

## Chapter 101. Assessment

### Subchapter CC. Commissioner's Rules Concerning Implementation of Academic Content Area Testing Program

#### §101.3004. Performance Standards.

- (a) The commissioner of education shall determine the level of performance considered to be satisfactory on the assessment instruments. The figures in this section identify the performance standards established by the commissioner of education for state-developed assessments, as required by the Texas Education Code (TEC), Chapter 39, Subchapter B, for all grades, assessments, and subjects.
- (b) The figure in this subsection identifies the performance standards established by the commissioner for the Texas Assessment of Knowledge and Skills (TAKS) for all grades and subjects other than reading and mathematics in Grades 3-8. Except as otherwise provided by this subsection, the "commended" and "met" standards are based on spring 2003 operational test forms. Future forms will be equated by the Texas Education Agency to the 2003 assessments in order to ensure that equivalent standards are maintained. The "commended" and "met" standards for the TAKS Grade 8 science assessment are based on the spring 2006 operational test form. Future forms of the Grade 8 science assessment will be equated by the Texas Education Agency to the 2006 assessment in order to ensure that equivalent standards are maintained. The exit-level standard in place when a student enters Grade 10 is the standard that will be maintained throughout the student's high school career.

Figure: 19 TAC §101.3004(b)

- (c) The figure in this subsection identifies the performance standards established by the commissioner for the TAKS reading and mathematics assessments in Grades 3-8. The "commended" and "met" standards are based on the spring 2008 operational test forms following the implementation of the vertical scale required under the TEC, §39.036. Future forms of the test will be equated by the Texas Education Agency to the 2008 assessment in order to ensure that equivalent standards are maintained.

Figure: 19 TAC §101.3004(c)

*Statutory Authority: The provisions of this §101.3004 issued under the Texas Education Code, §39.0241 and §39.025.*

*Source: The provisions of this §101.3004 adopted to be effective February 22, 2010, 35 TexReg 1461.*

#### §101.3011. Implementation and Administration of Academic Content Area Assessment Instruments.

- (a) The Texas Education Agency (TEA) shall administer each assessment instrument under the Texas Education Code (TEC), §39.023(a), (b), (c), and (l), in accordance with the rules governing the assessment program set forth in Chapter 101 of this title (relating to Assessment).
- (b) The TEA shall administer alternative assessment instruments under the TEC, §39.023(b), that correspond to:
  - (1) the assessment instruments required under the TEC, §39.023(a); and
  - (2) the following assessment instruments required under the TEC, §39.023(c): English I, English II, and English III; Algebra I and geometry; biology; and world geography, world history, and U.S. history.
- (c) The TEA shall administer each appropriate assessment under the TEC, §39.023, as that section existed before amendment by Senate Bill 1031, 80th Texas Legislature, 2007.
- (d) Test administration procedures shall be established by the TEA in the applicable test administration materials. A school district, an open-enrollment charter school, or a private school administering the tests

required by the TEC, Chapter 39, Subchapter B, shall follow procedures specified in the applicable test administration materials.

- (e) In accordance with House Bill 411, Section 5, 78th Texas Legislature, 2003, this subsection is adopted by the commissioner of education for the implementation of the TEC, §39.023(a)(6). The TEA shall administer to students assessments in any other subject and grade required by federal law.
- (f) The provisions of this subchapter shall be implemented by school districts beginning in the 2011-2012 school year with the exception of the 15% course grade requirement specified in the TEC, §39.023(c). The 15% course grade requirement specified in §101.3021 of this title (relating to Required Participation in Academic Content Area Assessments and Course Grading) and §101.3023 of this title (relating to Participation, Graduation Assessment, and Cumulative Score Requirements for Students Receiving Special Education Services) shall be implemented by school districts beginning in the 2012-2013 school year.

*Statutory Authority: The provisions of this §101.3011 issued under the Texas Education Code, §39.023 and §39.025.*

*Source: The provisions of this §101.3011 adopted to be effective May 29, 2012, 37 TexReg 3827.*

