

Monitor SB 1365

**SB 1365 - relating to public school organization, accountability,
and fiscal management.**



Notable Points from SB 1365

- Required no ratings issued for 2020-21, but allowed schools that had improved to “Meet Standard”
- Ratings for 2021-22 will be A, B, C, or Not Rated
- Requires A-F ratings for school years 2022-23 and thereafter, without regulatory discretion not to issue. Clarifies that “Not Rated” designations can be issued now only under certain conditions.
- Clarified that D & F both require improvements. D generally adds up to 2 years when tracking chronic underperformance. Only a “C” breaks the chain of chronic low performance.
- Intervention was previously required even for D or F in a domain. Now intervention is solely focused on overall (rather than domain-specific) ratings.
- Clarifies intervention & appeals procedures, both for academic intervention and investigation intervention;
- Provides for subpoena authority in certain circumstances during investigations.
 - To date, this authority has not yet been utilized.

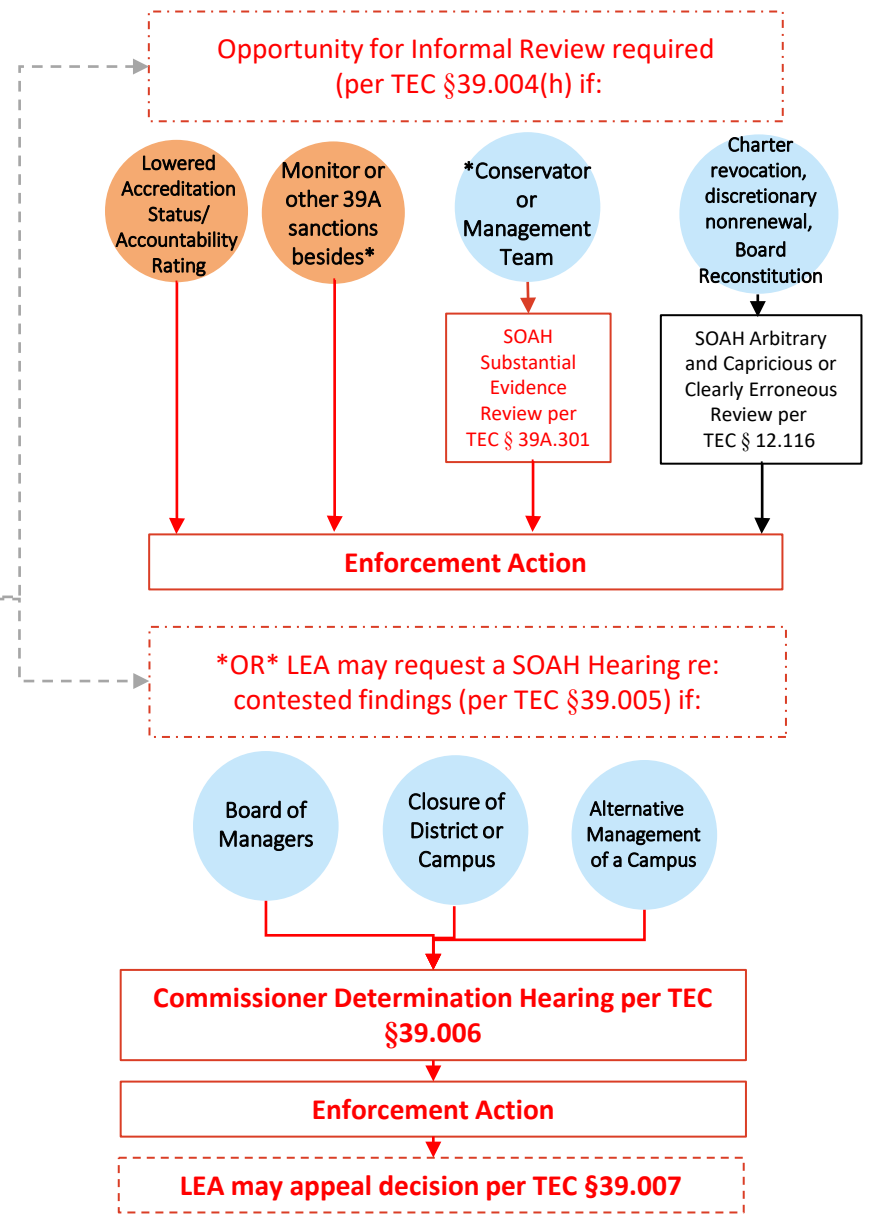
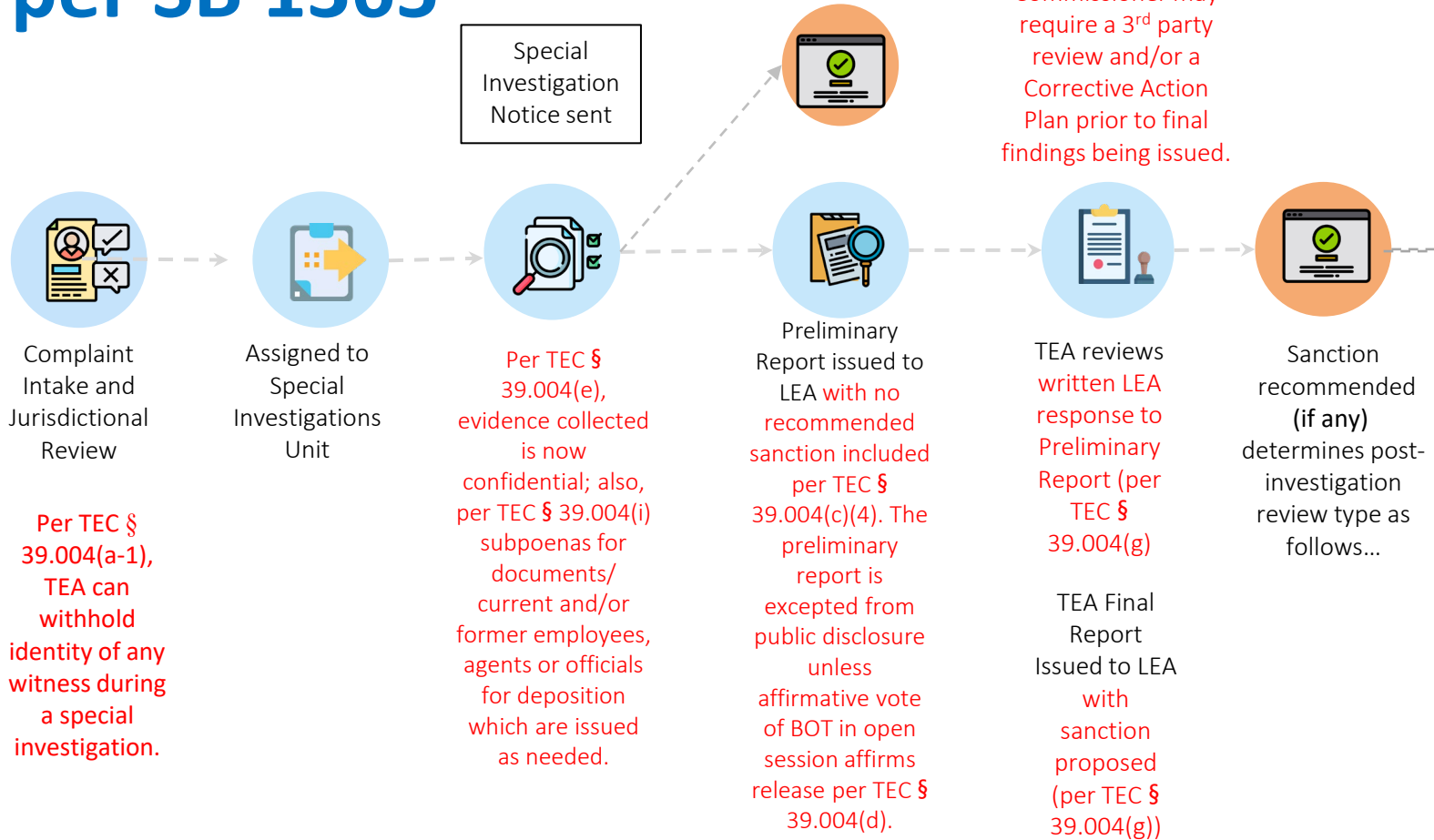


