

Senate Bill 1365 Accountability System Impact

OVERVIEW

Senate Bill (SB) 1365 makes the following changes related to the academic accountability system:

- Permits the commissioner to assign a *Not Rated* designation to a district or campus under certain conditions, including if the district or campus is subject to a disaster declaration
- Requires the commissioner to adopt rules to develop and implement alternative methods and standards for evaluating the performance for the 2020–21 school year
- Allows the commissioner to assign a *Not Rated* label if the number of students enrolled in the district or campus is insufficient to accurately evaluate the performance of the district or campus
- Requires that the number of consecutive years of unacceptable performance be reported annually
- Clarifies how *D* and *F* ratings for an accountability domain factor into an overall performance rating
- Requires a *Not Rated* label for districts and campuses that would have received a *D* or *F* in 2022

The following sections provide additional information about the 2021 optional alternative evaluation and the consecutive school years of unacceptable performance determination and appeals.

2021 OPTIONAL ALTERNATIVE EVALUATION

Senate Bill 1365 established the 2020–21 alternative evaluation procedure for certain campuses. SB 1365 did not provide an alternative evaluation procedure for districts. To be eligible, campuses must meet both of the following criteria:

- a. The campus must have a *D*, *F*, or *Improvement Required* rating for the most recent year it did not receive a *Not Rated* label, and
- b. for 2021, the campus must have a 95 percent participation rate. The participation rate is calculated only for the All Students group with all subject areas combined.

SB 1365 serves as a method for campuses to break the chain of consecutive years of unacceptable performance considering the 2021 *Not Rated: Declared State of Disaster* ratings. This process allows campuses to demonstrate they have made sufficient improvement using available data from the 2020–21 school year.

If a campus meets the eligibility criteria and receives an overall *A*, *B*, or *C* when averaging the Student Achievement and School Progress, Part B: Relative Performance domains, the campus will be labeled *Acceptable* for 2021. An *Acceptable* rating for 2021 is considered a break in years of unacceptable performance.

For additional information about the alternative evaluation, see the [2021 Alternative Evaluation FAQs](#).

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CONSECUTIVE SCHOOL YEARS OF UNACCEPTABLE PERFORMANCE

The count of consecutive years of unacceptable performance as prescribed by SB 1365 begins with 2014 accountability ratings. Unacceptable performance includes overall *Improvement Required*, *F*, and *D* (under circumstances described below) ratings.

- A rating of *A*, *B*, *C*, *Met Standard*, or *Met Alternative Standard* resets the consecutive count to 0 for that year.
- *Not Rated: Hurricane Harvey* in 2018 does not break or increase the consecutive year count.
- *Not Rated: Data Integrity* in 2019 does not break or increase the consecutive year count.
- *Not Rated: Declared State of Disaster* in 2020 and/or 2021 does not break or increase the consecutive year count.

If the campus earns an *Acceptable* rating under the 2021 optional alternative evaluation, the 2021 *Acceptable* rating will reset the consecutive year count to 0 when the final 2021 ratings are issued in January 2022.

For campuses approved for Texas Partnerships under Texas Education Code (TEC), [§11.174](#) (also known as SB 1882 campuses), pauses in consecutive year counts are applied during the SB 1882 partnership years. Campuses approved for Math Innovation Zones under the (TEC), [§28.020](#) also receive a pause in consecutive year counts. Unacceptable ratings received during these pause years do not increase the consecutive year count; however, an acceptable rating of *A*, *B*, or *C* earned during these years does break the consecutive year count.

