

The State Board of Education (SBOE) proposes amendments to §74.12 and §74.13, concerning graduation requirements. The proposed amendments would update titles of courses and career and technical education (CTE) career clusters, align all CTE programs of study with endorsements, and make technical edits.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In November 2020, the SBOE adopted revisions to the Texas Essential Knowledge and Skills (TEKS) for physical education (PE) with an effective date of August 1, 2022. The revisions to the TEKS for the high school PE courses revised the amount of credit available to one credit for each course. The proposed amendment to §74.12 would make a technical edit to update the amount of credit associated with these courses to one credit. Additionally, the proposed amendment would revise the language for PE substitutions to align with the reduction in the number of high school PE courses.

At the November 2021 SBOE meeting, the board approved for second reading and final adoption revised CTE TEKS, which have historically been codified in 19 TAC Chapter 130. To accommodate the addition of these new courses and future courses, the SBOE took action to begin moving the CTE TEKS in Chapter 130 to existing 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, and to rename the chapter "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education." CTE subchapters are being moved from Chapter 130 to Chapter 127 as the TEKS are revised by the SBOE. In November 2021, the board gave final approval to new 19 TAC Chapter 127, Subchapters G, I, J, M, and O. At the January 2022 SBOE meeting, the board took action to repeal the associated subchapters from Chapter 130 and move the sections to Chapter 127. In April 2022, the graduation requirements in 19 TAC §74.13 were updated to reflect the move of CTE TEKS from Chapter 130 to Chapter 127 and the new title for Chapter 127.

In November 2023, the board took action to approve revisions to the CTE TEKS for career preparation and entrepreneurship courses. The proposed amendment to §74.13 would update titles of CTE courses and career clusters to align with these revisions.

Texas recently refreshed state-level programs of study to ensure coherent and rigorous content with challenging academic standards and relevant career and technical content. Programs of study are aligned with state and regional labor market information, including high-wage, high-skill, and in-demand occupations. When the rule for endorsements was first adopted, programs of study were determined locally rather than at the state level. The proposed amendment to §74.13 would ensure all programs of study are specifically aligned to an endorsement and would eliminate language related to coherent sequences of CTE courses that is outdated.

In November 2023, the SBOE approved changes to its rules on innovative courses to remove the commissioner of education's authority to approve certain innovative courses. The proposed amendment to §74.13 would remove references to innovative courses approved by the commissioner.

The SBOE approved the proposed amendment for first reading and filing authorization at its April 12, 2024 meeting.

**FISCAL IMPACT:** Monica Martinez, associate commissioner for standards and programs, has determined that for the first five years 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: Texas Education Agency (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 by adding language regarding endorsements to reflect the updated programs of study that went into effect in the 2023-2024 school year.

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 be to clarify the rules by updating out-of-date language. 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 or 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 May 17, 2024, and ends at 5:00 p.m. on June 17, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2024 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 May 17, 2024.

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school program that are consistent with the required curriculum and requires the SBOE to designate specific courses that are required for the foundation high school program; TEC, §28.025(b-17), which requires the SBOE to adopt rules that ensure a student who successfully completes an advanced career and technical education course, including a course that may lead to an industry-recognized credential or certificate or an associate degree, may comply with elective requirements for graduation; and TEC, §28.025(c-1), which requires the SBOE to adopt rules regarding earning an endorsement.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §7.102(c)(4) and §28.025(a), (b-17), and (c-1).

<rule>

§74.12. Foundation High School Program.

- (a) (No change.)
- (b) Core courses. A student must demonstrate proficiency in the following.
  - (1)-(5) (No change.)
  - (6) Physical education--one credit.

- (A) The required credit may be selected from one full credit or a combination of two half credits from two different courses from ~~any combination of~~ the following ~~one half to one credit~~ courses:
- (i) Lifetime Fitness and Wellness Pursuits;
  - (ii) Lifetime Recreation and Outdoor Pursuits; and
  - (iii) Skill-Based Lifetime Activities.
- (B) In accordance with local district policy, the required credit may be earned through completion of any Texas essential knowledge and skills-based course that meets the requirement in subparagraph (E) of this paragraph for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement.
- (C) In accordance with local district policy, credit for any of the courses listed in subparagraph (A) of this paragraph may be earned through participation in the following activities:
- (i) Athletics;
  - (ii) Junior Reserve Officer Training Corps (JROTC); and
  - (iii) appropriate private or commercially sponsored physical activity programs conducted on or off campus. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions.
    - (I) Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    - (II) Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.
- (D) In accordance with local district policy, up to one credit for any one of the courses listed in subparagraph (A) of this paragraph may be earned through participation in any of the following activities:
- (i) Drill Team;
  - (ii) Marching Band; and
  - (iii) Cheerleading.
- (E) All substitution activities allowed in subparagraphs (B)-(D) of this paragraph must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.
- (F) Credit may not be earned more than once for the courses ~~any course~~ identified in subparagraph (A)(i) and (iii) ~~(A)~~ of this paragraph. Credit may not be earned more than twice for the course identified in subparagraph (A)(ii) of this paragraph. No more than four substitution credits may be earned through any combination of substitutions allowed in subparagraphs (B)-(D) of this paragraph.

