Note: The following provisions apply beginning with the 2011–12 school year. For transition provisions relating to the accreditation and accountability system adopted by the 81st Legislature, see Education Code 39.116.

ACCREDITATION

Each district must be accredited by TEA. A district that is not accredited may not receive funds from TEA or hold itself out as operating a public school of this state. *Education Code 11.001, 39.052(f)*

ACCREDITATION STATUSES

The Commissioner shall determine criteria for the following accreditation statuses:

1. Accredited
2. Accredited-warned
3. Accredited-probation

Education Code 39.051

ACCREDITATION CRITERIA

In determining the accreditation status of the District, the Commissioner shall consider performance on student achievement indicators [see STUDENT ACHIEVEMENT INDICATORS, below] and financial accountability [see CFA].

The Commissioner may also consider:

1. The District's compliance with statutory requirements and requirements imposed by rule of the Commissioner or State Board of Education that relate to:
   a. Reports required by state or federal law or court order;
   b. High school graduation requirements; or
   c. Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs.
2. The effectiveness of the District's programs for special populations; and
3. The effectiveness of the District's career and technology program.

The District's accreditation status may be raised or lowered based on the District's performance. The District's accreditation status may be lowered based on the performance of one or more cam-

puses in the District that is below a standard required by Education Code Chapter 39, Subchapter F.

Education Code 39.052(b)

STUDENT ACHIEVEMENT INDICATORS

The Commissioner shall adopt a set of indicators of student achievement. The student achievement indicators shall include:

1. The results of state assessments, including the results of assessments required for graduation and retaken by students;
2. Dropout rates; and
3. High school graduation rates.

Performance on the state assessment and dropout rate indicators shall be compared to state standards and required improvement. State standards shall be adopted by the Commissioner.

"Required improvement" is the progress necessary for the campus or District to meet state standards and, for the state assessment indicator, the progress necessary for the students to meet each of the performance standards under Education Code 39.0241 (state assessment standards).

Education Code 39.053

NOTICE OF STATUS

The Commissioner shall notify the District if the District has received an accreditation status of accredited-warned or accredited-probation, or a campus's performance is below standard. The District must notify the parents of students enrolled in the District and property owners in the District of the accreditation status and its implications. *Education Code 39.052(e)*

QUALITY OF LEARNING INDICATORS

In addition to the student achievement indicators, the Commissioner shall adopt indicators of the quality of learning for the purpose of preparing performance reports [see AIB]. The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the Minimum High School Program, the Recommended High School Program, and the Advanced/Distinguished Achievement High School Program;
2. The results of the SAT, ACT, articulated postsecondary degree programs, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;

4. For each campus, the number of students, disaggregated by major student subpopulations, who agree to take courses under the Minimum High School Program;

5. The percentage of students provided accelerated instruction after unsatisfactory performance on a state assessment, the subject of the assessment on which each student failed to perform satisfactorily, the results of second and third administrations of the assessment, the percentage of such students promoted through the grade placement committee process, and the performance of those students in the following school year on the state assessments;

6. The percentage of students of limited English proficiency exempted from the administration of an assessment;

7. The percentage of students in a special education program assessed through alternative assessment instruments;

8. The percentage of students who satisfy the college readiness measure;

9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;

11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301

PERFORMANCE RATINGS

Each year, the Commissioner shall assign each district and campus a performance rating of either acceptable or unacceptable performance. The Commissioner shall evaluate against state standards and consider the performance of each campus in the District on the basis of the campus's performance on the student achievement indicators.

Acceptable performance shall be defined as meeting the state standard established by the Commissioner, based on:

1. Student performance in the current school year; or

2. Student performance as averaged over the current school year and the preceding two school years.

The Commissioner may assign an acceptable performance rating if the campus or District:

1. Performs satisfactorily on 85 percent of the measures the Commissioner determines appropriate with respect to the student achievement indicators. The Commissioner may grant an exception from this criterion only in special circumstances; and

2. Does not fail to perform satisfactorily on the same measure for two consecutive school years.

The Commissioner may grant an exception to the District or a campus if the performance is within a certain percentage, determined by the Commissioner, of the minimum performance standard for the measure of evaluation, or if the District or campus satisfies alternative performance criteria established by the Commissioner.

Education Code 39.054

A student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department or another governmental entity is not considered to be a student of the District in which the program or facility is physically located. *Education Code 39.055*

ACADEMIC EXCELLENCE DISTINCTION DESIGNATIONS

The Commissioner shall award distinction designations. The District or campus may not be awarded a distinction designation unless the District or campus has acceptable performance on the student achievement indicators. *Education Code 39.201*

The Commissioner shall establish a recognized and exemplary rating for districts and campuses. *Education Code 39.202*

CAMPUS DESIGNATIONS

The Commissioner shall award distinction designations to campuses that meet one or more of the following criteria:

1. The campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement.

2. The campus demonstrates an ability to significantly diminish or eliminate performance differentials between student subpopulations and the campus is ranked in the top 25 percent of campuses in this state under performance criteria adopted by the Commissioner.

3. The campus satisfies the criteria developed by the Commissioner for the following programs or the following specific categories of performance:

a. Academic achievement in English language arts, mathematics, science, or social studies;

b. Fine arts;

c. Physical education;

d. 21st Century Workforce Development program; and

e. Second language acquisition program.

In addition, the Commissioner may award a distinction designation to a campus with a significant number of students below grade 9 who perform satisfactorily on an end-of-course assessment instrument. [See EKB]

Education Code 39.203

EXCELLENCE EXEMPTIONS

Except as listed below, a school or district that is rated exemplary is exempt from requirements and prohibitions imposed under the Education Code, including regulations adopted under the Education Code.

An exemplary campus or district is not exempt from:

1. A prohibition on conduct that constitutes a criminal offense;

2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;

3. A requirement, restriction, or prohibition relating to:

a. Curriculum essential knowledge and skills or high school graduation requirements;

b. Public school accountability;

c. Extracurricular activities;

d. Health and safety;

e. Purchasing;

f. Elementary class size limits;

g. Removal of a disruptive student from the classroom;

h. At-risk programs;

i. Prekindergarten programs;

j. Rights and benefits of school employees;

k. Special education programs; or

l. Bilingual education programs.

The Commissioner may exempt an exemplary campus from class size limits if the campus submits a written plan showing steps that will be taken to ensure that the exemption will not be harmful to the academic achievement of the students on the school campus. If granted, the exemption remains in effect until the Commissioner determines that achievement levels of the campus have declined.

Education Code 39.232