

Chapter 101. Assessment

Subchapter A. General Provisions

Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, Chapter 39, Subchapter B, unless otherwise noted.

§101.1. Scope of Rules.

- (a) The State Board of Education (SBOE) shall:
 - (1) create and implement the statewide assessment program to ensure the program supports the goals of education as specified in the Texas Education Code (TEC); and
 - (2) establish goals for the statewide assessment program.
- (b) When adopting rules, the SBOE shall maintain the stability of the statewide assessment program to the greatest extent possible in accordance with the TEC, Chapter 39, Subchapter B.
- (c) The statewide assessment program consists of the following criterion-referenced tests:
 - (1) the assessment of academic skills in English and Spanish for the grades and subjects as specified in the TEC, Chapter 39, Subchapter B;
 - (2) the alternative assessment of academic skills for eligible students receiving special education services as specified in the TEC, Chapter 39, Subchapter B;
 - (3) the assessments required for graduation as specified in the TEC, Chapter 39, Subchapter B; and
 - (4) the reading proficiency tests in English for eligible limited English proficient students as specified in the TEC, Chapter 39, Subchapter B.

Source: The provisions of this §101.1 adopted to be effective November 15, 2001, 26 TexReg 9091.

§101.3. Policy.

- (a) The goal of the statewide assessment program is to provide all eligible Texas students an appropriate statewide assessment that measures and supports their achievement of the essential knowledge and skills of the state-mandated curriculum.
- (b) To maximize its effectiveness for educators and students, the statewide assessment program shall be based on the following quality standards.
 - (1) Tests shall be aligned to the essential knowledge and skills of the state-mandated curriculum in all subject areas tested.
 - (2) Tests shall be reliable and valid measures of the essential knowledge and skills and shall be administered in a standardized manner.
 - (3) Test results at the student, campus, district, regional, and state levels shall be reported in a timely and accurate manner.

Source: The provisions of this §101.3 adopted to be effective August 15, 2002, 27 TexReg 7106.

§101.5. Student Testing Requirements.

- (a) Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by the Texas Education Code (TEC), Chapter 39, Subchapter B.
- (b) A student receiving special education services under the TEC, Chapter 29, Subchapter A, enrolled in Grades 3-11 and who is receiving instruction in the essential knowledge and skills, shall take the assessment of academic skills unless the student's admission, review, and dismissal (ARD) committee determines that it is an inappropriate measure of the student's academic progress as outlined in the student's individualized

education program (IEP). If the student's ARD committee determines that the assessment of academic skills is an inappropriate measure of the student's academic progress in one or more subjects, the student shall take the alternate assessment of academic skills in the subject or subjects. Each testing accommodation shall be documented in the student's IEP in accordance with 34 Code of Federal Regulations (CFR) §300.347(a)(5)(i) and (ii), relating to the content of the IEP and participation in statewide or districtwide assessments.

- (c) In Grades 3-12, a limited English proficient (LEP) student, as defined by the TEC, Chapter 29, Subchapter B, shall participate in the assessments as required by this section and Subchapter AA of this chapter (relating to Commissioner's Rules Concerning the Participation of Limited English Proficient Students in State Assessments). In Grades 3-5, the language proficiency assessment committee (LPAC) shall determine whether a nonexempt LEP student whose primary language is Spanish will take the assessment of academic skills in English or in Spanish. The decision as to the language of the assessment shall be based on the assessment that will provide the most appropriate measure of the student's academic progress.
- (d) A foreign exchange student who has waived in writing his or her intention to receive a Texas high school diploma may be excused from the assessment requirement as specified in the TEC, Chapter 39, Subchapter B.

Source: The provisions of this §101.5 adopted to be effective November 15, 2001, 26 TexReg 9091; amended to be effective March 23, 2005, 30 TexReg 1632; amended to be effective December 23, 2009, 34 TexReg 9200.

§101.7. Testing Requirements for Graduation.