Impact of Overall *D* ratings under SB 1365

- SB 1365 established 2019 ratings are the baseline year for starting the *D* count.
- The first year a third overall *D* could impact the count of consecutive year counts is August 2024.
- An overall rating of *D* does not break the count of consecutive years of unacceptable performance.
- Under TEC, [§39A.118](#), a **third** overall *D* affects interventions and/or sanctions and thereby increases the count of consecutive years of unacceptable performance ratings. This increase occurs only if a district, open-enrollment charter school, or campus has not broken the chain of consecutive years by earning an overall *A*, *B*, or *C*.
- An overall rating of *D* following an *F* or *Improvement Required* rating pauses the count of consecutive years until the third overall *D*.
- An overall *D* following an *F* or *Improvement Required* rating is considered unacceptable for purposes such as District of Innovation termination under TEC, [§12A.008](#) and the Agency's comprehensive biennial report required under TEC, [§39.333](#).
- An overall *D* following an *A*, *B*, or *C* rating does not begin the count of consecutive years of unacceptable performance until the third overall *D*.

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Count of Unacceptable Performance Ratings Examples

Rating Year	Rating	Consecutive Year Count	D Count	Count Pause Reason
Example 1				
2017	<i>Met Standard</i>	0		
2018	<i>Improvement Required</i>	1		
2019	<i>D</i>	1	1	First <i>D</i> -Pause
2020	<i>Not Rated: Declared State of Disaster</i>	1	1	
2021	<i>Not Rated: Declared State of Disaster</i>	1	1	
2022	<i>Not Rated: SB 1365</i>	1	1	
2023	<i>D</i>	1	2	Second <i>D</i> -Pause
2024	<i>D</i>	2	3	
2025	<i>D</i>	3	4	
Example 2				
2017	<i>Improvement Required</i>	1		
2018	<i>Improvement Required</i>	2		
2019	<i>D</i>	2	0	SB 1882
2020	<i>Not Rated: Declared State of Disaster</i>	2	0	SB 1882
2021	<i>Not Rated: Declared State of Disaster</i>	2	0	
2022	<i>Not Rated: SB 1365</i>	2	0	
2023	<i>D</i>	2	1	First <i>D</i> -Pause
2024	<i>D</i>	2	2	Second <i>D</i> -Pause
2025	<i>D</i>	3	3	

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Year	Rating	Consecutive Year Count	D Count	Count Pause Reason
Example 3				
2017	<i>Improvement Required</i>	1		
2018	<i>Improvement Required</i>	2		
2019	<i>D</i>	2	1	First <i>D</i> -Pause
2020	<i>Not Rated: Declared State of Disaster</i>	2	1	
2021	<i>Acceptable</i>	0	0	
2022	<i>Not Rated: SB 1365</i>	0	0	
2023	<i>D</i>	0	1	First <i>D</i> -Pause
2024	<i>D</i>	0	2	Second <i>D</i> -Pause
2025	<i>D</i>	1	3	
Example 4				
2014	<i>Improvement Required</i>	1		
2015	<i>Improvement Required</i>	2		
2016	<i>Improvement Required</i>	3		
2017	<i>Improvement Required</i>	4		
2018	<i>Improvement Required</i>	4		SB 1882
2019	<i>D</i>	4	0	SB 1882
2020	<i>Not Rated: Declared State of Disaster</i>	4	0	
2021	<i>Not Rated: Declared State of Disaster</i>	4	0	
2022	<i>Not Rated: SB 1365</i>	4	0	
2023	<i>D</i>	4	1	First <i>D</i> -Pause
2024	<i>D</i>	4	2	Second <i>D</i> -Pause
2025	<i>D</i>	5	3	

SB 1365: Count of Consecutive Years and *D* Ratings

D = Pause Up to Twice: In a chain of consecutive performance below a *C*, a *D* will pause interventions up to two times (regardless of whether the *D* is associated with acceptable or unacceptable statutory references).