Current Rulemaking Status of SB 1365

- Alternative Methods and Standards for Evaluating Performance for 2020-2021 School Year were adopted effective November 14, 2021.
- Rules related to Informal Review Process and Appeals Processes were adopted effective April 6, 2022.
- Other rule changes related to academic accountability will occur during the routine, annual adoption of the accountability manual this summer.

TEA Investigations & Appeals Process has been updated per SB 1365

**Note: Red Font Denotes Change under SB 1365*



Procedures available on [TEA Website \(hyperlink\)](#)





Assignment of a “D” Rating

Pre-SB 1365 confusion and disagreement abounded regarding when a D would count towards interventions.

SB 1365 clarified and standardized D ratings for interventions:

- Only a rating of C or higher clears a chain of consecutive unacceptable ratings.
 - As discussed previously, ratings of ‘not rated’ were clarified to not break the chain of consecutive unacceptable ratings.
- Two D ratings, regardless where in the chain, are allowed before the D rating counts towards consecutive years of unacceptable ratings.
 - D ratings, up to two, assigned before the first F rating are not considered ‘unacceptable’ for other statutory purposes (such as DOI terminations, grade card notices, district charter partnership eligibility, etc.).
 - D ratings assigned after the first F rating are considered ‘unacceptable’ for other statutory purposes.
- D ratings still require some form of improvement plan, Local Improvement Plan or Targeted Improvement Plan, depending on whether the D occurs before or after the assignment of the first F rating.



Scenarios for campus closure or Board of managers under consecutive campus-level unacceptable ratings

Number of "D" ratings in the chain of unacceptable performance	2018-19	2019-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
All Fs	F	NR	F	F	F	F – Campus closure or BOM		
1 D	D	NR	F	F	F	F	F – Campus closure or BOM	
2 Ds	D	NR	F	F	D	D/F	D/F	D/F – Campus closure or BOM
3 or more Ds	D	NR	D	D/F	D/F	D/F	D/F	D/F – Campus closure or BOM



A-F is intended to be a tool to help us meet continuously improved goals for children

- **HB 22(85R)** established the A-F system, intending it as a tool to support continuous improvement:

39.053(f) ... In consultation with educators, parents, and business and industry representatives, as necessary, the commissioner shall establish and modify standards to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure this state is a national leader in preparing students for postsecondary success.

- Initial feedback led to the establishment of certain guiding principals in rulemaking. Two examples:
 - Cut-points for an “A” (e.g., 90 or above) would be based on achieving performance equivalent to our long-term goals for student postsecondary success. Aligned with 60x30TX, one example of this meant that if 60% of students were meeting grade level, that would earn an “A” in student achievement.
 - Cut-points for a “C” (e.g., 78) would be based on achieving performance equivalent to the average student the year before cut-points are established.



Statute requires periodic updates to A-F methodology

- **HB 22(85R)** set an expectation of periodic, but not annual, methodology updates:

39.053(a) ... The commissioner periodically [~~biennially~~] shall review the indicators for the consideration of appropriate revisions.

TEA made a commitment to not make any notable changes to the A-F system for five years, along for apples-to-apples year-over-year performance comparisons within each five-year period.

- Baseline data and stakeholder feedback was taken based on the 2016-17 school year. For ratings issues in Aug 2023, TEA is planning to update indicators and calculation methodology, based on feedback gleaned over the past five years.
- Using the same guiding principals as before, it is possible the cut-points for a “C” (e.g., 78) might actually be lower moving forward, given the impact of COVID-19 on average student achievement during the 2021-22 school year (which will be used as the new baseline).



Any Changes to A-F Calculations are Made Only With Extensive Stakeholder Feedback