**§101.3021. Required Participation in Academic Content Area Assessments and Course Grading.**

- (a) Beginning with students first enrolled in Grade 9 in the 2011-2012 school year, a student enrolled in a course for which an end-of-course (EOC) assessment exists as required by the Texas Education Code (TEC), §39.023(c), shall take the appropriate assessment.
- (b) A student is required to meet the EOC assessment graduation requirements of §101.3022 of this title (relating to Assessment and Cumulative Score Requirements for the Minimum, Recommended, and Distinguished Achievement High School Programs) to receive a Texas diploma if a student:
  - (1) is accelerated for an academic content area based on a result from an approved credit by examination as specified in §74.24 of this title (relating to Credit by Examination) for which there is an EOC assessment as listed in the TEC, §39.023(c).
    - (A) If a student receives course credit by the methods specified in this paragraph, the student shall be administered the appropriate EOC assessment under the TEC, §39.023(c), during the next administration of that assessment. The EOC assessment result will count toward the student's assessment graduation requirements as specified in §101.3022 of this title.
    - (B) An EOC assessment in the TEC, §39.023(c), cannot be used for purposes of §74.24 of this title;
  - (2) is participating in a distance-learning or correspondence course as outlined in §74.23 of this title (relating to Correspondence Courses and Distance Learning) for which there is an EOC assessment as listed in the TEC, §39.023(c). The 15% course grade requirement as required by the TEC, §39.023(c), and specified in subsection (c) of this section shall apply to a student participating in a distance-learning or correspondence course; or
  - (3) is participating in a dual-credit course as specified in §74.25 of this title (relating to High School Credit for College Courses) for which there is an EOC assessment as listed in the TEC, §39.023(c). The 15% course grade requirement as required by the TEC, §39.023(c), and specified in subsection (c) of this section shall apply to a student participating in a dual-credit course.
- (c) As required by the TEC, §39.023(c), school districts are required to institute a policy by which a student's score on an assessment listed in the TEC, §39.023(c), shall account for 15% of that student's final grade in the course. A school district is not required to use a student's score on a subsequent retest administration to determine the student's final grade for that course. The 15% course grade requirement of this subchapter shall not apply for the following:
  - (1) a student receiving special education services under the TEC, Chapter 29, Subchapter A, who is administered an alternate assessment as specified by the TEC, §39.023(b); and
  - (2) an English language learner administered an English I or English II EOC assessment who meets the criteria specified in §101.1007 of this title (relating to Assessment Provisions for Graduation).

- (d) 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 specified in the TEC, §39.023(c). The EOC assessment result shall be applied toward the student's course grade requirement, as specified by subsection (c) of this section, and assessment graduation requirements, as specified in §101.3022 of this title.
- (e) If a student earned high school credit for a course for which there is an EOC assessment as listed in the TEC, §39.023(c), 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 for which there is an EOC assessment prior to the 2011-2012 spring administration, the student is not required to take the corresponding EOC assessment as listed in the TEC, §39.023(c).
- (f) If a student is not required to take an EOC assessment under the TEC, §39.023(c), a student can request to be administered the EOC assessment for a course for which a student received credit.
- (g) A student may retake an EOC assessment under the TEC, §39.023(c), for any reason if the student previously took an EOC assessment. A student is not required to retake a course in order to be administered a retest of an EOC assessment. The assessment result will count toward a student's cumulative score under §101.3022 of this title only if the assessment score is higher than the student's previous assessment score.

*Statutory Authority: The provisions of this §101.3021 issued under the Texas Education Code, §39.023 and §39.025.*

*Source: The provisions of this §101.3021 adopted to be effective May 29, 2012, 37 TexReg 3827.*

**§101.3022. Assessment and Cumulative Score Requirements for the Minimum, Recommended, and Distinguished Achievement High School Programs.**

- (a) Beginning with students first enrolled in Grade 9 in the 2011-2012 school year, a student under:
  - (1) the minimum high school program (MHSP) must take an end-of-course (EOC) assessment for courses in which the student is enrolled and for which an EOC assessment is available. If a student on the MHSP takes a course that is not specifically listed as a requirement of the MHSP, the student must take the applicable EOC assessment as listed in the Texas Education Code (TEC), §39.023(c), and the student will have the option of using the assessment's score toward the student's cumulative score requirement specified in subsection (b) of this section.
    - (A) If a student on the MHSP elects to take for credit Algebra II in order to fulfill the mathematics credit requirements of the MHSP, the student has the option of using the EOC assessment score for that course toward the student's cumulative score requirement specified in subsection (b) of this section.
    - (B) If a student on the MHSP elects to take for credit World History Studies or World Geography Studies in order to fulfill the social studies credit requirements of the MHSP, the student has the option of using the EOC assessment score for that course toward the student's cumulative score requirement specified in subsection (b) of this section.
    - (C) If a student on the MHSP elects to substitute Integrated Physics and Chemistry with either Chemistry or Physics for credit in order to fulfill the science credit requirements of the MHSP, the student has the option of using the EOC assessment score for that course toward the student's cumulative score requirement specified in subsection (b) of this section; or
  - (2) the recommended or distinguished achievement high school program must take all 12 EOC assessments listed in the TEC, §39.023(c), except in cases as provided by §101.3021(e) of this title (relating to Required Participation in Academic Content Area Assessments and Course Grading), and meet the cumulative score requirement specified in subsection (b) of this section in each of the foundation content areas of English language arts, mathematics, science, and social studies.
    - (A) To receive a diploma under the recommended high school program, a student must achieve satisfactory performance on the Algebra II and English III EOC assessments. The standard in place when a student first takes a mathematics or English EOC assessment is the standard that will be maintained throughout the student's school career for the content areas. If a student earned high school credit for Algebra II or English III 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 Algebra II or English III for Texas high school credit prior to the 2011-2012 spring administration, this provision does not apply.

