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**SECTION I: STATE ASSESSMENT OF ACADEMIC SKILLS**

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see TESTING IN GRADES 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on the end-of-course (EOC) assessment instruments [see END-OF-COURSE ASSESSMENTS, below]. *Education Code 39.025(a)*

**SPECIAL  
EDUCATION**

TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the Commissioner of Education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the Commissioner, must, to the extent allowed under federal law, provide the Admission, Review and Dismissal team (ARD) with options for the assessments of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

*Education Code 39.023(b)–(c), .025(a-4)*

**MILITARY  
DEPENDENTS**

If the student is a military dependent, the School shall accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then a Commissioner's substitute passing standard shall apply.

SUBSTITUTE  
PASSING  
STANDARD

The Commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

*Education Code 162.002 art. VII, §§ B–C [See FDD]*

**SECTION II: ADMINISTRATION**

The School shall follow the test administration procedures established by TEA in the applicable test administration materials. The Superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

## SCHEDULE

The School participates in Texas Association of Private and Parochial Schools (TAPPS). TAPPS does not adhere to the mandatory state assessment schedule.

TSD provides alternative testing dates with permission of Texas Education Agency when necessary.

ALTERNATE TEST  
DATES

The Commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

*19 TAC 101.5003***SECTION III: NOTICE TO PARENTS AND STUDENTS**

The Superintendent or designee shall be responsible for providing written notice to each student and the student's parent or guardian of:

**GRADE  
ADVANCEMENT  
TESTING**

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing.

Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.

**GRADUATION  
TESTING**

2. The testing requirements for graduation and the dates, times, and locations of testing.

Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

*19 TAC 101.3012***SECTION IV: Testing in grades 3–8**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3 - 7 without the aid of technology and in grade 8 with the aid of technology on any assessment instrument that includes algebra;
2. Reading, annually in grades 3 - 8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

*Education Code 39.023(a)***EXCEPTION**

A student shall not be administered a grade-level assessment if the student:



1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an end-of-course assessment instrument that aligns with the curriculum for that course or subject within the same content area.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

*Education Code 28.0211 (p); 39.023(a-2); 19 TAC 101.3011*

#### ACCOMMODATIONS

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

For a student receiving special education services, the ARD committee shall determine the allowable accommodations and shall document them in the student's IEP.

*19 TAC 101.3013; Education Code 39.023(a-c), (n); 34 C.F.R 300.320(a)(6)*

#### **SECTION V: End-of-course ASSESSMENTS**

Beginning with students first enrolled in grade 9 in the 2011 – 2012 school year, a student enrolled in a course for which an EOC assessment exists as required by Education Code 39.023 (c) shall take the appropriate assessment. *19 TAC 101.3021 (a)*

STUDENTS  
ENROLLED BELOW  
HIGH SCHOOL  
LEVEL

Beginning in the 2011 – 2012 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements as specified in 19 Administrative Code 101.3022. . *10 TAC 101.3021(d)*

ASSESSMENT  
REQUIREMENTS  
FOR GRADUATION

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023© only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

EXCEPTIONS  
ENGLISH I OR  
ENGLISH II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

Achieved satisfactory performance on either the reading or writing EOC assessment for that course;

Met at least the minimum score on the other EOC assessment for that course; and

Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

CREDITS EARNED  
PRIOR TO  
ENROLLMENT

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011-12 spring administration, the student is not required to take the corresponding EOC assessment.

SUBSTITUTE  
ASSESSMENTS

*TAC 101.3021(e), 3022*

A student may use certain assessments as substitute assessments in place of an EOC assessment, to meet the student's assessment graduation requirements in accordance with the Commissioner's chart at 19 Administrative Code 101.4002(b). An approved substitute assessment may be used in place of only one specific EOC assessment.

