

***Not Rated: Declared State of Disaster* Guidance for Texas Partnerships (SB 1882)**

All campuses in the state of Texas will receive a 2020 rating of *Not Rated: Declared State of Disaster* due to school closures during the state testing window in spring 2020¹. A-F accountability ratings factor into Texas Partnerships in two ways:

1. To be eligible to receive Texas Partnership (SB 1882) benefits, the performance contract between the district and the operating partner must include A-F rating performance targets.
2. For turnaround partnerships, the commissioner may not take an action against the campus based on its accountability rating for the first two years that the partner is operating the campus.

The information below provides guidance on the impact of the *Not Rated: Declared State of Disaster* designation as well as link to resources to support districts in maintaining strong partnerships that improve student outcomes. For more information on Texas Partnerships, visit txpartnerships.org.

Impact on Performance Contract Targets (all Texas Partnerships)

What are the laws/rules regarding accountability ratings in partnership performance contracts?

To be eligible for Texas Partnership (SB 1882) benefits, partnership performance contracts must include academic performance expectations and goals. This requirement varies based on when the district's application for benefits was approved:

- For Texas Partnership benefits approved by the agency **before March 31, 2020**:
 - the performance contract must include an annual target for the overall campus academic rating and a target for student growth based on the School Progress Domain.
- For Texas Partnership benefits approved by the agency **after March 31, 2020**:
 - the performance contract must include an annual target for the overall campus academic rating.

How does the 2020 *Not Rated: Declared State of Disaster* rating impact the benefits eligibility requirement to have a performance target for the overall campus rating?

Approved Texas Partnerships are still eligible for benefits as long as the performance contract has the required annual performance targets described above. Districts and operating partners are not required to amend performance contracts to maintain eligibility for financial and accountability benefits.

How does the *Not Rated: Declared State of Disaster* rating impact renewal decisions?

The process for contract renewal decisions is included in the performance contract and should continue to further the district's goals to improve student outcomes. These decisions are based on longitudinal data collected from the campus for the duration of the contract, including, at a minimum, whether the campus has met the annual performance targets based on the A-F overall rating that are stated in the performance contract.

A *Not Rated: Declared State of Disaster* rating does not mean that the operating partner did not meet the target; it indicates that, due to extraordinary public health and safety circumstances, the closure of schools during the state's testing window inhibited the ability of the state to accurately measure district and campus performance². For contract terms that are shorter than 5 years, this means that there is a gap in the data a district uses to make the renewal decision.

¹ For more information, see the [To the Administrator Addressed letter](#) released on April 2, 2020.

² See page 5 of the proposed [2020 Accountability Manual](#).

If the performance contract does not outline performance targets beyond the overall rating, the district may consider taking one of the following steps to ensure decisions are made in the best interests of students and improved outcomes:

- If the contract is up for renewal in the next 12-18 months, the district may consider extending the term of the contract by an additional year to have the full information needed to make the renewal decision.
- If the contract is not up for renewal in the near future and the only performance targets in the contract are based on the final campus rating, the district and partner may consider amending the contract to define the other sources of academic data that will be used starting in 2020-2021 as part of the evidence base for renewal decisions. Keep in mind that to remain eligible for Texas Partnerships (SB 1882) benefits, the operating partner must maintain sole authority to select and determine the use of any and all assessments to be used on the campus that are not required by the state of Texas. The following resources can support districts in this work:
 - The section on Performance Contracts: Performance Standards in the [NACSA Principles and Standards for Quality Charter School Authorizing](#) (p. 15) provides foundational guidance on potential data sources.
 - Texas Authorizers Leadership Academy (TALA) [online modules](#)
 - Executive Advisors and Technical Assistance providers (System of Great Schools and School Action Fund districts)
 - Chief Innovation Officer (CIO) Workshops
 - Division of System Support and Innovation staff at TEA

Impact on Accountability Sanction Pause (Turnaround Partnerships)

What are the laws/rules regarding the pause on accountability sanctions for turnaround partnerships?

If a campus received an overall performance rating of unacceptable for the school year before operation of the district campus under a contract began, then the commissioner may not impose a sanction or take action against the campus during the first two school years of operation under the contract. Actions that cannot be taken include: ordering the development of a campus turnaround plan, the closure of a campus, or installation of a board of managers. The overall performance rating received by the campus during those first two school years is not included in calculating consecutive school years and is not considered a break in consecutive school years for purposes of accountability interventions and sanctions.

How does the 2020 *Not Rated: Declared State of Disaster* rating impact the accountability sanction pause?

Regardless of the rating applied by TEA, the accountability sanction pause applies for the first two school years of operation under the contract. The 2020 rating of *Not Rated: Declared State of Disaster* does not change the duration of the accountability sanction pause that campuses are eligible for under TEC 11.174(f). Districts and operating partners should keep the following in mind for turnaround partnerships:

- The 2020 *Not Rated: Declared State of Disaster* rating does not break the chain of consecutive years of unacceptable ratings for purposes of accountability interventions and sanctions³.
- When a campus receives a rating of *Not Rated: Declared State of Disaster*, the campus shall continue to implement the previously ordered sanctions and interventions⁴.

The tables below outline this impact for campuses with consecutive F ratings. Note that the accountability sanction pause only applies to the first two years of operation under contract, and if a campus receives an acceptable performance rating, the campus is not subject to a sanction.

³ For more information, see the [COVID-19: Accountability FAQ](#) and the [2020 Accountability Manual](#) (p. 97).

⁴ See the [2020 Accountability Manual](#) (p. 99).

Table 1. First year of operation was 2018-2019

	2017-2018	2018-2019 (Year benefits approved)	2019-2020	2020-2021	2021-2022
Campus A	IR4+	Pause*	Pause	Not Rated	'21 Rating
Campus B	IR3	IR4	Pause	Pause	'21 Rating
Campus C	IR2	IR3	Pause	Pause	'21 Rating
Campus D	IR1	IR2	Pause	Pause	'21 Rating
Campus E	Met	IR 1	Pause	Pause	'21 Rating

If the 2021 Rating is an F:

- Campus A and B will be subject to closure/BoM.
- Campus C and D will continue interventions.
- Campus E will be ordered to develop a turnaround plan.

*Any campus that was IR4+ in 17-18 used the first year of the pause on the planning school year.

Table 2. First year of operation was 2019-2020

	2018-2019	2019-2020 (Year benefits approved)	2020-2021	2021-2022	2022-2023
Campus A	IR4	Pause*	Pause	'21 Rating	Depends on '21 rating
Campus B	IR3	4 th year F	Pause	Pause	'22 Rating
Campus C	IR2	3 rd year F	Pause	Pause	'22 Rating
Campus D	IR1	2 nd year F	Pause	Pause	'22 Rating
Campus E	Met	1 st year F	Pause	Pause	'22 Rating

If the 2022 Rating is an F:

- Campus B will be subject to closure/BoM. (Campus A will be subject to closure/BoM with '21 rating.)
- Campus C and D will continue interventions.
- Campus E will be ordered to develop a turnaround plan.

*Any campus that was IR4+ in 18-19 used the first year of the pause on the planning school year.

More Information

- A recorded webinar that discusses these Texas Partnership impacts can be viewed here: <https://txpartnerships.org/tools/>.
- Information and guidance on best practices for district authorizers can be found in the TALA [online modules](#)
- Contact your District Support Team member (for School Action Fund grant recipients and System of Great Schools districts)
- Email Lindsay Denman, Texas Partnerships Manager, at lindsay.denman@tea.texas.gov with questions