

# Guidelines for the 2021 Appeal of Consecutive School Years of Unacceptable Performance Ratings

## Senate Bill 1365

Senate Bill (SB) 1365 (87th Texas Legislature) created an opportunity for districts and open-enrollment charter schools to appeal the determination of consecutive school years of unacceptable performance ratings. The listing of consecutive years of unacceptable performance ratings for districts, open-enrollment charter schools, and campuses is published annually on the Texas Education Agency (TEA) website.

## Appeals Process Overview

While districts and open-enrollment charter schools may appeal the determination of consecutive school years of unacceptable performance ratings for any reason, a successful appeal is limited to rare cases. Online applications provided by TEA and the testing contractors ensure that districts and open-enrollment charter schools are aware of data correction opportunities, particularly through TSDS PEIMS data submissions and the Texas Assessment Management System. District and open-enrollment charter school responsibility for data quality is the cornerstone of a fair and uniform rating determination. Requests for exceptions to the rules for a district, open-enrollment charter school, or campus are viewed unfavorably and will be denied.

District and open-enrollment charter school appeals that challenge the agency determination of the consecutive school years of unacceptable performance ratings are carefully reviewed by an external panel. Appeals may be submitted by the superintendent or chief operating officer between September 15 and October 15, 2021 using the *2021 Consecutive School Years of Unacceptable Ratings Appeal System* in the [Texas Education Agency Login \(TEAL\)](#) Accountability application. Appeals not signed by the district superintendent or chief operating officer are denied.

Districts cannot submit an appeal in addition to a request for a 2021 *Acceptable* campus rating under the 2021 optional alternative evaluation. For SB 1365 eligible campuses with an overall scaled score of at least 70, districts must only submit a request for alternative evaluation to receive a 2021 *Acceptable* rating.

## How to Submit an Appeal

The *2021 Consecutive School Years of Unacceptable Ratings Appeal System* will be available during the appeals window from September 15 through 5:00 p.m. CDT on Friday, October 15.

District superintendents and open-enrollment charter school chief operating officers who do not have TEAL access must request access at <https://tealprod.tea.state.tx.us/TSP/TEALcurePortal/Access/LogonServlet>.

Districts and open-enrollment charter schools must submit their appeal(s) and upload all supporting documentation by 5:00 p.m. CDT on October 15, 2021. The appeal must include the following:

- A statement that the letter is an appeal of the determination of consecutive school years of unacceptable performance ratings
- The name and ID number of the district, open-enrollment charter school, or campus to which the appeal applies

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- The specific year(s) rating appealed
- The special circumstance(s) and reason(s) regarding the appeal, including details of how a prior issued rating should be overturned and why the cause for appeal is not attributable to the district or open-enrollment charter school
- A statement that all information included in the appeal is true and correct to the best of the district superintendent's or open-enrollment charter school chief operating officer's knowledge and belief
- The district superintendent's or open-enrollment charter school chief operating officer's signature on official district or open-enrollment charter school letterhead. Appeals not signed by the district superintendent or chief operating officer of the charter school are denied.
- One upload must be submitted for each appealed campus. All information must be included in a single PDF document.
- Appeals for more than one year must be included in the same letter.
- All appeals and supporting documentation must be included in the original appeal submission.
- It is the district's or open-enrollment charter school's responsibility to ensure all relevant information is included in an appeal at the time of submission as districts and open-enrollment charter schools will not be prompted for additional materials.

## Appeal Guidelines

- Appeals that miss the submission deadline of October 15, 2021, will not be considered.
- Appeals should be focused solely on how the information provided directly affects the count of the consecutive school years of unacceptable performance ratings.
- Appeals should not contain individual personally identifiable student-level information. Appeals based on student-level data errors should have been submitted during the accountability appeal window for that accountability year.
- Appeals from districts and charter schools that missed data resubmission window opportunities are denied. Appeal requests for data corrections for the following submissions are not considered:
  - TSDS PEIMS data submissions
  - STAAR, STAAR Alternate 2, TELPAS Alternate, and TELPAS answer documents
- Requests to modify the state accountability calculations adopted by commissioner rule are not considered. Commissioner rules are adopted under the Administrative Procedures Act (APA) in Texas Government Code Chapter 2001, and challenges to a commissioner rule should be made under that chapter of the Government Code.
- Requests to modify statutorily required implementation rules defined by the commissioner are not considered. TSDS PEIMS requirements, campus identifications, and statutorily required exclusions are based on data submitted by districts.

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## Appeal Calendar

Following are the dates for appealing determination of consecutive school years of unacceptable performance ratings. These deadlines are final. To maintain a fair appeal process, late appeals are not considered.

Early September 2021	Consecutive school years of unacceptable performance ratings released on Performance Reporting's website.
Early September 2021	SB 1365 2021 optional alternative evaluation data for eligible campuses released in the TEAL Accountability application.
September 15–October 15, 2021	<p><i>Appeals Window.</i> Appeals of the consecutive school years of unacceptable performance may be submitted by the superintendent or chief operating officer along with supporting documentation. Appeals not signed by the district superintendent or chief operating officer of the open-enrollment charter school are denied.</p> <p><i>2021 Optional Alternative Evaluation Request Window.</i> For SB 1365 eligible campuses with an overall scaled score of at least 70, districts submit a request for the 2021 <i>Acceptable</i> rating.</p>
October 15, 2021	<p><i>Appeals and Optional Alternative Evaluation Request Window Deadline.</i> Requests and appeals must be submitted, and all supporting documentation uploaded no later than October 15, 2021, 5:00 p.m. CDT, to be considered.</p>
November 2021	<p><i>Decisions Released.</i> Commissioner's decisions are emailed in the form of response letters to each district and open-enrollment charter school that filed an appeal by the October 15 deadline.</p>
November 2021	<p><i>SB 1365 Acceptable Ratings Release.</i> The outcomes of all 2021 optional alternative evaluation requests under SB 1365 and appeals of consecutive school years of unacceptable performance are released. The TEAL and public websites are updated.</p>

## Questions

If you have further questions about the appeal of the determination of consecutive school years of unacceptable performance ratings or the 2021 optional alternative evaluation process, please contact Performance Reporting at (512) 463-9704 or [performance.reporting@tea.texas.gov](mailto:performance.reporting@tea.texas.gov).