: Alternative Education* label are considered consecutive. No state accountability ratings were issued in 2003; therefore, 2002 and 2004 are considered consecutive. An exception applies to districts (charters) or campuses that receive a rating of *AEA: Not Rated – Other* under the Alternative Education Accountability (AEA) Residential Facility procedures. For these residential facilities, *Academically Unacceptable* ratings separated by *AEA: Not Rated – Other* are not considered consecutive.

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.

TEA provided the 2008-09 list of TAT campuses to affected districts by November 4, 2008, following the release of the final 2008 accountability ratings. On November 7, 2008, TEA

provided the list of TAT campuses on the public web site at <http://ritter.tea.state.tx.us/taa/perfrept110708-a3.pdf>.

For the 2009-10 school year, campuses rated *Academically Acceptable* in 2009 under either standard or alternative education accountability procedures will be identified for technical assistance teams if their 2008-09 performance does not meet the accountability standards established for the 2010 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 or (512) 463-9704. Questions regarding interventions for TAT campuses should be directed to the Division of Program Monitoring and Interventions at pmidivision@tea.state.tx.us or (512) 463-5226.

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.