Ex 1

Year	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Rating	<i>D</i>	<i>NR</i>	<i>NR</i>	<i>NR</i>	<i>D</i>	<i>D</i>	<i>B</i>	<i>D</i>
Descriptor	Needs Improvement	-	-	-	Needs Improvement	Needs Improvement	Recognized	Needs Improvement
Unacc. Count	0 (D1)	0 (D1)	0 (D1)	0 (D1)	0 (D2)	1 (D3)	0	0 (D1)

Ex 2

Year	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Rating	<i>C</i>	<i>NR</i>	<i>NR</i>	<i>NR</i>	<i>F</i>	<i>D</i>	<i>D</i>	<i>D</i>
Descriptor	Acceptable	-	-	-	Unacceptable	Needs Improvement	Needs Improvement	Needs Improvement
Unacc. Count	0	0	0	0	1	1 (D1)	1 (D2)	2 (D3)

D can be associated with statutory references to Acceptable or Unacceptable depending upon scenario

- D as Acceptable: If a D occurs after an A, B, or C or after the first D after an A, B, or C, it is treated as Acceptable.
- D as Unacceptable: If a D occurs either after an Unacceptable rating or after two D ratings, it is treated as Unacceptable.

Ex 1

Year	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Rating	C	NR	NR	NR	D	D	F	D
Descriptor	Acceptable	-	-	-	Needs Improvement	Needs Improvement	Unacceptable	Needs Improvement
Statutory Status	Acceptable	-	-	-	Acceptable	Acceptable	Unacceptable	Unacceptable
Unacc. Count	0	0	0	0	0 (D1)	0 (D2)	1 (D2)	2 (D3)

Ex 2

Year	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Rating	C	NR	NR	NR	F	D	D	C
Descriptor	Acceptable	-	-	-	Unacceptable	Needs Improvement	Needs Improvement	Acceptable
Statutory Status	Acceptable	-	-	-	Unacceptable	Unacceptable	Unacceptable	Acceptable
Unacc. Count	0	0	0	0	1	1 (D1)	1 (D2)	0

SB 1365: Count of Consecutive Years and D Ratings

Methodology: Consecutive years count begins with the 2013–14 ratings. The *D* count begins with the 2018–19 ratings.

Ex 1

Year	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Rating	<i>Met Std</i>	<i>D</i>	<i>Not Rated</i>	<i>Not Rated</i>	<i>Not Rated</i>	<i>D</i>	<i>D</i>	<i>D</i>	<i>D</i>
Descriptor	Acceptable	Needs Imp	-	-	-	Needs Imp	Needs Imp	Needs Imp	Needs Imp
Status	Acceptable	Acceptable	-	-	-	Acceptable	Unacceptable	Unacceptable	Unacceptable
Unacc. Count	0	0 (D1)	0 (D1)	0 (D1)	0 (D1)	0 (D2)	1 (D3)	2 (D4)	3 (D5)

Ex 2

Year	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Rating	<i>IR</i>	<i>IR</i>	<i>D</i>	<i>Not Rated</i>	<i>Not Rated</i>	<i>Not Rated</i>	<i>D</i>	<i>D</i>	<i>D</i>	<i>D</i>
Descriptor	Unacceptable	Unacceptable	Needs Imp	-	-	-	Needs Imp	Needs Imp	Needs Imp	Needs Imp
Status	Unacceptable	Unacceptable	Unacceptable	-	-	-	Unacceptable	Unacceptable	Unacceptable	Closure/BOM
Unacc. Count	1	2	2 (D1)	2 (D1)	2 (D1)	2 (D1)	2 (D2)	3 (D3)	4 (D4)	5 (D5)

Ex 3

Year	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Rating	<i>IR</i>	<i>IR</i>	<i>NR: Harvey</i>	<i>D</i>	<i>Not Rated</i>	<i>Not Rated</i>	<i>Not Rated</i>	<i>D</i>	<i>D</i>	<i>D</i>	<i>D</i>
Descriptor	Unacceptable	Unacceptable	-	Needs Imp	-	-	-	Needs Imp	Needs Imp	Needs Imp	Needs Imp
Status	Unacceptable	Unacceptable	-	Unacceptable	-	-	-	Unacceptable	Unacceptable	Unacceptable	Closure/BOM
Unacc. Count	1	2	2	2 (D1)	2 (D1)	2 (D1)	2 (D1)	2 (D2)	3 (D3)	4 (D4)	5 (D5)