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, Commissioner of Education Powers and Duties (excerpt):

(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 (as this section existed before amendment by House Bill 3, 81st Texas Legislature, 2009. This remains in effect through the 2011-2012 school year.):

(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 (excerpt from the section, as it existed before amendment by House Bill 3, 81st Texas Legislature, 2009. This remains in effect through the 2011-2012 school year.):

(a) The commissioner shall authorize special accreditation investigations to be conducted:

(4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;