

**ATTACHMENT II**  
**Text of 19 TAC**

**Chapter 74. Curriculum Requirements**

**Subchapter C. Other Provisions**

**§74.24. Credit by Examination.**

- (a) General provisions.
  - (1) A school district must provide at least one window to test between January 1 and March 31, one window to test between April 1 and June 30, one window to test between July 1 and September 30, and one window to test between October 1 and December 31 annually when each examination for acceleration for each primary school grade level and for credit for secondary school academic subjects required under Texas Education Code, §28.023, shall be administered in Grades 1-12 unless the examination has an administration date that is established by an entity other than the school district. A student may take a specific examination only once during each window. The testing window must be designed to meet the needs of all students. The dates must be publicized in the community.
  - (2) A school district shall provide opportunities for a student who is homeless or in substitute care who transfers to the district after the start of the school year to be administered credit by examination at any point during the school year.
  - (3) A school district shall not charge for an examination for acceleration for each primary school grade level or for credit for secondary school academic subjects. If a parent requests an alternative examination, the district may administer and recognize results of a test purchased by the parent or student from Texas Tech University or The University of Texas at Austin.
    - (A) For each grade level or course, Texas Tech University and The University of Texas at Austin shall ensure that the assessments they provide for the purposes of this section are aligned to and address all assessable Texas Essential Knowledge and Skills (TEKS) at the appropriate level of rigor.
    - (B) Texas Tech University and The University of Texas at Austin shall arrange for a third party to conduct an audit, on a rotating basis, of at least 20% of the assessments they provide for the purposes of this section. The audit shall be conducted annually.
    - (C) The results of each audit shall be provided to the Texas Education Agency in the form of a report to be delivered no later than May 31 of each year.
  - (4) A school district must have the approval of the school district board of trustees for the development and use of its own tests or to purchase examinations that thoroughly test the essential knowledge and skills in the applicable grade level or subject area.
  - (5) A school district may allow a student to accelerate at a time other than one required in paragraph (1) of this subsection by developing a cost-free option approved by the school district board of trustees that allows students to demonstrate academic achievement or proficiency in a subject or grade level.
- (b) Assessment for acceleration in kindergarten through Grade 5.
  - (1) A school district must develop procedures for kindergarten acceleration that are approved by the school district board of trustees. The board of trustees shall approve an audit process to be completed for assessments for acceleration.
  - (2) A student in any of Grades 1-5 must be accelerated one grade if he or she meets the following requirements:

- (A) the student scores 80% on a criterion-referenced test for the grade level he or she wants to skip in each of the following areas: language arts, mathematics, science, and social studies;
  - (B) a school district representative recommends that the student be accelerated; and
  - (C) the student's parent or guardian gives written approval for the acceleration.
- (c) Assessment for course credit in Grades 6-12.
- (1) A school district board of trustees shall approve for each high school course, to the extent available, at least four examinations. The board of trustees shall approve an audit process to be completed for examinations under subparagraph (B)(iii) of this paragraph.
    - (A) The examinations shall include the following, which are not subject to the requirements in paragraphs (2)-(7) of this subsection:
      - (i) College Board advanced placement examinations; and
      - (ii) examinations administered through the College-Level Examination Program.
    - (B) The examinations may include examinations developed by:
      - (i) Texas Tech University;
      - (ii) The University of Texas at Austin;
      - (iii) the school district; and
      - (iv) another entity if the assessment meets all of the requirements in paragraph (2) of this subsection.
  - (2) In order for a school district to administer an examination for credit, prior to the first administration, the school district or the provider of the assessment must certify that the examination:
    - (A) is aligned to all assessable TEKS for the course;
    - (B) has not been published and is not publicly available;
    - (C) will only be administered in a secure environment under standardized conditions by a school district or institution of higher education; and
    - (D) has been evaluated to ensure:
      - (i) test scores can be interpreted as indicators of what the test is intended to measure; and
      - (ii) consistency of test results across testing conditions.
  - (3) A school district or the provider of the assessment must make public an annual report, including:
    - (A) the test development process;
    - (B) a statement certifying that the examination meets the criteria in paragraph (2)(D) of this subsection;
    - (C) the number of students who took each examination;
    - (D) the number of students who scored 70% or above on each examination;
    - (E) the number of students who scored 80% or above on each examination; and
    - (F) the average score for all students who took the examination for each examination.
  - (4) In order for a school district to administer an examination for credit for a course that has a state end-of-course assessment instrument, the school district or the provider of the assessment must certify, prior to the first administration, that the examination:

- (A) meets the requirements of paragraph (2) of this subsection;
  - (B) has been externally validated and determined to:
    - (i) align to and appropriately address all assessable TEKS for the course;
    - (ii) assess the appropriate level of rigor for each student expectation; and
    - (iii) yield comparable distribution of results across tested subgroups.
- (5) If the number of students who take an examination in a given year is not sufficient to determine comparable results among subgroups, the provider may obtain approval from the State Board of Education to demonstrate comparable results over a specified number of years. Approval may authorize use of the assessment, if the assessment meets all other criteria, during the period authorized by the SBOE to achieve comparable results.
- (6) For an examination that is validated in accordance with paragraph (4) of this subsection, a school district or the provider of the assessment must make public:
- (A) the annual report required by paragraph (3) of this subsection;
  - (B) all relevant test development specifications; and
  - (C) a statement certifying that the examination meets the criteria in paragraph (4)(B) of this subsection.
  - (D) results for all tested subgroups disaggregated by students who receive prior instruction and students with no prior instruction and including descriptive data for small subgroups.
- (7) Examinations for courses that do not have a state end-of-course assessment shall meet all requirements in paragraph (2) of this subsection no later than the 2019-2020 school year.
- (8) A student in any of Grades 6-12 must be given credit for an academic subject in which he or she has had no prior instruction if the student scores:
- (A) a three or higher on a College Board advanced placement examination that has been approved by the school district board of trustees for the applicable course;
  - (B) a scaled score of 50 or higher on an examination administered through the College-Level Examination Program and approved by the school district board of trustees for the applicable course; or
  - (C) 80% on any other criterion-referenced test approved by the school district board of trustees for the applicable course.
- (9) A student may not attempt to earn credit by examination for a specific high school course more than two times.
- (10) If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit.
- (11) If a student is given credit in accordance with paragraph (8) of this subsection in a subject on the basis of an examination on which the student scored 80% or higher, the school district must enter the examination score on the student's transcript, and the student is not required to take an applicable end-of-course assessment instrument for the course.
- (12) In accordance with local school district policy, a student in any of Grades 6-12 may be given credit for an academic subject in which he or she had some prior instruction if the student scores 70% on a criterion-referenced test approved by the school district board of trustees for the applicable course.