



Texas Association of School Boards
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September 26, 2019

The Honorable Mike Morath
Commissioner of Education
Texas Education Agency
William B. Travis Building
1701 N. Congress Avenue
Austin, Texas 78701

RE: Proposed rule changes to 19 Texas Administrative Code section 97.1055

Dear Commissioner Morath:

On behalf of the Texas Association of School Boards (TASB) and the Texas Association of School Administrators (TASA) and the memberships of both organizations, we submit these comments on the proposed rule at 19 Texas Administrative Code section 97.1055, Accreditation Status.

The proposed rule provides that a district's accreditation status will be lowered if the district receives a D rating for two consecutive years and will continue to lower with subsequent D ratings. The proposed amendments are based on 19 Texas Administrative Code section 97.1060, which is authorized by Texas Education Code section 39.101(c). Texas Education Code section 39.101(c) provides that a D rating is treated as an unacceptable rating after two consecutive years for purposes of accountability interventions and sanctions.

This proposed rule conflates accountability details with accreditation details. Although the processes are similar, they are separate processes. Texas Education Code section 39.101(c) provides that the D rating may be treated as an F rating for interventions and sanctions, not for accreditation purposes. Lowering an accreditation status is a separate process based on some, but not all, of the same factors. Texas Education Code section 39.052(b) provides multiple factors for the commissioner to consider for accreditation, including performance on academic and financial accountability indicators. The current 19 Texas Administration Code section 97.1055 limits the framework for evaluating academic performance for accreditation to districts with unacceptable ratings. The proposed amendment would unnecessarily broaden the accreditation framework and use the D rating in a way that it was not intended to be used by the legislature.

Although a district or campus that receives a D for consecutive years may receive the same interventions and sanctions as an F campus, it is not statutorily labeled as an unacceptable rating for accountability or accreditation purposes. See Texas Education Code section 39.054 (describing the D rating as "needs improvement.") Proposed 19 Texas Administrative Code section 97.1055 is overly punitive for districts with D ratings. A district earning a D rating may be in the process of improvement. Depending on the lowered accreditation status, the outcomes could be more severe and detrimental than the accountability sanctions. Revocation of a district's accreditation affects the ability of the entire district to provide its student body with an education recognized by the state of



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Texas. When a school receives an acceptable rating but is in continuous need of improvement (the D rating), tying that rating to accreditation status goes beyond the requirements of Texas Education Code section 39.052 and punishes the students attending the district's schools. When an accreditation status is in question, teachers become fearful that their Teacher Retirement Systems years of service will become endangered making it nearly impossible for the district to attract high quality teachers. Another detrimental effect for students when an accreditation status has been revoked is that the district's schools can no longer be designated as testing centers for college exams, which means that either the students have to travel privately elsewhere to take the test or the district has to provide transportation for the students to take the exam. This can be expensive and makes it more difficult for students to achieve a college ready status for CCMR, therefore decreasing an opportunity for the campus and the district to improve its accountability rating. In contrast, the sanctions and implementation of an improvement plan are meant to assist the school in its mission to improve.

Finally, we note that the proposed amendments to the rule are unnecessary. Under the current 19 Texas Administrative Code section 97.1055, the commissioner has broad discretion to lower accreditation status. If the district's circumstances require a lowering of accreditation status, the commissioner likely already has the flexibility. There is no need for this automatic requirement.

Thank you for the opportunity to provide these comments. We realize that the proposed amendment to 19 Texas Administrative Code section 97.1055 may be subject to change in order to reflect any revisions made in the final rule language adopted for proposed new 19 Texas Administrative Code section 97.1060(e). We ask that the agency continue to provide flexibility for districts on their path to improvement.

Sincerely,

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Texas Association of School Boards

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