- (a) To be eligible to receive a high school diploma, a student must demonstrate satisfactory performance as determined by the commissioner of education on the assessments required for graduation as specified in the Texas Education Code (TEC), Chapter 39, Subchapter B.
 - (1) To fulfill the testing requirements for graduation, a student must be tested by either a Texas school district, Texas education service center, open-enrollment charter school, the Texas Education Agency (TEA), or other individual or organization designated by the commissioner of education.
 - (2) On the tests required for graduation, a student shall not be required to demonstrate performance at a standard higher than the one in effect when he or she was first eligible to take the test.
- (b) Beginning with the 2003-2004 school year, students who were enrolled in Grade 8 or a lower grade on January 1, 2001, must fulfill testing requirements for graduation with the Grade 11 exit level tests, as specified in the TEC, §39.023(c), as that section existed before amendment by Senate Bill 1031, 80th Texas Legislature, 2007.
- (c) A student receiving special education services under the TEC, Chapter 29, Subchapter A, who successfully completes the requirements of his or her individualized education program (IEP) shall receive a high school diploma.
- (d) According to procedures specified in the applicable test administration materials, an eligible student or out-of-school individual who has not met graduation requirements may retest on a schedule determined by the commissioner of education.

Source: The provisions of this §101.7 adopted to be effective November 15, 2001, 26 TexReg 9091; amended to be effective March 23, 2005, 30 TexReg 1632; amended to be effective December 23, 2009, 34 TexReg 9200.

§101.9. Grade Advancement Requirements.

Each school district and charter school shall test eligible students in accordance with the grade advancement requirements as specified in the Texas Education Code (TEC), §28.0211(a). These requirements pertain to the reading and mathematics assessments at Grade 5 and Grade 8.

- (1) The Texas Education Agency shall provide three opportunities for the assessments required for grade advancement as specified in the TEC, §28.0211(b). The commissioner of education shall specify the dates of these administrations in the assessment calendar.

- (2) A school district or charter school shall provide accelerated instruction for students who fail to demonstrate satisfactory performance as specified in the TEC, §28.0211(a-1) and (c).
- (3) The commissioner of education shall approve the assessments for local use by school districts or charter schools as provided under the TEC, §28.0211(b).

Source: The provisions of this §101.9 adopted to be effective November 15, 2001, 26 TexReg 9091; amended to be effective March 23, 2005, 30 TexReg 1632; amended to be effective December 23, 2009, 34 TexReg 9200.

§101.11. Remediation.

- (a) Each school district and charter school shall provide remediation for students in the third, fourth, fifth, sixth, seventh, or eighth grade who fail to demonstrate satisfactory performance on any section of the assessments of academic skills, as required by the Texas Education Code (TEC), §28.0211(a-1) and (a-2) and §28.0213.
- (b) As authorized under the TEC, §39.0241(c), the Texas Education Agency may develop summer remediation study guides to help parents in providing assistance to students who do not perform satisfactorily on one or more parts of the assessments of academic skills specified in the TEC, §39.023(a) and (c). Each school district and charter school shall make available any summer remediation study guides in the manner most effective for them, and shall observe the requirements for maintaining confidentiality of student assessment results.

Source: The provisions of this §101.11 adopted to be effective November 15, 2001, 26 TexReg 9091; amended to be effective March 23, 2005, 30 TexReg 1632; amended to be effective December 23, 2009, 34 TexReg 9200.

§101.13. Notice to Students and Parents.

- (a) The superintendent of each school district and chief administrative officer of each charter school shall be responsible for the following in order to provide timely and full notification of graduation requirements:
 - (1) notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
 - (2) notifying each student in Grades 7-12 new to the school district or charter school and his or her parent or guardian in writing of the testing requirements for graduation; and
 - (3) notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.
- (b) The superintendent of each school district and chief administrative officer of each charter school shall be responsible for the following in order to provide timely and full notification of testing requirements for advancement at certain grades:
 - (1) notifying each student and his or her parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in a public school, of the testing requirements for grade advancement as specified in the Texas Education Code (TEC), §28.0211;
 - (2) notifying each student in Grades 1-8 who is new to the school district or charter school and his or her parent or guardian in writing of the testing requirements for grade advancement; and
 - (3) notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

Source: The provisions of this §101.13 adopted to be effective November 15, 2001, 26 TexReg 9091.