- (G) A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit (English language arts, mathematics, science, or social studies) or a course that is offered for credit as provided by the TEC, §28.002(g-1), for the physical education credit requirement. The determination regarding a student's ability to participate in physical activity will be made by:
- (i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A;
  - (ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973; or
  - (iii) a committee established by the school district of persons with appropriate knowledge regarding the student if each of the committees described by clauses (i) and (ii) of this subparagraph is inapplicable. This committee shall follow the same procedures required of an ARD or a Section 504 committee.

(7) (No change.)

(c)-(d) (No change.)

#### §74.13. Endorsements.

(a)-(e) (No change.)

(f) A student may earn any of the following endorsements.

- (1) Science, technology, engineering, and mathematics (STEM). Students who entered high school prior to the 2022-2023 school year ~~[A student]~~ may earn a STEM endorsement by completing the requirements specified in subsection (e) of this section, including Algebra II, chemistry, and physics or Principles of Technology and:
  - (A) a coherent sequence of courses for four or more credits in career and technical education (CTE) that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education), Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development and Career and Technical Education), or CTE innovative courses ~~[approved by the commissioner of education]~~. The final course in the sequence must be selected from Chapter 127, Subchapter O, of this title (relating to Science, Technology, Engineering, and Mathematics) or Career Preparation I or II (Career Preparation General or Career Preparation for Programs of Study) and Project-Based Research (Career and Technical Education Project-Based Capstone) in Chapter 127, Subchapter B, of this title (relating to High School), if the course addresses a STEM-related field; ~~[or]~~
  - (B) courses required to complete a TEA-designated program of study related to STEM; ~~[or]~~
  - (C) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section; ~~[or]~~
  - (D) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) of this section; or
  - (E) in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), (C), and (D) of this paragraph.
- (2) Business and industry. Students who entered high school prior to the 2022-2023 school year ~~[A student]~~ may earn a business and industry endorsement by completing the requirements specified in subsection (e) of this section and:

- (A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses ~~[approved by the commissioner]~~. The final course in the sequence must be selected from one of the following:
- (i) Chapter 127, Subchapter C, of this title (related to Agriculture, Food, and Natural Resources);
  - (ii) ~~(i)~~ Chapter 130, Subchapter A, of this title (relating to Agriculture, Food, and Natural Resources); ~~[or]~~
  - (iii) ~~(ii)~~ Chapter 130, Subchapter B, of this title (relating to Architecture and Construction); ~~[or]~~
  - (iv) ~~(iii)~~ Chapter 130, Subchapter C, of this title (relating to Arts, Audio/Video Technology, and Communications); ~~[or]~~
  - (v) Chapter 127, Subchapter F, of this title (relating to Business, Marketing, and Finance);
  - (vi) ~~(iv)~~ Chapter 130, Subchapter D, of this title (relating to Business Management and Administration); ~~[or]~~
  - (vii) ~~(v)~~ Chapter 130, Subchapter F, of this title (relating to Finance); ~~[or]~~
  - (viii) ~~(vi)~~ Chapter 127, Subchapter J, of this title (relating to Hospitality and Tourism); ~~[or]~~
  - (ix) ~~(vii)~~ Chapter 130, Subchapter K, of this title (relating to Information Technology); ~~[or]~~
  - (x) ~~(viii)~~ Chapter 130, Subchapter M, of this title (relating to Manufacturing); ~~[or]~~
  - (xi) ~~(ix)~~ Chapter 130, Subchapter N, of this title (relating to Marketing); ~~[or]~~
  - (xii) Chapter 127, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics);
  - (xiii) ~~(x)~~ Chapter 130, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics); ~~[or]~~
  - (xiv) ~~(xi)~~ Chapter 130, Subchapter Q, of this title (relating to Energy); or
  - (xv) ~~(xii)~~ Career Preparation I or II (Career Preparation General or Career Preparation for Programs of Study) and Project-Based Research (Career and Technical Education Project-Based Capstone) in Chapter 127, Subchapter B, of this title if the course addresses a career from a field listed in clauses (i)-(xiv) ~~(i)-(xi)~~ of this subparagraph; ~~[or]~~
- (B) courses required to complete a TEA-designated program of study related to business and industry; ~~[or]~~
- (C) four English credits by selecting courses from Chapter 110 of this title to include three levels in one of the following areas:
- (i) public speaking; ~~[or]~~
  - (ii) debate; ~~[or]~~
  - (iii) advanced broadcast journalism; ~~[or]~~
  - (iv) advanced journalism: newspaper; ~~[or]~~
  - (v) advanced journalism: yearbook; or

