



PROPOSED AMENDMENT TO 19 TAC §101.3041

The following are the Texas State Teachers Association's comments and concerns about the proposed amendment to 19 TAC Chapter 101, Assessment, Subchapter CC, Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program, Division 4, §101.3041, Performance Standards

On behalf of the 65,000 members of the Texas State Teachers Association, I am writing to express strong opposition to the decision to change the 2023 A-F academic accountability ratings for Texas public schools. The lack of transparency around the decision to adjust cut scores and indicator weights undermines the transparency, equity, and quality of our education system and harms the interests of students, parents, educators, and taxpayers.

It's worth noting that TSTA is not the only entity with serious reservations about the implementation of the accountability refresh measures. We are joined by over a hundred school districts in having serious concerns about releasing ratings that will potentially disadvantage public school districts by fomenting a false narrative about the academic gains of students since the COVID-19 pandemic ([Kingsville Independent School District v. Morath](#)). Despite making improvements in academic performance, the grades of schools across the state will suffer if this new system is implemented. This broadcasts contradictory information to the public about how our schools are doing at a time when we should be focused on identifying, uplifting, and replicating successes.

The confusion around making so many changes at once - coinciding this accountability refresh with an updated statewide test and making changes to the CCMR measure - will only serve to obfuscate the public's understanding of what meaningful conclusions can be drawn from the state's scoring system.

The A-F academic accountability system was allegedly designed to provide clear and meaningful information about the performance of schools and districts based on multiple indicators of student achievement and growth. The state legislature's requirement that districts have a simple, accessible explanation of the school accountability methodology appears to conflict with the state's actions this year ([Tex. Educ. Code § 39.0542](#)). By repeatedly changing the methodology of calculating measures in this system, and by moving the goalpost for what constitutes success, the state is depriving the public of the

right to know how well their schools are serving their children and how their tax dollars are being spent.

Federal law states that accountability systems serve to measure progress toward meeting states' "ambitious...long-term goals" and identify schools that need support (ESEA as amended by ESSA, Sec. 1111(c)(4); 1111(c)(4)(C); and 1111(d). See, [ESSA Legislation Table of Contents](#)). Under federal law, states also have the option to reward and recognize schools that excel (ESEA, Sec. 1111(c)(4)(D)(ii). See, [ESSA Legislation Table of Contents](#)).

In changing the accountability ratings, the state is sending a signal that progress and growth do not matter and that fewer students in Texas are reaching proficiency. Implementing changes to the accountability system midyear creates an uneven playing field for schools that have been working hard to improve their performance and close opportunity gaps. These changes tell local education agencies, schools, and educators that their efforts do not count and broadcasts to the public a confusing and potentially distorting narrative about how students and schools have been doing. I urge you to reconsider this decision and to implement the A-F academic accountability system as planned in 2023.

In lieu of implementing the changes and the consequences associated with them, please consider asking the federal government for a waiver which would provide reprieve from school improvement designations ESEA Sec. 8401(a), available [here](#)). The state might also consider implementing the new accountability system as "hold harmless" and/or accompanying state report cards with strong disclaimers warning against comparing multiple years of school grades (The federal government has issued guidance suggesting appropriate warnings [here](#)).

The existing system may not fully encompass the school quality indicators that we believe are important, but keeping the metrics the same will at least ensure that we are not changing too many moving parts once. Reporting assessment results using prior cut scores will allow greater comparability across recent years - information the public consumes and will draw conclusions about regardless of whether there are disclaimers published.

Proponents of accountability believe publishing results in report cards is a vital mechanism for holding schools and districts responsible for their performance and for providing them with the necessary support and resources to improve. This is only possible if the information is underpinned by clear standards that districts and schools can work toward, and clear results that the public can understand.

Finally, we would like to point out that tracking and analyzing the proposed changes to the accountability system as part of the "refresh" has been confusing and burdensome. Posting the information among hundreds of other webpages competing for search results and offering a form for public comment is not the same as the deep work of engaging public education stakeholders. From families to educators, homeowners to

business owners and beyond, the public deserves clear communication in order to understand whether there is a need to update the accountability system and identify appropriate and responsible ways to make changes.

We urge the state to decline to adopt the accountability refresh and conduct widespread public education and feedback activities in order to ascertain whether changes to the system are required, relevant, and helpful to supporting student success and ensuring equitable opportunities for all Texas learners. In the meantime, we encourage the state to contact the U.S. Department of Education to identify what technical assistance and or flexibilities may be available in order to delay running the accountability system and publishing report card data before it is in the best interests of students, schools, and the public to do so.