

The Texas Education Agency (TEA) proposes an amendment to §101.4002, concerning State of Texas Assessments of Academic Readiness (STAAR®) end-of-course assessments. The proposed amendment would update the list of approved substitute assessments to include the addition of the PreACT 8/9 and the PreACT assessments.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Section 101.4002 specifies the assessments the commissioner of education recommends as substitute assessments that a student may use to meet end-of-course assessment graduation requirements and establishes the satisfactory scores needed for graduation purposes. The proposed amendment would update 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 figure in subsection (b) would be updated to include the PreACT 8/9 and the PreACT assessments with associated substitute assessment scores. The order of assessments listed in the figure would be adjusted to display the current assessments first followed by the previous assessments. Finally, the order of the footnotes would be adjusted to align with the new order of the assessments, and the text of the footnotes would be amended for consistency where appropriate.

This amendment would provide 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.

**FISCAL IMPACT:** Iris Tian, deputy commissioner of analytics, assessment, and reporting, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, 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. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation and increase the number of individuals subject to the rule's applicability due to the addition of the PreACT 8/9 and the PreACT assessments to the list of approved substitute assessments.

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 decrease the number of individuals subject to the rule's applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** Ms. Tian 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 be to provide additional opportunities for students to meet graduation requirements. 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 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 April 18, 2025, and ends May 19, 2025. 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 April 18, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/Commissioner\\_Rules\\_\(TAC\)/Proposed\\_Commissioner\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed 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) ~~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 [~~PLAN~~] or PreACT [~~Aspire~~] 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 [~~PLAN~~] or PreACT [~~Aspire~~] test (or any versions of these tests) is eligible to meet the requirements specified in subsection (c) of this section.