- (vi) advanced journalism: literary magazine; or
  - (D) a coherent sequence of four credits from subparagraph (A), (B), or (C) of this paragraph.
- (3) Public services. Students who entered high school prior to the 2022-2023 school year ~~[A student]~~ may earn a public services endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses ~~[approved by the commissioner]~~. The final course in the sequence must be selected from one of the following:
    - (i) Chapter 127, Subchapter G, of this title (relating to Education and Training); ~~[or]~~
    - (ii) Chapter 127, Subchapter I, of this title (relating to Health Science); ~~[or]~~
    - (iii) Chapter 130, Subchapter J, of this title (relating to Human Services); ~~[or]~~
    - (iv) Chapter 127, Subchapter M, of this title (relating to Law and Public Service); or
    - (v) Career Preparation I or II (Career Preparation General or Career Preparation for Programs of Study) and Project-Based Research (Career and Technical Education Project-Based Capstone) in Chapter 127, Subchapter B, of this title if the course addresses a field from a cluster listed in clauses (i)-(v) of this subparagraph; ~~[or]~~
  - (B) courses required to complete a TEA-designated program of study related to public services; or
  - (C) four courses in Junior Reserve Officer Training Corps (JROTC).
- (4)-(5) (No change.)
- (6) STEM. Students who entered high school in the 2022-2023 school year or later may earn a STEM endorsement by completing the requirements specified in subsection (e) of this section, including Algebra II, chemistry, and physics or Principles of Technology and:
- (A) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to STEM:
    - (i) biomedical sciences;
    - (ii) civil engineering;
    - (iii) cybersecurity;
    - (iv) electrical engineering;
    - (v) engineering foundations;
    - (vi) geospatial engineering and land surveying;
    - (vii) mechanical and aerospace engineering;
    - (viii) networking systems;
    - (ix) nursing science;
    - (x) programming and software development;
    - (xi) renewable energy;
    - (xii) robotics and automation technology; or
    - (xiii) web development;

- (B) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section;
- (C) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) of this section; or
- (D) in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), and (C) of this paragraph.
- (7) Business and industry. Students who entered high school in the 2022-2023 school year or later may earn a business and industry endorsement by completing the requirements specified in subsection (e) of this section and:

  - (A) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to business and industry:

    - (i) accounting and financial services;
    - (ii) agriculture business, leadership, and communications;
    - (iii) agricultural technology and mechanical systems;
    - (iv) animal science;
    - (v) architectural drafting and design;
    - (vi) automotive and collision repair;
    - (vii) aviation maintenance;
    - (viii) aviation pilots;
    - (ix) business management;
    - (x) carpentry;
    - (xi) construction management and inspection;
    - (xii) cosmetology;
    - (xiii) culinary arts;
    - (xiv) diesel and heavy equipment maintenance and commercial drivers;
    - (xv) digital communications;
    - (xvi) distribution, logistics, and warehousing;
    - (xvii) drone (unmanned vehicle);
    - (xviii) electrical;
    - (xix) entrepreneurship;
    - (xx) environmental and natural resources;
    - (xxi) food science and technology;
    - (xxii) graphic design and interactive media;
    - (xxiii) HVAC and sheet metal;
    - (xxiv) industrial maintenance;
    - (xxv) information technology support and services;
    - (xxvi) lodging and resort management;
    - (xxvii) manufacturing technology;

- (xxviii) maritime;
- (xxix) marketing and sales;
- (xxx) masonry;
- (xxxi) oil and gas exploration and production;
- (xxxii) plant science;
- (xxxiii) plumbing and pipefitting;
- (xxxiv) printing and imaging;
- (xxxv) real estate;
- (xxxvi) refining and chemical processes;
- (xxxvii) retail management;
- (xxxviii) travel, tourism, and attractions; or
- (xxxix) welding;

(B) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to business and industry, if the mathematics and science requirements for the STEM endorsement are not met:

- (i) civil engineering;
- (ii) cybersecurity;
- (iii) electrical engineering;
- (iv) engineering foundations;
- (v) geospatial engineering and land surveying;
- (vi) mechanical and aerospace engineering;
- (vii) networking systems;
- (viii) programming and software development;
- (ix) renewable energy;
- (x) robotics and automation technology; or
- (xi) web development;

(C) four English credits by selecting courses from Chapter 110 of this title to include three levels in one of the following areas:

- (i) public speaking;
- (ii) debate;
- (iii) advanced broadcast journalism;
- (iv) advanced journalism: newspaper;
- (v) advanced journalism: yearbook; or
- (vi) advanced journalism: literary magazine; or

(D) a coherent sequence of four credits from subparagraph (A), (B), or (C) of this paragraph.

(8) Public services. Students who entered high school in the 2022-2023 school year or later may earn a public services endorsement by completing the requirements specified in subsection (c) of this section and:



- (A) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to public services:
- (i) biomedical science, if the mathematics and science requirements for the STEM are not met;
  - (ii) diagnostic and therapeutic services;
  - (iii) early learning;
  - (iv) exercise science, wellness, and restoration;
  - (v) family and community services;
  - (vi) fire science;
  - (vii) government and public administration;
  - (viii) health and wellness;
  - (ix) health informatics;
  - (x) law enforcement;
  - (xi) legal studies;
  - (xii) nursing science, if the mathematics and science requirements for the STEM are not met; or
  - (xiii) teaching and training; or
- (B) four courses in Junior Reserve Officer Training Corps (JROTC).

(g) (No change.)