

The State Board of Education (SBOE) proposes amendments to §74.1 and §74.3, concerning curriculum requirements. The proposed amendments would update the sections to align with recent legislation and with changes to the technology applications and career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS).

BACKGROUND INFORMATION AND JUSTIFICATION: The 86th Texas Legislature, 2019, passed House Bill (HB) 963, which required the SBOE no later than March 1, 2020, to amend its rules in order to consolidate the TEKS for high school for technology application courses with the TEKS for CTE courses and to eliminate duplicative courses. A discussion item regarding proposed revisions to 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, was presented to the Committee of the Full Board at the November 2019 SBOE meeting, and at the January 2020 meeting the board approved the proposed revisions for first reading and filing authorization. At the April 2020 SBOE meeting, the board approved the proposed revisions for second reading and final adoption with an effective date of August 1, 2020. With the update to the courses for technology applications and the addition of a new CTE career cluster in energy, the SBOE will need to align the courses that districts and charter schools are required to make available to students.

Additionally, Senate Bill 11 and HB 18, 86th Texas Legislature, 2019, amended the required curriculum in Texas Education Code, §28.002, to add suicide prevention to the topics included in health education. The statutory changes also clarify that health education must include physical health, including the importance of proper nutrition and exercise, and mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making.

At the January 2020 meeting, a discussion item on proposed amendments to 19 TAC §74.1 and §74.3 was presented to the Committee on Instruction. The committee requested that Texas Education Agency (TEA) staff prepare proposed amendments for consideration by the SBOE and indicated that districts should no longer be required to offer specific technology applications courses since they will be included in CTE.

The proposed amendments would align the required secondary curriculum with the changes to the technology applications and CTE TEKS and reflect recent legislation.

The SBOE approved the proposed amendments for first reading and filing authorization at its July 2, 2020 meeting.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and support services, has determined that for the first five-year period 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: 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 and limit existing regulations by revising the high school courses required to be offered by school districts and charter schools and eliminating certain technology applications courses from the list of high school courses required to be offered.

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 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 updating and clarifying the rules regarding secondary courses required to be offered in order to avoid confusion for districts and schools. 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 new 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 July 31, 2020, and ends September 4, 2020. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/Proposed_State_Board_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/Proposed_State_Board_of_Education_Rules/). The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 2020 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 July 31, 2020.

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education to establish curriculum and graduation requirements; and TEC, §28.002(a), as amended by Senate Bill 11 and House Bill 18, 86th Texas Legislature, 2019, which identifies the subjects of the required curriculum.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §7.102(c)(4) and §28.002(a).

<rule>

§74.1. Essential Knowledge and Skills.

- (a) A school district that offers kindergarten through Grade 12 must offer the following as a required curriculum:
 - (1) a foundation curriculum that includes:
 - (A) English language arts;
 - (B) mathematics;
 - (C) science; and
 - (D) social studies, consisting of Texas, United States and world history, government, geography, and economics, with emphasis on the free enterprise system and its benefits; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on : ~~[the importance of proper nutrition and exercise:]~~
 - (i) physical health, including the importance of proper nutrition and exercise;

(ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and

(iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;

- (C) physical education;
- (D) fine arts;
- (E) career and technical education;
- (F) technology applications;
- (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
- (H) personal financial literacy.

(b) A school district must provide instruction in the essential knowledge and skills of the appropriate grade levels in the foundation and enrichment curriculum as specified in paragraphs (1)-(12) ~~[(1)-(13)]~~ of this subsection. A school district may add elements at its discretion but must not delete or omit instruction in the foundation and enrichment curriculum specified in subsection (a) of this section.

- (1) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading) . [§]
- (2) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) . [§]
- (3) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science) . [§]
- (4) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies) . [§]
- (5) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English) . [§]
- (6) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education) . [§]
- (7) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education) . [§]
- (8) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts) . [§]
- ~~[(9) Chapter 118 of this title (relating to Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits);]~~
- (9) ~~[(10)]~~ Chapter 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications) . [§]
- (10) ~~[(11)]~~ Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development) . [§]
- (11) ~~[(12)]~~ Chapter 128 of this title (relating to Texas Essential Knowledge and Skills for Spanish Language Arts and English as a Second Language) . ~~[§ and]~~
- (12) ~~[(13)]~~ Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education).

§74.3. Description of a Required Secondary Curriculum.

- (a) (No change.)
- (b) Secondary Grades 9-12.