- (B) To receive a diploma under the distinguished high school program, a student must achieve the advanced standard on the Algebra II and English III assessments. If a student earned high school credit for Algebra II or English III 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 Algebra II or English III for Texas high school credit prior to the 2011-2012 spring administration, this provision does not apply.
- (b) In order to receive a Texas diploma, a student must achieve a cumulative score that is at least equal to the product of the number of EOC assessments under the TEC, §39.023(c), taken in each foundation content area (English language arts, mathematics, science, and social studies) and a scale score that indicates satisfactory performance. The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career for that content area.
- (1) For an EOC assessment score to count toward the cumulative score, the student must achieve at least the minimum performance level as set by the commissioner of education. If a student's performance does not equal or exceed the minimum score, the student must retake the assessment.
- (2) The cumulative score requirement for a student on the MHSP is based on the number of courses specifically listed as a requirement of the MHSP and for which an EOC assessment exists. If a student takes a course that is not specifically listed as a requirement of the MHSP and the student takes the applicable EOC assessment as listed in the TEC, §39.023(c), the student will have the option of using the EOC assessment score toward the student's cumulative score requirement.
- (3) Exceptions related to English I and II retest requirements and the use of English I and II EOC assessment results in the cumulative score requirement shall apply to English language learners who meet the criteria specified in §101.1007 of this title (relating to Assessment Provisions for Graduation).
- (4) If a student is not administered an EOC assessment as specified by §101.3021(e) of this title, the cumulative score requirement for the student shall be modified accordingly.
- (A) The student shall be administered the applicable EOC assessment during an administration upon request.
- (B) The EOC assessment result may count toward the student's cumulative score only if the score is at or above the passing standard as set by the commissioner of education.
- (c) If a student failed a course but achieved at least the minimum score on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

*Statutory Authority: The provisions of this §101.3022 issued under the Texas Education Code, §39.023 and §39.025.*

*Source: The provisions of this §101.3022 adopted to be effective May 29, 2012, 37 TexReg 3827.*

**§101.3023. Participation, Graduation Assessment, and Cumulative Score Requirements for Students Receiving Special Education Services.**

- (a) As stipulated by §89.1070 of this title (relating to Graduation Requirements) and §101.7 of this title (relating to Testing Requirements for Graduation), a student receiving special education services under the Texas Education Code (TEC), Chapter 29, Subchapter A, who successfully completes the requirements of his or her individualized education program (IEP), including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's admission, review, and dismissal (ARD) committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.
- (b) Beginning with the 2011-2012 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 end-of-course (EOC) assessments as listed in §101.3011(b)(2) of this title (relating to Implementation and Administration of Academic Content Area Assessment Instruments).

- (c) A student who is receiving special education services under the TEC, Chapter 29, Subchapter A, and who is first enrolled in Grade 9 or below in the 2011-2012 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.
- (d) If a student who is receiving special education services under the TEC, Chapter 29, Subchapter A, is administered an alternative form of an EOC assessment as specified in §101.3011 of this title, the 15% course grade requirement of the TEC, §39.023(c), shall not be applied and a cumulative score shall not be reported.
- (e) 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.
- (f) If a student is administered a general EOC assessment as listed in the TEC, §39.023(c), the 15% course grade requirement as required by the TEC, §39.023(c), and specified in §101.3021(c) of this title (relating to Required Participation in Academic Content Area Assessments and Course Grading) shall apply and a cumulative score shall be reported for the student in accordance with §101.3022 of this title (relating to Assessment and Cumulative Score Requirements for the Minimum, Recommended, and Distinguished Achievement High School Programs).

*Statutory Authority: The provisions of this §101.3023 issued under the Texas Education Code, §39.023 and §39.025.*

*Source: The provisions of this §101.3023 adopted to be effective May 29, 2012, 37 TexReg 3827.*

**§101.3024. Assessment Requirements for Students First Enrolled in Grade 9 Prior to 2011-2012 School Year or First Enrolled in Grade 10 or Above in 2011-2012 School Year.**

