

ATTACHMENT I

Statutory Citations Relating to Proposed Revisions to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter A, Elementary, Subchapter B, Middle School, Subchapter C, High School, and Subchapter D, Other Languages Other Than English Courses

Texas Education Code, §7.102, State Board of Education Powers and Duties (excerpt):

- (c)(4) The board shall establish curriculum and graduation requirements.

Texas Education Code, §28.002, Required Curriculum, as amended by House Bill 5 and House Bill 2662, 83rd Texas Legislature, Regular Session, 2013 (excerpts):

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
- (1) a foundation curriculum that includes:
 - (A) English language arts;
 - (B) mathematics;
 - (C) science; and
 - (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on the importance of proper nutrition and exercise;
 - (C) physical education;
 - (D) fine arts;
 - (E) career and technology education;
 - (F) technology applications; ~~and~~
 - (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - (H) personal financial literacy.
- (b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.
- (c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter 31 and addressed on the assessment instruments required under Subchapter B, Chapter 39. As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.

Texas Education Code, §28.025, High School Diploma and Certificate; Academic Achievement Record, as amended by House Bill 5, 83rd Texas Legislature, Regular Session, 2013 (excerpt), including the transition provisions added at subsection (h) by HB 5:

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation ~~[minimum, recommended, and advanced]~~ high school program ~~[programs]~~ that are consistent with the required curriculum under Section 28.002. ~~The [Subject to Subsection (b-1), the]~~ State Board of Education shall designate the specific courses in the foundation curriculum under Section 28.002(a)(1) required under ~~[for a student participating in]~~ the foundation ~~[minimum, recommended, or advanced]~~ high school program. Except as provided by this section ~~[Subsection (b-1)]~~, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the ~~[recommended]~~ program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
 - (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
 - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement ~~[enrolls in the courses necessary to complete the curriculum requirements identified by the State Board of Education under Subsection (a) for the recommended or advanced high school program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the minimum high school program and the student:~~
 - ~~[(1) — is at least 16 years of age;~~
 - ~~[(2) — has completed two credits required for graduation in each subject of the foundation curriculum under Section 28.002(a)(1); or~~
 - ~~[(3) — has failed to be promoted to the tenth grade one or more times as determined by the school district.]~~
- (b-1) The State Board of Education by rule shall require that:
 - ~~[(1) — except as provided by Subsection (b-2),]~~ the curriculum requirements for the foundation ~~[recommended and advanced]~~ high school program ~~[programs]~~ under Subsection (a) include a requirement that students successfully complete:
 - (1) ~~[(A)]~~ four credits in English language arts ~~[each subject of the foundation curriculum]~~ under Section 28.002(a)(1)(A), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
 - (2) three credits in mathematics under Section 28.002(a)(1)(B), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);

- (3) three credits in science under Section 28.002(a)(1)(C), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
 - (4) three credits in social studies under Section 28.002(a)(1)(D) [28.002(a)(1)], including one credit in United States history, at least one-half credit in government and at least one-half credit in economics, and one credit in world geography or world history [to meet the social studies requirement];
 - (5) except as provided under Subsections (b-12), (b-13), and (b-14) [(B) for the recommended high school program], two credits in the same language in a language other than English under Section 28.002(a)(2)(A) [and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A)]; [and]
 - (6) five [(C) for the recommended high school program, six] elective credits [and, for the advanced high school program, five elective credits];
 - (7) [(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and
 - [(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:]
 - [(A)] one credit in fine arts under Section 28.002(a)(2)(D); and
 - (8) [(B)] except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C).
- (b-2) In adopting rules under Subsection (b-1), the State Board of Education shall provide for [allow] a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1) taken after successful completion of English I, English II, and English III, for an advanced [a] mathematics course under Subsection (b-1)(2) [(b-1)(1)] taken after the successful completion of Algebra I and geometry, and for any advanced [either after the successful completion of or concurrently with Algebra II or a] science course under Subsection (b-1)(3) [(b-1)(1) taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics] by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section 28.002(g-1) [career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses].
- (b-3) In adopting rules for purposes of Subsection (b-2) [to provide students with the option described by Subsection (b-1)(1)(A)], the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken [after the completion of Algebra II and physics] to comply with the foundation high school [recommended] program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.
- (b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) [Subsection (b-1)(1)(A)] in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025.

- (b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics ~~[to comply with the recommended program requirements in Subsection (b-1)(1)(A)]~~. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.

Text of subsection (b-6) effective until September 1, 2014

- (b-6) Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the minimum high school program as provided by Subsection (b), a school district must provide written notice to the parent or person standing in parental relation explaining the benefits of the recommended high school program. The notice shall be developed by the agency and must:
- (1) be printed in English and Spanish; and
 - (2) require that the student's parent or person standing in parental relation to the student sign a confirmation of receipt and return the confirmation to the student's campus.
- (b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation ~~[minimum, recommended, or advanced]~~ high school program or for an endorsement under Subsection (c-1) ~~[for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English under Section 28.002(a)(2)(A)]~~ by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822. Notwithstanding Subsection (b-15) or (c) of this section, Section 39.025, or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section 61.822, as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.

Text of subsection (b-8) effective until September 1, 2014

- (b-8) A student agreeing to take courses under the minimum high school program as provided by Subsection (b) may, upon request, resume taking courses under the recommended high school program.
- (b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages.
- (b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:
- (1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and

(2) appropriate substitute courses for purposes of this subsection.

(b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:

(1) if the student receives special education services under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee; or

(2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.

(h) The commissioner by rule shall adopt a transition plan to implement and administer the amendments made by H.B. No. 5, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2014-2015 school year. Under the transition plan, a student who entered the ninth grade before the 2014-2015 school year must be permitted to complete the curriculum requirements required for high school graduation under:

(1) the foundation high school program, if the student chooses during the 2014-2015 school year to take courses under this program;

(2) the minimum high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year;

(3) the recommended high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year; or

(4) the advanced high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year.