A student is eligible to use a substitute assessment if the student:

1. Was administrated an approved substitute assessment for an equivalent course in which the student was enrolled; and
2. Received a satisfactory score on the substitute assessment as determined by the Commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative (TSI) assessment also meets the following criteria:

- a. A student must have been enrolled in a college preparatory course for English language arts or mathematics and, in accordance with Education Code 39.025(a-1), have been administered an appropriate TSI assessment at the end of that course.
  - (1) A student under this provision who meets all TSI English language arts score requirements provided in the chart at 19 Administrative Code 101.4002(b) satisfies both the English I and English II EOC assessment graduation requirements.
  - (2) A student under this provision may satisfy an assessment graduation requirement in such a manner regardless of previous performance on an Algebra I, English I, or English II EOC assessment.
- b. In accordance with Education Code 39.025(a-3), a student who did not meet satisfactory performance on the Algebra I or English II EOC assessment after retaking the assessment may use the corresponding TSI assessment in place of that EOC assessment.
  - (1) For a student under this provision who took separate reading and writing assessments for the English II EOC assessment and who did not meet the English II assessment graduation requirement using those tests as specified in 19 Administrative Code 101.3022(b) (relating to Assessment Requirements for Graduation), the separate TSI reading or writing assessment may not be used to substitute for the corresponding English II reading or writing EOC assessment.
  - (2) The provisions of this paragraph expire September 1, 2017. A student may meet the assessment graduation requirements under this provision using the TSI if the student has met the necessary score requirements as specified in the chart at 19 Administrative Code 101.4002(b) prior to September 1, 2017.

A student electing to substitute as assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above.

A student who fails to performance satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart at 19 Administrative Code 101.4002(b) must take the appropriate EOC assessment to meet the assessment requirements for that subject.

VERIFICATION OF RESULTS	<p>An eligible student is responsible for providing the School an official copy of the student's scores from the substitute assessment.</p> <p>Upon receipt of official results of an approved substitute assessment, the School must:</p> <ol style="list-style-type: none"> <li>1. Verify the student's score on the substitute assessment; and</li> <li>2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the Commissioner.</li> </ol> <p>19 TAC 101.4002, 4005</p>
SATISFACTORY PERFORMANCE	<p>A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner on each EOC assessment instrument administered to the student.</p> <p><i>Education code 39.025(a)</i></p>
INDIVIDUAL GRADUATION COMMITTEE	<p>A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF]</p> <p>Starting with the 2014-2015 school year, a student who has taken but failed to achieve the EOC assessment graduation requirements for no more than two courses may receive a Texas high school diploma if the student has qualified to graduate by means of an IGC under Education Code 28.0258.</p> <p>A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. The School shall determine whether the student took each required EOC assessment or an approved substitute assessment. Under this provision, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an IGC.</p>
RETAKES	<p>Notwithstanding any action taken by a student's IGC, the School must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c), if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.</p>
APPLICATION AND EXPIRATION	<p>This provision only applies to a student classified by the School as an 11<sup>th</sup> or 12<sup>th</sup> grade student in the 2014-15, 2015-16, or 2016-17 school year.</p>

This provision expires September 1, 2017. A student may graduate by means of an IGC if the student has qualified for an IGC under Education Code 28.0258 and that IGC convened prior to September 1, 2017.

*Education Code 28.0258, 39.025(a-2); 19 TAC 101.3022(e)*

SPECIAL  
EDUCATION

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 which is applicable to all TSD students. As provided in 19 Administrative Code 89.1070 (relating to Graduation Requirements) and 19 Administrative Code 101.3023 (relating to Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See INDIVIDUAL GRADUATION COMMITTEE, above]

*19 TAC 101.3022(f)*

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

A student who is receiving special education services and who is first enrolled in grade 9 or below in the 2011–12 school year shall be administered an alternative version of an EOC assessment instrument

upon completion of the corresponding course as required by the student's IEP.

If a student who is receiving special education services is administered an alternative form of an EOC assessment, the 15 percent course grade requirement shall not be applied and a cumulative score shall not be reported.

If a student receiving special education services meets the participation requirements for an alternative form of an EOC assessment and is enrolled in a course for which there is an EOC assessment but no corresponding alternative version of that assessment, the student is not required to take an assessment for that course.

If a student is administered a general EOC assessment, the 15 percent course grade requirement shall apply and a cumulative score shall be reported for the student.

