

The State Board of Education (SBOE) proposes an amendment to §74.30, concerning identification of honors courses. The proposed amendment would update the list of languages other than English (LOTE) courses designated as honors courses to align with recent changes to the LOTE Texas Essential Knowledge and Skills (TEKS).

BACKGROUND INFORMATION AND JUSTIFICATION: The 80th Texas Legislature passed Senate Bill 1517, amending Texas Education Code (TEC), §33.081, to define and restrict the courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities. TEC, §33.081(d-1), specifies that the courses that are exempt include all Advanced Placement and International Baccalaureate courses. Additional courses that are exempt include honors and dual credit courses in the subjects of English language arts, mathematics, science, social studies, economics, and LOTE.

The proposed amendment would update the LOTE courses that are designated as honors courses. These changes are a result of revisions to the LOTE TEKS. Additionally, the amendment would remove the reference to economics courses, which will be combined with the TEKS for social studies effective with the 2019-2020 school year.

The SBOE approved the proposed amendment for first reading and filing authorization at its June 14, 2019 meeting.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and support services, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by adding LOTE courses that are designated as honors courses for the purpose of TEC, §33.081.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would include clarification regarding the courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins August 2, 2019, and ends September 6, 2019. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/Proposed_State_Board_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/Proposed_State_Board_of_Education_Rules/). Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 2019 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on August 2, 2019.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §33.081, which requires the State Board of Education to establish rules limiting participation in and practice for extracurricular activities during the school day and school week. TEC, §33.081(d-1), defines and restricts the courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §33.081.

<rule>

§74.30. Identification of Honors Courses.

- (a) The following are identified as honors classes as referred to in the Texas Education Code, §33.081(d)(1), concerning extracurricular activities:
- (1) all College Board Advanced Placement [~~advanced placement~~] courses and International Baccalaureate courses in all disciplines;
 - (2) English language arts: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" [~~"Community College General Academic Course Guide Manual (Part One)"]~~];
 - (3) Languages other than English: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)"; American Sign Language, Level IV; American Sign Language, Advanced Independent Study; Level IV, Intermediate Mid to Intermediate High Proficiency; Level V, Intermediate High to Advanced Mid Proficiency; Level VI, Advanced Mid to Advanced High Proficiency; Level VII, Advanced High to Superior Proficiency; Seminar in Languages Other Than English, Advanced; Classical Languages, Level IV, Novice Mid to Advanced Mid Proficiency; Classical Languages, Levels V-VII, Novice High to Superior Low Proficiency; and Seminar in Classical Languages, Advanced [~~"Community College General Academic Course Guide Manual (Part One)," and languages other than English courses Levels IV-VII~~] ;
 - (4) Mathematics: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" [~~"Community College General Academic Course Guide Manual (Part One)"]~~ and Precalculus;
 - (5) Science: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" [~~"Community College General Academic Course Guide Manual (Part One)"]~~ ; and
 - (6) Social studies: Social Studies Advanced Studies, Economics Advanced Studies, and high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)." [~~"Community College General Academic Course Guide Manual (Part One)."]~~]

- (b) Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English for the purpose of this section, but must identify such courses prior to the semester in which any exemptions related to extracurricular activities occur.
- (c) Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.