

The State Board of Education (SBOE) adopts amendments to §74.1 and §74.3, concerning curriculum requirements. The amendment to §74.1 is adopted without changes to the proposed text as published in the July 31, 2020 issue of the *Texas Register* (45 TexReg 5290) and will not be republished. The amendment to §74.3 is adopted with changes to the proposed text as published in the July 31, 2020 issue of the *Texas Register* (45 TexReg 5290) and will be republished. The amendments update the rules to align with recent legislation and with changes to the technology applications and career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS).

REASONED 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 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 decisionmaking.

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

Since approved for first reading, changes were made in §74.3(b)(2)(G) to clarify that the student enrollment numbers listed in clauses (i)-(vi) reflect the number of students enrolled in high school. The changes better align the language with the new CTE Perkins State Plan. In addition, a technical edit was made to §74.3(b)(2)(C) to correct the course title "Principles of Engineering" to "Engineering Science."

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

In accordance with TEC, §7.102(f), the SBOE approved the amendments for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2021-2022 school year. The earlier effective date will align the rules with legislation and updates to technology applications and CTE courses as soon as possible. The effective date is 20 days after filing as adopted with the Texas Register.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began July 31, 2020, and ended August 31, 2020. The SBOE also provided an opportunity for registered oral and written comments at its September 2020 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. The College Board commented in support of the wording in §74.3(b)(2)(G) in terms of the number of CTE programs districts are required to offer based on student enrollment.

Response. The SBOE agrees that requirement for districts to offer CTE courses is appropriate. At second reading, the SBOE adjusted the language in §74.3(b)(2)(G) to clarify that the student enrollment numbers listed in clauses (i)-(vi) reflect the number of students enrolled in high school.

Comment. The College Board commented in support of the language in §74.3(b)(2)(I) that requires school districts to offer at least one introductory level computer science course.

Response. The SBOE agrees that the requirement for districts to offer one introductory level computer science course is appropriate and maintained the course title as proposed.

Comment. A representative from Microsoft Corporation commented that the SBOE should require all Texas high schools to offer at least one of three introductory high school computer science courses: Fundamentals of Computer Science, Introduction to Computer Science, or Advanced Placement (AP) Computer Science Principles. The commenter stated that computer science is foundational to education and success, computer science is essential to the work force, computer science is not studied enough, and by exposing Texas high school students to computer science, the SBOE can implement long-term and forward-thinking solutions that will help address the nation's skills gap and get the country back to work as it begins the long-term economic recovery from the pandemic.

Response. The SBOE agrees that the requirement for districts to offer one introductory level computer science course is appropriate and maintained the course title as proposed.

Comment. Project Lead the Way commented in support of language in §74.3(b)(2)(I) that requires school districts to offer at least one introductory level computer science course. Project Lead the Way commented that the proposed amendment would help Texas continue to lead the way in attracting business and talent.

Response. The SBOE agrees that the requirement for districts to offer one introductory level computer science course is appropriate and maintained the course title as proposed.

Comment. A parent expressed concern about the wording of §74.3(b)(2)(I) because districts would be required to offer only one computer science course. The commenter stated that students who have been diagnosed with dyslexia or other language acquisition issues would be placed at an unfair disadvantage by taking computer science courses because the students would no longer be able to fulfill their languages other than English graduation requirements because school districts would not be required to offer enough computer science courses.

Response. The SBOE disagrees that the requirement in §74.3(b)(2)(I) is problematic and maintained language as proposed. The SBOE provides multiple options for students to meet the languages other than English requirement and more than one option would allow a student to satisfy the requirement by completing courses that are not languages other than English courses.

Comment. An individual opposed the inclusion of comprehensive sexual education in the health education standards.

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

Comment. An administrator asked whether the proposed revisions to §74.19(a)(2)(F) should include deleting the reference to technology applications.

Response. The SBOE provides the following clarification. Reference to technology applications was deleted because technology applications is now part of CTE.

STATUTORY AUTHORITY. The amendments are adopted 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:
 - (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) 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 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications).
- (10) Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development).
- (11) Chapter 128 of this title (relating to Texas Essential Knowledge and Skills for Spanish Language Arts and English as a Second Language).
- (12) 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) Middle Grades 6-8.

- (1) A school district that offers Grades 6-8 must provide instruction in the required curriculum as specified in §74.1 of this title (relating to Essential Knowledge and Skills). The district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. 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 ensure that, beginning with students who enter Grade 6 in the 2010-2011 school year, each student completes one Texas essential knowledge and skills-based fine arts course in Grade 6, Grade 7, or Grade 8.
- (3) A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students.

(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 Engineering Science. 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:
 - (i) one program of study for a district with fewer than 500 students enrolled in high school;
 - (ii) two programs of study for a district with 501-1,000 students enrolled in high school;
 - (iii) three programs of study for a district with 1,001-2,000 students enrolled in high school;
 - (iv) four programs of study for a district with 1,001-5,000 students enrolled in high school;
 - (v) five programs of study for a district with 5,001-10,000 students enrolled in high school; and
 - (vi) six programs of study for a district with more than 10,000 students enrolled in high school.
 - (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
 - (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) Courses in the foundation and enrichment curriculum in Grades 6-12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. Nothing

in this chapter shall be construed to require a district to offer a specific course in the foundation and enrichment curriculum except as required by this subsection.