

Chapter 8—Appealing the Ratings

The commissioner of education is required to provide a process for school districts (districts) or open-enrollment charter schools (charter schools) to challenge an agency decision relating to an academic rating that affects the district or school, including a determination of consecutive school years of unacceptable performance ratings (Texas Education Code [TEC], §39.151).

Appeals Process Overview and Calendar

While districts and charter schools may appeal for any reason, the accountability system framework limits the likelihood that a single indicator or measure will result in a reduced rating. For this reason, a successful accountability appeal is usually limited to such rare cases as a data or calculation error attributable to the testing contractor(s), a regional education service center (ESC), or the Texas Education Agency (TEA). Online applications provided by TEA and the testing contractors ensure that districts and charter schools are aware of data correction opportunities, particularly through TSDS PEIMS data submissions and the Texas Assessment Management System (TAMS). District and charter school responsibility for data quality is the cornerstone of a fair and uniform rating determination.

District and charter school appeals that challenge the agency determination of the accountability rating and/or determination of consecutive school years of unacceptable performance ratings are carefully reviewed by an external panel. District superintendents and chief operating officers of charter schools may appeal accountability ratings by following the guidelines in this chapter. Local Accountability System (LAS) districts and open-enrollment charter schools that wish to appeal LAS campus ratings must follow the LAS appeals process in the *2022 Local Accountability System Guide*.

Following are the dates for appealing ratings. These deadlines are final. To maintain a fair appeal process, late appeals are denied. Please see “Chapter 12 —Calendar” for more information.

August 12, 2022	<i>Ratings Release on TEAL.</i> No appeals will be resolved before the public release of ratings.
August 15, 2022	<i>Preliminary Ratings and Preliminary Count of Consecutive Years of Unacceptable Performance Release on TEA Public Website.</i> Ratings and counts of consecutive years are subject to change due to the results of an audit, investigation, or appeal.
August 12–September 12, 2022	<i>2022 Appeals Window.</i> Appeals may be submitted by the superintendent or chief operating officer once ratings and year counts are released. Districts and charter schools register their intent to appeal using the TEAL Accountability application and mail their appeal letter with supporting documentation. Appeals not signed by the district superintendent or chief operating officer of the charter school are denied. See the “How to Appeal” section later in this chapter.
September 12, 2022	<i>Appeals Deadline.</i> Appeals must be postmarked or hand-delivered no later than September 12, 2022, 5:00 p.m. CDT, to be considered.
December 2022	<i>Decisions Released.</i> Commissioner’s decisions are mailed in the form of response letters to each district and charter school that filed an appeal by

	the September 12 deadline. Letters are posted to the TEAL Accountability application.
December 2022	<i>Final Ratings and Count of Consecutive Years of Unacceptable Performance Release.</i> The outcomes of all appeals are reflected in the ratings and year counts update scheduled for December 2022. The TEAL and public websites are updated. Ratings and year counts are subject to change due to the results of an audit, investigation, or appeal.

General Considerations

The basis for appeals should be a data or calculation error attributable to TEA, an ESC, or the testing contractor(s). The appeals process is not an appropriate method to correct data that were inaccurately reported by the district. A district that submits inaccurate data must follow the procedures and timelines for resubmitting data (e.g., the Texas Education Data Standards). Appeals based on poor data quality will not receive favorable consideration. Poor data quality can, however, be a reason to lower a district's accreditation status (TEC §39.052[b][2][A][i]). When a district or campus rating is changed as the result of an appeal, the data, and calculations on which the original rating was based are not changed; only the rating and affected scaled scores are changed. The Accountability Report Card and all other reports related to accountability for the 2021–22 school year (e.g., School Report Cards, TAPR, etc.) will include the same data and calculations as do the original reports.

Districts and charter schools may appeal for any reason. However, the accountability system requires that the rules be applied uniformly. Therefore, requests for exceptions to the rules for a district, charter school, or campus are viewed unfavorably and will most likely be denied.

Districts and charter schools may appeal any overall or domain rating, any campus overall or domain rating, and/or determination of consecutive school years of unacceptable performance ratings.

Only appeals that would result in a changed rating are considered. For its appeal to be considered, a district, charter school, or campus must explain how the proposed change will affect the district, charter school, or campus rating. The district, charter school, or campus must submit all relevant data and revised calculations that support all requirements for a higher rating. All supporting documentation must be submitted at the time of the appeal. Districts and charter schools will not be prompted for additional materials.

Districts and charter schools have several opportunities to confirm and correct data submitted for accountability purposes during the correction window.

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- *Late Online Application Requests.* Requests to submit or provide information after the deadline of the online alternative education accountability (AEA) campus registration (5:00 p.m. CDT on April 8, 2022) or the pairing application (5:00 p.m. CDT on May 6, 2022)
 - *Inclusion*
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3. From the Welcome page, click the *Notification of Intent to Appeal* link and follow the instructions.

The *Notification of Intent to Appeal* link will be available during the appeals window from Friday, August 12 through 5:00 p.m. CDT on Monday, September 12. The status of the appeal (e.g., intent notification and receipt of documentation) will be available on the TEAL Accountability application.

District superintendents and charter school chief operating officers who do not have TEAL access must request access at the TEA Secure Applications Information page at https://tea.texas.gov/About_TEA/Other_Services/Secure_Applications/TEA_Secure_Applications_Information/.

Districts and charter schools must submit their appeal in hard copy to TEA by 5:00 p.m. CDT on September 12, 2022. The appeal must include the following:

- A statement that the letter is an appeal of a 2022 accountability rating and/or 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(es) to which the appeal applies
- For consecutive years appeals, the specific year(s) rating appealed. Appeals should be focused solely on how the information provided directly affects the count of the consecutive school years of unacceptable performance ratings, including details of how a prior issued rating should be overturned
- The specific indicator(s) appealed
- The special circumstance(s) regarding the appeal, including details of the data affected and what caused the problem
- If applicable, the reason(s) why the cause for appeal is attributable to TEA, a regional ESC, or the testing contractor(s)
- The effect(s) a granted appeal would have on the district, charter school, and/or campuses
- The reason(s) why granting the appeal may result in a revised rating, including calculations and data that support that rating
- A statement that all information included in the appeal is true and correct to the best of the district superintendent's or charter school chief operating officer's knowledge and belief
- The district superintendent's or charter school chief operating officer's signature on official district or charter school letterhead

The appeal shall be addressed to the Performance Reporting Division as follows:



