

The State Board of Education (SBOE) proposes an amendment to §74.14, concerning performance acknowledgments. The proposed amendment would update the minimum score required for a performance acknowledgement on the SAT, align language related to ACT with language related to SAT, and add the Classic Learning Test® and PSAT 10 to appropriate performance acknowledgments.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE adopted rules in 19 TAC Chapter 74, Subchapter B, to implement the Foundation High School Program effective July 8, 2014. In April 2018, the SBOE adopted an amendment to update the number of subject tests on the ACT Aspire™ examination that are required to earn a performance acknowledgement and to update the qualifying score on the SAT® exam to a single composite score of 1310. The Committee on Instruction was recently made aware that the amended language that was adopted in 2018 for SAT and ACT is inconsistent.

The proposed amendment would correct the inconsistency in references to SAT and ACT and would add the Classic Learning Test® to appropriate performance acknowledgments.

The proposed amendment would also add the PSAT 10 to the list of performance acknowledgments and change the minimum score required to earn a performance acknowledgment for the SAT from 1350 to 1340.

The SBOE approved the proposed amendment for first reading and filing authorization at its January 30, 2026 meeting.

**FISCAL IMPACT:** Monica Martinez, associate commissioner for standards and programs, has determined that 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:** 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 permitting students to earn a performance acknowledgment related to the Classic Learning Test® and the PSAT 10.

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 permit students to earn a performance acknowledgment related to the Classic Learning Test® and the PSAT 10 and to clarify that students may earn a performance acknowledgment for achieving at least a minimum score of 29 on the ACT Aspire™ examination or the ACT PreACT® examination. The proposal would also align the minimum scores

required to earn a performance acknowledgment for the ACT and SAT by changing the required score for SAT from 1350 to 1340 in accordance with the ACT/SAT concordance table produced by the College Board and ACT. 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 SBOE requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins February 27, 2026, and ends at 5:00 p.m. on March 30, 2026. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2026 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 February 27, 2026.

**STATUTORY AUTHORITY.** The amendment is proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; and TEC, §28.025(c-5), which requires the SBOE to adopt rules permitting a student to earn a performance acknowledgment on the student's transcript for outstanding performance in a dual credit course; in bilingualism and biliteracy; on a college advanced placement test or international baccalaureate examination; on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or for earning a state recognized or nationally or internationally recognized business or industry certification or license.

**CROSS REFERENCE TO STATUTE.** The amendment implements Texas Education Code, §7.102(c)(4) and §28.025(c-5).

<rule>

#### **§74.14. Performance Acknowledgments.**

- (a) A student may earn a performance acknowledgment on the student's transcript for outstanding performance in a dual credit course by successfully completing:
  - (1) at least 12 hours of college academic courses, including those taken for dual credit as part of the Texas core curriculum, and advanced technical credit courses, including locally articulated courses, with a grade of the equivalent of 3.0 or higher on a scale of 4.0; or
  - (2) an associate degree while in high school.
- (b) A student may earn a performance acknowledgment on the student's transcript for outstanding performance in bilingualism and biliteracy as follows:
  - (1) A student may earn a performance acknowledgment by demonstrating proficiency in accordance with local school district grading policy in two or more languages by:
    - (A) completing all English language arts requirements and maintaining a minimum grade point average (GPA) of the equivalent of 80 on a scale of 100; and
    - (B) satisfying one of the following:

- (i) completion of a minimum of three credits in the same language in a language other than English with a minimum GPA of the equivalent of 80 on a scale of 100; or
  - (ii) demonstrated proficiency in the Texas Essential Knowledge and Skills for Level IV or higher in a language other than English with a minimum GPA of the equivalent of 80 on a scale of 100; or
  - (iii) completion of at least three credits in foundation subject area courses in a language other than English with a minimum GPA of 80 on a scale of 100; or
  - (iv) demonstrated proficiency in one or more languages other than English through one of the following methods:
    - (I) a score of 3 or higher on a College Board Advanced Placement examination for a language other than English; or
    - (II) a score of 4 or higher on an International Baccalaureate examination for a higher-level languages other than English course; or
    - (III) performance on a national assessment of language proficiency in a language other than English of at least Intermediate High or its equivalent.
- (2) In addition to meeting the requirements of paragraph (1) of this subsection, to earn a performance acknowledgment in bilingualism and biliteracy, an emergent bilingual student must also have:
- (A) participated in and met the exit criteria for a bilingual or English as a second language (ESL) program; and
  - (B) scored at the Advanced High level on the Texas English Language Proficiency Assessment System (TELPAS).
- (c) A student may earn a performance acknowledgment on the student's transcript for outstanding performance on a College Board Advanced Placement test or International Baccalaureate examination by earning:
- (1) a score of 3 or above on a College Board Advanced Placement examination; or
  - (2) a score of 4 or above on an International Baccalaureate examination.
- (d) A student may earn a performance acknowledgment on the student's transcript for outstanding performance on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace or on an established valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process by:
- (1) earning a score on the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT®) or PSAT 10 that qualifies the student for recognition as a commended scholar or higher by the National Merit Scholarship Corporation or as an awardee of the National Recognition Programs of the College Board;
  - (2) earning a composite score of at least 442 on the ACT Aspire™ examination;
  - (3) earning a composite score of at least 29 on the ACT PreACT® examination;
  - (4) earning a total score of at least 101 on the Classic Learning Test® (CLT) 10;
  - (5) ~~(4)~~ earning a total score of at least 1340 ~~[1350]~~ on the SAT®; ~~[or]~~
  - (6) ~~(5)~~ earning a composite score of at least 29 on the ACT® examination ~~[of 29]~~ (excluding the writing subscore) ; or ~~[ ]~~
  - (7) earning a total score of at least 96 on the CLT.

- (e) A student may earn a performance acknowledgment on the student's transcript for earning a state-recognized or nationally or internationally recognized business or industry certification or license as follows.
- (1) A student may earn a performance acknowledgment with:
    - (A) performance on an examination or series of examinations sufficient to obtain a nationally or internationally recognized business or industry certification; or
    - (B) performance on an examination sufficient to obtain a government-required credential to practice a profession.
  - (2) Nationally or internationally recognized business or industry certification shall be defined as an industry-validated credential that complies with knowledge and skills standards promulgated by a nationally or internationally recognized business, industry, professional, or government entity representing a particular profession or occupation that is issued by or endorsed by:
    - (A) a national or international business, industry, or professional organization;
    - (B) a state agency or other government entity; or
    - (C) a state-based industry association.
  - (3) Certifications or licensures for performance acknowledgements shall:
    - (A) be age appropriate for high school students;
    - (B) represent a student's substantial course of study and/or end-of-program knowledge and skills;
    - (C) include an industry-recognized examination or series of examinations, an industry-validated skill test, or demonstrated proficiency through documented, supervised field experience; and
    - (D) represent substantial knowledge and multiple skills needed for successful entry into a high-skill occupation.