

The Texas Education Agency (TEA) proposes new §97.1002, concerning accountability rating appeals process and timeline. The proposed new section would adopt in rule the accountability ratings appeals process and timeline that will supersede the timelines referenced in Chapter 8 of the *2023 Accountability Manual* and *2024 Accountability Manual* and apply to all accountability rating appeals from 2023 and beyond until otherwise updated.

BACKGROUND INFORMATION AND JUSTIFICATION: Proposed new §97.1002 would adopt in rule the figure *Accountability Ratings Appeals Process and Timeline*. The new figure would specify the process and timeline by which school districts and open-enrollment charter schools can challenge an agency decision relating to an academic rating that affects the district or school, including a determination of consecutive school years of unacceptable performance ratings in accordance with Texas Education Code, §39.151. The process and timeline would supersede the timelines referenced in Chapter 8 of the *2023 Accountability Manual* and *2024 Accountability Manual* and apply to all accountability rating appeals from 2023 and beyond until otherwise updated.

FISCAL IMPACT: Iris Tian, deputy commissioner for analytics, assessment, and reporting, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation to establish the timeline for appealing accountability ratings.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Tian has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be establishing a timeline for appealing accountability ratings that would apply to all accountability rating appeals from 2023 and beyond until otherwise updated. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins January 10, 2025, and ends February 10, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on January 10, 2025. A form for submitting public comments is available on the

TEA website at
[https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code, §39.151, which provides a process for a school district or an open-enrollment charter school to challenge an academic or financial accountability rating

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §39.151.

<rule>

§97.1002. Accountability Rating Appeals Process and Timeline.

- (a) The rating standards established by the commissioner of education under Texas Education Code (TEC), §§39.052(a) and (b)(1)(A); 39.053; 39.054; 39.0541; 39.0543; 39.0546; 39.0548; 39.055; 39.151; 39.201; 39.2011; 39.202; 39.203; 29.081(e), (e-1), and (e-2); 29.201; 29.202; and 12.104(b)(3)(L), shall be used to evaluate the performance of districts, campuses, and charter schools. The indicators, standards, and procedures used to determine ratings will be annually published in official Texas Education Agency publications. These publications will be widely disseminated and cover the following:
- (1) indicators, standards, and procedures used to determine district ratings;
 - (2) indicators, standards, and procedures used to determine campus ratings;
 - (3) indicators, standards, and procedures used to determine distinction designations; and
 - (4) procedures for submitting a rating appeal.
- (b) The process and timeline by which districts, campuses, and charter schools can appeal ratings are based upon the requirements described in the *Accountability Ratings Appeals Process and Timeline* adopted as a figure in this subsection. This figure supersedes the timelines referenced in Chapter 8 of the *2023 Accountability Manual* and *2024 Accountability Manual* and applies to all accountability rating appeals from 2023 and beyond until otherwise updated.
- Figure: 19 TAC §97.1002(b)
- (c) Ratings may be revised as a result of investigative activities by the commissioner of education as authorized under TEC, §39.003.
- (d) The specific criteria and calculations used in the accountability manual are established annually by the commissioner and communicated to all school districts and charter schools.
- (e) The specific criteria and calculations used in the annual accountability manual adopted for prior school years remain in effect for all purposes, including accountability, data standards, and audits, with respect to those school years.