Chapter 101. Assessment

Subchapter DD. Commissioner's Rules Concerning Substitute Assessments for Graduation

§101.4001. Testing Requirements for Graduation.

Each school district and charter school shall test eligible students in accordance with the Texas Education Code (TEC), Chapter 39, Subchapter B. All students must meet the assessment graduation requirements of Chapter 101, Subchapter CC, Division 2, of this title (relating to Participation and Assessment Requirements for Graduation) to qualify for a high school diploma from a Texas public school.

Statutory Authority: The provisions of this §101.4001 issued under the Texas Education Code, §39.023(c) and §39.025(a) and (a-1), as amended by House Bill 5, 83rd Texas Legislature, Regular Session, 2013; §39.025(f); and House Bill 5, Section 80, 83rd Texas Legislature, Regular Session, 2013.

Source: The provisions of this §101.4001 adopted to be effective April 3, 2006, 31 TexReg 2857; amended to be effective December 16, 2013, 38 TexReg 9024.


(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 the 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 the TEC, §39.023(c), to meet the student's assessment graduation requirements. 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 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 (TSI) assessment 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 this subsection in order to qualify to use TSI 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 the TEC, §39.025(a-1), have been administered an appropriate TSI assessment at the end of that course.

(A) A student under this paragraph who meets all TSI English language arts score requirements provided in the chart 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.

Figure: 19 TAC §101.4002(b)
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(2) In accordance with the TEC, §39.025(a-3), a student who did not meet satisfactory performance on the Algebra I or English II EOC assessment after retaking the assessment may use the corresponding TSI assessment in place of that EOC assessment.

(A) 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 TSI reading or writing assessment may not be used to substitute for the corresponding English II reading or writing EOC assessment.

(B) The provisions of this paragraph expire September 1, 2017. A student may meet the assessment graduation requirements under this paragraph using the TSI if the student has met the necessary score requirements as specified in the chart in subsection (b) of this section prior to September 1, 2017.

(e) A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under the TEC, §39.023(c), unless the student met the requirements specified in subsection (c) of this section.

(f) A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart in subsection (b) of this section must take the appropriate end-of-course assessment required under the TEC, §39.023(c), to meet the assessment graduation requirements for that subject.

Statutory Authority: The provisions of this §101.4002 issued under the Texas Education Code, §§39.023(c); 39.025(a), (a-1), (a-3), and (f); and House Bill 5, Section 80, 83rd Texas Legislature, Regular Session, 2013.

Source: The provisions of this §101.4002 adopted to be effective December 16, 2013, 38 TexReg 9024; amended to be effective December 10, 2015, 40 TexReg 8762.

§101.4003. Texas Assessment of Knowledge and Skills Exit-Level Alternative Assessments.

(a) In accordance with the Texas Education Code (TEC), Chapter 39, Subchapter B, the commissioner of education adopts the SAT® verbal/critical reading and mathematics tests and the ACT® English and mathematics tests as alternative exit-level assessments that eligible students with qualifying scores may substitute respectively for the Texas Assessment of Knowledge and Skills (TAKS) exit-level assessments in English language arts and mathematics beginning in the spring of 2006.

(b) The commissioner establishes the level of performance considered to be satisfactory on the approved alternative exit-level assessments as follows.

(1) The required passing standard to qualify to substitute the SAT® verbal/critical reading test for the TAKS exit-level English language arts assessment is at least 472.

(2) The required passing standard to qualify to substitute the SAT® mathematics test for the TAKS exit-level mathematics assessment is at least 461.

(3) The required passing standard to qualify to substitute the ACT® English test for the TAKS exit-level English language arts assessment is at least 17.7.

(4) The required passing standard to qualify to substitute the ACT® mathematics test for the TAKS exit-level mathematics assessment is at least 19.5.

(c) An eligible student who has met the passing standard on a state-approved alternative exit-level assessment as set by the commissioner in subsection (b) of this section in a particular subject area has satisfied the exit-level testing requirement in that subject area.

(d) A student is eligible to substitute an alternative exit-level assessment for a TAKS exit-level assessment for purposes of this subchapter if the student after January 1 of the year in which the student would otherwise be eligible to graduate:

(1) enrolls in a public school in Texas for the first time; or
(2) enrolls in a public school in Texas after an absence of at least four years from any public school in this state. A student meets this requirement if he or she has not been enrolled for one or more days in a public school in Texas in the four years preceding the day on which the student enrolls in a Texas public school after January 1 of the year in which the student would otherwise be eligible to graduate.

Statutory Authority: The provisions of this §101.4003 issued under the Texas Education Code, §39.023(c) and §39.025(a) and (a-1), as amended by House Bill 5, 83rd Texas Legislature, Regular Session, 2013; §39.025(f); and House Bill 5, Section 80, 83rd Texas Legislature, Regular Session, 2013.

Source: The provisions of this §101.4003 adopted to be effective April 3, 2006, 31 TexReg 2857; amended to be effective December 16, 2013, 38 TexReg 9024.

§101.4005. Verification of Results.

(a) A student who is eligible to substitute an approved assessment as specified in §101.4002 of this title (relating to State of Texas Assessments of Academic Readiness End-of-Course Substitute Assessments) or §101.4003 of this title (relating to Texas Assessment of Knowledge and Skills Exit-Level Alternative Assessments) is responsible for providing to the school district an official copy of his or her scores from that assessment.

(b) A school district or charter school must, upon receipt of official results from an approved substitute or alternative assessment for a student who is eligible under this section:

(1) verify the student's score on the substitute or alternative assessment; and

(2) determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner of education.

Statutory Authority: The provisions of this §101.4005 issued under the Texas Education Code, §39.023(c) and §39.025(a) and (a-1), as amended by House Bill 5, 83rd Texas Legislature, Regular Session, 2013; §39.025(f); and House Bill 5, Section 80, 83rd Texas Legislature, Regular Session, 2013.

Source: The provisions of this §101.4005 adopted to be effective April 3, 2006, 31 TexReg 2857; amended to be effective December 16, 2013, 38 TexReg 9024.