*19 TAC 101.3023*

CREDIT BY  
EXAMINATION

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC]

*19 TAC 101.3021(c)*

ADDITIONAL STATE  
ASSESSMENTS

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

RETAKES

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See SATISFACTORY PERFORMANCE, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

*Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)*

**SECTION VI: REPORTING RESULTS**

TO THE PUBLIC

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

REPORT TO THE  
BOARD

The Superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

TO PARENTS AND  
STUDENTS

The School shall notify each of its students and his or her parent or guardian of test results, observing confidentiality requirements stated at CONFIDENTIALITY, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. [See BQ series, FD, and FL]

*19 TAC 101.3014*

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A school district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A school district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

PARENTS RIGHT-TO-  
KNOW UNDER ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

## PARENTAL ACCESS

A parent is entitled to access to a released copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

**SECTION VII: OUT-OF-STATE TRANSFERS**

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

*19 TAC 101.3014***SECTION VIII: Accelerated instruction**

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the School shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1)*

The School shall provide each student who fails to perform satisfactorily as determined by the Commissioner under Education Code 39.0241(a) on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument.

COLLEGE  
READINESS*Education Code 39.025(b-1)–(b-2)*

The School shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The course must be designed:

1. For students at the twelfth grade level whose performance on:
  - a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
  - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.3062(c) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.
3. A course must be provided in High School offering the course or through distance learning or as an online course provided through the institution of higher education with which the School partners.

## FACULTY

Appropriate faculty of the high school department offering course and appropriate faculty of each institution of higher education with which the School partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

## NOTICE

The School shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

## CREDIT EARNED

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirements for the foundation high school



program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirements under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2)

#### INSTRUCTIONAL MATERIALS

The School, in consultation with the institution of higher education with which the School partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

*Education Code 28.014*

#### **SECTION IX: SECURITY**

To ensure that each assessment instrument is reliable and valid and meets applicable federal requirements for measurement of student progress, districts must comply with all of the applicable requirements specified in the test administration materials, which include general testing program information, requirements for ensuring test security and confidentiality described in the annual Test Security Supplement, procedures for test administration, responsibilities of personnel involved in test administration, and procedures for materials control.

Test coordinators and administrators must receive all applicable training as required in the test administration materials and districts must maintain records related to the security of assessment instruments for a minimum of five years.

*19 TAC 101.3031*

#### CONFIDENTIALITY

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

#### PENALTIES

Violation of security or confidentiality of any test is prohibited. A person who engages in conduct prohibited by the Test Security Supplement may be subject to sanction of credentials.

Procedures for maintaining the security and confidentiality of state assessments are specified in the Test Security Supplement and in the appropriate test administration materials. Conduct that violates the security and confidentiality of a test is defined as any departure from the test administration procedures established in the Test Security Supplement and other test administration materials. Conduct of this nature may include the following acts and omissions:

4. Viewing a test before, during, or after an assessment unless specifically authorized to do so;
5. Duplicating secure examination materials;
6. Disclosing the contents of any portion of a secure test;
7. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
8. Changing or altering a response or answer of an examinee to a secure test item or prompt;
9. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;
10. Encouraging or assisting an individual to engage in the conduct described in the items listed above; or
11. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in the items listed above

Any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidentiality, as well as any person who fails to report such a violation is subject to the following penalties:

1. Placement of restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;
2. Issuance of an inscribed or non-inscribed reprimand;
3. Suspension of a Texas teacher certificate for a set term; or
4. Revocation or cancellation of a Texas teacher certificate without opportunity for reapplication either for a set term or permanently.

Release or disclosure of confidential test content could result in criminal persecution under Education Code 39.0303, Government Code 552.352, and Penal Code 37.10. The State Board of Educator Certification may take any of the above actions based on satisfactory evidence that an educator has failed cooperate with TEA in an investigation.

Any irregularities in test security or confidentiality may also result in the invalidation of student results.

The Superintendent or designee shall develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

*19 TAC 101.3031(b)(2), 249.15*

MINIMIZE  
DISRUPTIONS

In implementing the Commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, the School shall minimize disruptions to school operations and the classroom environment.

Education Code 39.0301(a-1)