

ATTACHMENT I

Statutory Citations Relating to Amendment to 19 TAC Chapter 97, Planning and Accountability, Subchapter AA, Accountability and Performance Monitoring, §97.1004, Adequate Yearly Progress

Texas Education Code, §7.055(b)(32), Commissioner of Education Powers and Duties

- (b)(32) The commissioner shall perform duties in connection with the public school accountability system as prescribed by Chapter 39.

Texas Education Code, §39.073, Determining Accreditation Status

- (a) The agency shall annually review the performance of each district and campus on the indicators adopted under Sections 39.051(b)(1) through (8) and determine if a change in the accreditation status of the district is warranted. The commissioner may determine how all indicators adopted under Section 39.051(b) may be used to determine accountability ratings and to select districts and campuses for acknowledgment.
- (b) Each annual review shall include an analysis of the indicators under Sections 39.051(b)(1) through (8) to determine district and campus performance in relation to:
 - (1) standards established for each indicator;
 - (2) required improvement as defined under Section 39.051(c); and
 - (3) comparable improvement as defined by Section 39.051(c).
- (c) A district's accreditation rating may be raised or lowered based on the district's performance or may be lowered based on the unacceptable performance of one or more campuses in the district.
- (d) The commissioner shall notify a district that is rated academically unacceptable that the performance of the district or a campus in the district is below each standard under Subsection (b) and shall require the district to notify property owners and parents in the district of the lowered accreditation rating and its implication.
- (e) In determining a district's accreditation rating, the agency shall consider:
 - (1) the district's current special education compliance status with the agency; and
 - (2) the progress of students who have failed to perform satisfactorily in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (l).
- (f) In the computation of dropout rates under Section 39.051(b)(2), a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the campus or school district serving the facility or center unless that campus or district is the one to which the student is regularly assigned.

Texas Education Code, §39.075, Special Accreditation Investigations

- (a) The commissioner shall authorize special accreditation investigations to be conducted:
 - (1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

- (2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;
 - (3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
 - (4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;
 - (5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;
 - (6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;
 - (7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);
 - (8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section; or
 - (9) as the commissioner otherwise determines necessary.
- (b) If the agency's findings in an investigation under Subsection (a)(6) indicate that the board of trustees has observed a lawfully adopted policy, the agency may not substitute its judgment for that of the board.
- (b-1) The commissioner may authorize special accreditation investigations to be conducted in response to repeated complaints submitted to the agency concerning imposition of excessive paperwork requirements on classroom teachers.

Text of subsec. (c) as amended by Acts 1999, ch. 396, §2.25

- (c) Based on the results of a special accreditation investigation, the commissioner may:
- (1) take appropriate action under Subchapter G,
 - (2) lower the district's accreditation rating; or
 - (3) take action under both Subdivisions (1) and (2).

Text of subsec. (c) as amended by Acts 1999, ch. 931, §4

- (c) Based on the results of a special accreditation investigation, the commissioner may lower the district's accreditation rating and may take appropriate action under Subchapter G. Regardless of whether the commissioner lowers the district's accreditation rating, the commissioner may take action under Sections 39.131(a)(1) through (8) if the commissioner determines that the action is necessary to improve any area of a district's performance, including the district's financial accounting practices.