- (1) A school district that offers Grades 9-12 must provide instruction in the required curriculum as specified in §74.1 of this title. The district must ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards.
- (2) The school district must offer the courses listed in this paragraph and maintain evidence that students have the opportunity to take these courses:
 - (A) English language arts--English I, II, III, and IV and at least one additional advanced English course;
 - (B) mathematics--Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications;
 - (C) science--Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Principles of Engineering. The requirement to offer two additional courses may be reduced to one by the commissioner of education upon application of a school district with a total high school enrollment of less than 500 students. Science courses shall include at least 40% hands-on laboratory investigations and field work using appropriate scientific inquiry;
 - (D) social studies--United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, and Economics with Emphasis on the Free Enterprise System and Its Benefits;
 - (E) physical education--at least two courses selected from Foundations of Personal Fitness, Adventure/Outdoor Education, Aerobic Activities, or Team or Individual Sports;
 - (F) fine arts--courses selected from at least two of the four fine arts areas (art, music, theatre, and dance)--Art I, II, III, IV; Music I, II, III, IV; Theatre I, II, III, IV; or Dance I, II, III, IV;
 - (G) career and technical education-- three or more career and technical education courses for four or more credits with at least one advanced course aligned with a specified number of Texas Education Agency-designated programs of study determined by enrollment as follows [coherent sequences of courses selected from at least three of the following seventeen [sixteen] career clusters] :
 - (i) one program of study for a district with fewer than 500 students enrolled;
 - (ii) two programs of study for a district with 501-1,000 students enrolled;
 - (iii) three programs of study for a district with 1,001-2,000 students enrolled;
 - (iv) four programs of study for a district with 1,001-5,000 students enrolled;
 - (v) five programs of study for a district with 5,001-10,000 students enrolled; and
 - (vi) six programs of study for a district with more than 10,000 students enrolled.
 - ~~(i) Agriculture, Food, and Natural Resources;~~
 - ~~(ii) Architecture and Construction;~~
 - ~~(iii) Arts, Audio/Video Technology, and Communications;~~
 - ~~(iv) Business Management and Administration;~~
 - ~~(v) Education and Training;~~

- ~~[(vi) — Finance;]~~
- ~~[(vii) — Government and Public Administration;]~~
- ~~[(viii) — Health Science;]~~
- ~~[(ix) — Hospitality and Tourism;]~~
- ~~[(x) — Human Services;]~~
- ~~[(xi) — Information Technology;]~~
- ~~[(xii) — Law, Public Safety, Corrections, and Security;]~~
- ~~[(xiii) — Manufacturing;]~~
- ~~[(xiv) — Marketing;]~~
- ~~[(xv) — Science, Technology, Engineering, and Mathematics; and]~~
- ~~[(xvi) — Transportation, Distribution, and Logistics;]~~

(H) languages other than English--Levels I, II, and III or higher of the same language;

~~(I) computer science--one course selected from Fundamentals of Computer Science, Computer Science I, or Advanced Placement (AP) Computer Science Principles; and~~

~~[(I) — technology applications — Computer Science I and Computer Science II or Advanced Placement (AP) Computer Science and at least two courses selected from Computer Science III, Digital Art and Animation, Digital Communications in the 21st Century, Digital Design and Media Production, Digital Forensics, Digital Video and Audio Design, Discrete Mathematics for Computer Science, Fundamentals of Computer Science, Game Programming and Design, Independent Study in Evolving/Emerging Technologies, Independent Study in Technology Applications, Mobile Application Development, Robotics Programming and Design, 3-D Modeling and Animation, Web Communications, Web Design, and Web Game Development; and]~~

(J) speech--Communication Applications.

(3) Districts may offer additional courses from the complete list of courses approved by the State Board of Education to satisfy graduation requirements as referenced in this chapter.

(4) The school district must provide each student the opportunity to participate in all courses listed in subsection (b)(2) of this section. The district must provide students the opportunity each year to select courses in which they intend to participate from a list that includes all courses required to be offered in subsection (b)(2) of this section. If the school district will not offer the required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact. A school district must teach a course that is specifically required for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, the district must either teach the course every year or employ options described in Subchapter C of this chapter (relating to Other Provisions) to enable students to earn credit for the course and must maintain evidence that it is employing those options.

(5) For students entering Grade 9 beginning with the 2007-2008 school year, districts must ensure that one or more courses offered in the required curriculum for the recommended and advanced high school programs include a research writing component.

(c) (No change.)