- (a) Students who were first enrolled in Grade 9 prior to the 2011-2012 school year or enrolled in Grade 10 or above in the 2011-2012 school year must fulfill testing requirements for graduation with the assessments required by the Texas Education Code (TEC), §39.023(c), as that section existed before amendment by Senate Bill (SB) 1031, 80th Texas Legislature, 2007. For purposes of this section, coursework necessary to graduate means all the coursework required under the student's graduation plan.
- (b) For a student who is receiving special education services under the TEC, Chapter 29, Subchapter A, who is enrolled above Grade 9 in the 2011-2012 school year and for whom an IEP specifies that the student shall take a modified version of an assessment, the modified assessments as required by the TEC, §39.023, as that section existed before amendment by SB 1031, 80th Texas Legislature, 2007, will continue to be the student's assessment requirement.
- (c) With the exception of students who meet the criteria described in subsection (d) of this section, students who were enrolled as follows shall fulfill testing requirements for graduation with the assessments as required by the TEC, §39.023(c), as that section existed before amendment by SB 1031, 80th Texas Legislature, 2007, with the applicable performance standards established by the commissioner of education and published on the Texas Education Agency (TEA) website:
  - (1) in Grade 9 or higher on January 1, 2001, regardless of when they are scheduled to graduate; or
  - (2) in Grade 8 or lower on January 1, 2001, if they were on an accelerated track and fulfilled all coursework necessary to graduate by September 1, 2004.
- (d) A student who entered Grade 11 in the 1989-1990 school year or an earlier school year shall fulfill testing requirements for graduation with assessments as required by the TEC, §39.023(c), as that section existed before amendment by SB 1031, 80th Texas Legislature, 2007, under an applicable performance standard established by the commissioner of education that corresponds to the performance standard in effect for the exit level Texas Educational Assessment of Minimum Skills (TEAMS) when the student was first eligible to take the exit level TEAMS. Performance standards that apply to TEAMS students will be published on the TEA website.

- (e) A student fulfilling testing requirements under subsection (c) of this section will be required to take only those sections of the exit level Texas Assessment of Knowledge and Skills (TAKS) that correspond to the subject areas formerly assessed by the exit level Texas Assessment of Academic Skills (TAAS) (reading, writing, and mathematics) for which the student has not yet met the passing standard.
  - (1) If a student has not yet met the passing standard on TAAS reading, the student will be administered only the reading multiple-choice items from the TAKS English language arts (ELA) test.
  - (2) If a student has not yet met the passing standard on TAAS writing, the student will be administered only the writing prompt and the revising and editing multiple-choice items from the TAKS ELA test.
- (f) A student fulfilling testing requirements under subsection (d) of this section will be required to take only those sections of the exit level TAKS that correspond to the subject areas formerly assessed by the exit level TEAMS (reading and mathematics) for which the student has not yet met the passing standard. If a student has not yet met the passing standard on TAAS reading, the student will be administered only the reading multiple-choice items from the TAKS ELA test.
- (g) Notwithstanding any of the requirements in subsections (a)-(f) of this section, students who pass all of the required exit level TAKS tests have fulfilled their testing requirements for graduation.
- (h) Beginning with the 2011-2012 school year, students first enrolled in Grade 9 or lower must fulfill testing requirements for graduation with the end-of-course assessment instruments, as specified in the TEC, §39.023(c), as amended by SB 1031, 80th Texas Legislature, 2007.

*Statutory Authority: The provisions of this §101.3024 issued under the Texas Education Code, §39.023 and 39.025.*

*Source: The provisions of this §101.3024 adopted to be effective May 29, 2012, 37 TexReg 3827.*

**§101.3031. Required Test Administration Procedures and Training Activities to Ensure Validity, Reliability, and Security of Assessments.**

- (a) Purpose. To ensure that each assessment instrument is reliable and valid and meets applicable federal requirements for measurement of student progress, the commissioner of education shall establish test administration procedures and required training activities that support the standardization and security of the test administration process.
- (b) Test administration procedures. These test administration procedures shall be delineated in the test administration materials provided to school districts and charter schools annually. Districts and charter schools must comply with all of the applicable requirements specified in the test administration materials. Test administration materials shall include, but are not limited to, the following:
  - (1) general testing program information;
  - (2) requirements for ensuring test security and confidentiality described in the *2012 Test Security Supplement* provided in this subsection;  
Figure: 19 TAC §101.3031(b)(2)
  - (3) procedures for test administration;
  - (4) responsibilities of personnel involved in test administration; and
  - (5) procedures for materials control.
- (c) Training activities. As part of the test administration procedures, the commissioner shall require training activities to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner. The commissioner may require evidence of successful completion of training activities. Test coordinators and administrators must receive all applicable training as required in the test administration materials.

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- (d) Records retention. As part of test administration procedures, the commissioner shall require school districts and charter schools to maintain records related to the security of assessment instruments for a minimum of five years.

*Statutory Authority: The provisions of this §101.3031 issued under the Texas Education Code, §39.0301 and §39.0304.*

*Source: The provisions of this §101.3031 adopted to be effective March 26, 2012, 37 TexReg 2083.*