

The State Board of Education (SBOE) adopts an amendment to §74.5, concerning academic achievement record (transcript). The amendment is adopted without changes to the proposed text as published in the March 1, 2024 issue of the *Texas Register* (49 TexReg 1179) and will not be republished. The adopted amendment requires that completion of instruction in the use of an automated external defibrillator (AED) in addition to the existing requirement for instruction in cardiopulmonary resuscitation (CPR) be indicated on a student's academic achievement record.

REASONED JUSTIFICATION: In 2013, the 83rd Texas Legislature, Regular Session, passed House Bill (HB) 897, amending Texas Education Code (TEC), §28.0023, to require that the SBOE include instruction in CPR for students in Grades 7-12. The legislation required school districts and open-enrollment charter schools to provide instruction in CPR and for students to receive the CPR instruction at least once before graduation. The SBOE adopted an amendment to §74.5 in 2018 to update the rule for the academic achievement record to document the completion of the required CPR instruction if the instruction is provided in Grades 9-12.

In 2023, the 88th Texas Legislature, Regular Session, passed HB 4375, further amending TEC, §28.0023, to add instruction in the use of an AED to the requirements for instruction in CPR. The adopted amendment updates the rule for the academic achievement record to include documentation of the completion of the additional instruction in the use of an AED if the instruction is provided in Grades 9-12.

The SBOE approved the amendment for first reading and filing authorization at its February 2, 2024 meeting and for second reading and final adoption at its April 12, 2024 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will ensure that school districts are aware of and able to implement this new requirement at the beginning of the 2024-2025 school year. The effective date is August 1, 2024.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 1, 2024, and ended at 5:00 p.m. on April 1, 2024. The SBOE also provided an opportunity for registered oral and written comments at its April 2024 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. One counselor and one administrator expressed concern that the number of items required to be added to the academic achievement record (AAR) is cumbersome for administrators.

Response. The SBOE disagrees and provides the following clarification. The proposed amendment does not add a new data element. Instead, it adds the completion of instruction in the use of an AED to an existing item that indicates the completion of CPR instruction.

Comment. One administrator stated that, as written, the proposed rule reads as though the CPR and AED instruction would be two separate trainings.

Response. This comment is outside the scope of the proposed rulemaking. However, the board has provided a response to this comment in the adoption of the proposed amendment to 19 TAC §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR).

Comment. One administrator asked whether CPR and AED instruction could be reported as one element on the AAR, since the training would most likely be completed at the same time.

Response. The SBOE provides the following clarification. There will be one data element used in the Texas Records Exchange (TREx) for reporting both the completion of CPR instruction and the completion of AED instruction.

Comment. One administrator expressed concern that, although instruction in CPR is important, the addition of the indicator is irrelevant to colleges, universities, scholarship committees, and future employers.

Response. The SBOE disagrees and has determined that the inclusion of the CPR and AED indicator on the AAR is relevant because it helps districts monitor and track the completion of required instruction students must complete before graduating.

Comment. One counselor expressed opposition to the addition of the AED requirement to the AAR.

Response. The SBOE disagrees and has determined that the addition of completion of AED instruction to the CPR instruction element on the AAR is appropriate as proposed.

Comment. One administrator asked whether required training in the use of an AED should be hands-on training or watching a video.

Response. This comment is outside the scope of the proposed rulemaking. However, the board has provided a response to this comment in the adoption of the proposed amendment to 19 TAC §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR).

Comment. One counselor stated that the required trainings for CPR for graduates are stretching educators too far.

Response. This comment is outside the scope of the proposed rulemaking. However, the board has provided a response to this comment in the adoption of the proposed amendment to 19 TAC §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR).

Comment. One counselor stated that the required trainings for proper interactions with peace officers for graduates are stretching educators too far.

Response. This comment is outside the scope of the proposed rulemaking.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §7.102(c)(13), which requires the State Board of Education to adopt transcript forms and standards for differentiating high school performance for purposes of reporting academic achievement under TEC, §28.025.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §7.102(c)(13).

<rule>

§74.5. Academic Achievement Record (Transcript).

- (a) The commissioner of education shall develop and distribute to each school district and institution of higher education the state guidelines for a common academic achievement record and coding system for courses and instructions for recording information on the academic achievement record. Each school district must use the coding system provided by the commissioner.
- (b) Following guidelines developed by the commissioner, each school district must use an academic achievement record (transcript) form that includes the following:
 - (1) student demographics;
 - (2) school data;
 - (3) student data; and
 - (4) the record of courses and credits earned.
- (c) The academic achievement record shall serve as the academic record for each student and must be maintained permanently by the district. Each district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a

transfer student, a district must respond promptly to each request for student records from a receiving school district.

- (d) Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned.
- (e) A student who completes high school graduation requirements shall have attached to the academic achievement record a seal approved by the State Board of Education.
- (f) A student who completes the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record.
- (g) A student who earns a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record.
- (h) A student who earns the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record.
- (i) A student who demonstrates proficiency in speech as specified in §74.11(a)(3) of this title (relating to High School Graduation Requirements) shall have completion of the speech requirement clearly indicated on the academic achievement record.
- (j) A student who completes the required instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as specified in §74.38 of this title (relating to Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) and the use of an automated external defibrillator (AED) in Grade 9, 10, 11, or 12 shall have completion of the CPR and use of an AED instruction clearly indicated on the academic achievement record.
- (k) A student who completes the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record.
- (l) A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record.
- (m) A student who satisfies a languages other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with §74.12(b)(5)(F) of this title (relating to Foundation High School Program) shall have the credit clearly indicated on the academic achievement record.
- (n) A student who earns a high school diploma by satisfying the requirements of the Texas First Early High School Completion Program in accordance with Chapter 21, Subchapter D, of this title (relating to the Texas First Early High School Completion Program) shall have completion of the program and the distinguished level of achievement clearly indicated on the academic achievement record.
- (o) A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record will include a notation of the date such a certificate was issued to the student.