

The Texas Education Agency adopts an amendment to §101.4002, concerning State of Texas Assessments of Academic Readiness (STAAR®) end-of-course (EOC) assessments. The amendment is adopted with changes to the proposed text as published in the April 18, 2025 issue of the *Texas Register* (50 TexReg 2476) and will be republished. The adopted amendment updates the list of approved substitute assessments to include the addition of the PreACT 8/9 and the PreACT assessments.

**REASONED JUSTIFICATION:** Section 101.4002 specifies the assessments the commissioner of education recommends as substitute assessments that a student may use to meet EOC assessment graduation requirements and establishes the satisfactory scores needed for graduation purposes. The amendment updates the rule text in subsection (f) to include the PreACT assessments in place of the PLAN and Aspire assessments, which are no longer administered.

In addition, the updated figure in subsection (b) includes the PreACT 8/9 and the PreACT assessments with associated substitute assessment scores. The order of assessments listed in the figure has been adjusted to display the current assessments first followed by the previous assessments. Finally, the order of the footnotes has been adjusted to align with the new order of the assessments, and the text of the footnotes has been amended for consistency where appropriate.

This amendment provides students, parents, and school district staff with the most up-to-date information regarding substitute assessments that may be used to satisfy graduation assessment requirements.

Based on public comment, the first page of Figure: 19 TAC §101.4002(b) was amended at adoption to remove PreACT assessments as substitute assessments for the STAAR English II assessment. The amendment to Figure: 19 TAC §101.4002(b) was made to address a discrepancy in the proposal that erroneously listed PreACT assessments as approved substitute assessments for the STAAR English II assessment. Pre-assessments are used as substitute assessments only for freshman level courses. As a result of this change, conforming amendments were also made to the footnotes and to the date in the header for Figure: 19 TAC §101.4002(b).

**SUMMARY OF COMMENTS AND AGENCY RESPONSES:** The public comment period on the proposal began April 18, 2025, and ended May 19, 2025. Following is a summary of public comments received and agency responses.

**Comment:** ACT expressed support for the proposed changes to replace ACT Plan and Aspire with PreACT. ACT also recommended changes to some of the passing scores for PreACT and ACT in Figure: 19 TAC §101.4002(b) to align with other uses of these assessments.

**Response:** The agency disagrees with the recommended changes to the passing scores for PreACT and ACT in Figure: 19 TAC §101.4002(b). The passing scores for substitute assessments listed in Figure: 19 TAC §101.4002(b) are based on the college readiness performance standards determined by each of the assessment vendors.

**Comment:** College Board recommended revisions to Figure: 19 TAC §101.4002(b) to approve the use of PSAT assessments as substitute assessments for the STAAR English II assessment to ensure consistency with PreACT assessments listed in the figure.

**Response:** The agency acknowledges the discrepancy and provides the following clarification. Figure: 19 TAC §101.4002(b) has been amended at adoption to remove the PreACT assessments as substitute assessments for the STAAR English II assessment. Pre-assessments are used as substitute assessments only for freshman level courses.

**Comment:** College Board recommended revisions to Figure: 19 TAC §101.4002(b) to include SAT as a substitute assessment for the STAAR Biology assessment.

**Response:** The agency disagrees with the recommend change. The SAT does not assess science knowledge or skills. The SAT only provides a science score based on questions that assess reading language arts and mathematics. Therefore, the SAT may not be used as a substitute assessment for the STAAR Biology assessment.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §39.023(c), which requires the agency to adopt end-of-course (EOC) assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history; and TEC, §39.025, which establishes the secondary-level performance required to receive a Texas high school diploma. TEC, §39.025(a), requires the commissioner of education to adopt rules requiring students to achieve satisfactory performance on each EOC assessment listed under TEC, §39.023(c), to receive a Texas high school diploma. TEC, §39.025(a-1), (a-2), and (a-3), allow for the use of specific substitute assessments to satisfy the EOC assessment graduation requirements under certain conditions.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §39.023 and §39.025.

<rule>

§101.4002. State of Texas Assessments of Academic Readiness End-of-Course Substitute Assessments.

- (a) For purposes of this subchapter, "equivalent course" is defined as a course having sufficient content overlap with the essential knowledge and skills of a similar course in the same content area listed under §74.1(b)(1)-(4) of this title (relating to Essential Knowledge and Skills).
- (b) Effective beginning with the 2011-2012 school year, in accordance with Texas Education Code (TEC), §39.025(a-1), (a-2), and (a-3), the commissioner of education adopts certain assessments as provided in the chart in this subsection as substitute assessments that a student may use in place of a corresponding end-of-course (EOC) assessment under TEC, §39.023(c), to meet the student's assessment graduation requirements. A satisfactory score on an approved substitute assessment may be used in place of only one specific EOC assessment, except in those cases described by subsection (d)(1) of this section.

Figure: 19 TAC §101.4002(b)

- (c) A student at any grade level is eligible to use a substitute assessment as provided in the chart in subsection (b) of this section if:
  - (1) a student was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
  - (2) a student received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart in subsection (b) of this section; and
  - (3) a student using a Texas Success Initiative Assessment (TSIA) or a Texas Success Initiative Assessment, Version 2.0 (TSIA2) also meets the requirements of subsection (d) of this section.
- (d) Effective beginning with the 2014-2015 school year, a student must meet criteria established in paragraph (1) or (2) of this subsection in order to qualify to use TSIA or TSIA2 as a substitute assessment.
  - (1) A student must have been enrolled in a college preparatory course for English language arts (PEIMS code CP110100) or mathematics (PEIMS code CP111200) and, in accordance with TEC, §39.025(a-1), have been administered an appropriate TSIA or TSIA2 at the end of that course.
    - (A) A student under this paragraph who meets all three TSIA or both TSIA2 English language arts score requirements provided in the figure in subsection (b) of this section satisfies both the English I and English II EOC assessment graduation requirements.
    - (B) A student under this paragraph 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.
  - (2) In accordance with TEC, §39.025(a-3), a student who has not been successful on the Algebra I or English II EOC assessment after taking the assessment at least two times may use the corresponding TSIA or TSIA2 in place of that EOC assessment. For a student under this paragraph 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 §101.3022(b) of this title (relating to Assessment Requirements for Graduation), the separate reading or writing TSIA may not be used to substitute for the corresponding English II reading or writing EOC assessment.

- (e) A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under TEC, §39.023(c), at least once for federal accountability purposes. If a student sits for an EOC assessment, a school district may not void or invalidate the test in lieu of a substitute assessment.
- (f) A student who fails to perform satisfactorily on a PSAT or PreACT test (or any versions of these tests) as indicated in the chart in subsection (b) of this section must take the appropriate EOC assessment required under TEC, §39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT or PreACT test (or any versions of these tests) is eligible to meet the requirements specified in subsection (c) of this section.