

The State Board of Education (SBOE) proposes an amendment to §74.3, concerning the required secondary curriculum. The proposed amendment would update the list of high school courses for social studies and physical education that are required to be offered to students.

BACKGROUND INFORMATION AND JUSTIFICATION: The 87th Texas Legislature, Regular Session, 2021, passed Senate Bill (SB) 1063, amending Texas Education Code, §28.025, to add a one-half credit course in personal financial literacy and economics as an option to meet the one-half credit graduation requirement for economics under the Foundation High School Program. SB 1063 requires that the SBOE adopt Texas Essential Knowledge and Skills (TEKS) for a combined personal financial literacy and economics course to be offered beginning with the 2022-2023 school year. To ensure that students have the option of satisfying the economics graduation requirement with the new Personal Financial Literacy and Economics course, it is recommended that the SBOE add the new course to the list of social studies courses that districts are required to offer.

Additionally, in 2020 the SBOE adopted new Kindergarten-Grade 12 physical education TEKS, which will be implemented beginning with the 2022-2023 school year. The new TEKS replaced the existing high school physical education courses with three new courses.

The proposed amendment would add a requirement in subsection (b)(2)(D) that districts offer the new Personal Financial Literacy and Economics course. The amendment would allow the requirement to offer both Economics with Emphasis on the Free Enterprise System and Its Benefits and Personal Financial Literacy and Economics to 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.

The proposed amendment would also align the required secondary curriculum in subsection (b)(2)(E) with the changes to the high school physical education course offerings.

The SBOE approved the proposed amendment for first reading and filing authorization at its April 8, 2022 meeting.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and programs, has determined that 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 updating 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 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 additional flexibility for students in meeting high school graduation requirements and clarity for districts and schools regarding course names. 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 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 May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. 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 June 2022 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 6, 2022.

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; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.025(b-1)(4), which requires the SBOE to by rule require as part of the foundation high school program that students successfully complete three credits in social studies, including one credit in United States history, at least one-half credit in government and at least one-half credit in economics or personal financial literacy and economics, and one credit in world geography or world history; and TEC, §28.025(b-22), as added by Senate Bill 1063, 87th Texas Legislature, Regular Session, 2021, which requires that in adopting Texas Essential Knowledge and Skills for a personal financial literacy and economics course, the SBOE must ensure that the required curriculum allocates two-thirds of instruction time to instruction in personal financial literacy and one-third of instruction time to instruction in economics.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§7.102(c)(4), 28.002(a), and 28.025(b-1)(4) and (b-22), as added by Senate Bill 1063, 87th Texas Legislature, Regular Session, 2021.

<rule>

§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 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 , and Personal Financial Literacy and Economics. The requirement to offer both Economics with Emphasis on the Free Enterprise System and Its Benefits and Personal Financial Literacy and Economics 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 ;
 - (E) physical education--at least two courses selected from Lifetime Fitness and Wellness Pursuits, Lifetime Recreation and Outdoor Pursuits, or Skill-Based Lifetime Activities [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) (No change.)