

## Chapter 101. Assessment

### Subchapter CC. Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program

#### Division 1. Implementation of Assessment Instruments

##### §101.3011. Implementation and Administration of Academic Content Area Assessment Instruments.

- (a) The Texas Education Agency (TEA) shall administer each assessment instrument under Texas Education Code (TEC), §39.023(a), (b), (c), and (l), in accordance with the rules governing the assessment program set forth in Chapter 101 of this title (relating to Assessment).
- (1) For purposes of federal accountability as allowed by subsection (d) of this section, a Grade 3-8 student shall not be administered a grade-level assessment if the student:
- (A) is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under TEC, §39.023(a), that aligns with the curriculum for that course or subject within the same content area; or
- (B) is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an end-of-course assessment instrument developed under TEC, §39.023(c), that aligns with the curriculum for that course or subject within the same content area.
- (2) For purposes of federal accountability as allowed by subsection (d) of this section, a Grade 3-8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT® or the SAT®.
- (3) A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.
- (4) As specified in TEC, §28.0211(p), a Grade 5 or 8 student described by paragraph (1)(A) or (B) of this subsection may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student.
- (b) The TEA shall administer alternative assessment instruments under TEC, §39.023(b), that correspond to:
- (1) the assessment instruments required under TEC, §39.023(a); and
- (2) the following assessment instruments required under TEC, §39.023(c): English I, English II, Algebra I, biology, and U.S. history.
- (c) Test administration procedures shall be established by the TEA in the applicable test administration materials. A school district, an open-enrollment charter school, or a private school administering the tests required by TEC, Chapter 39, Subchapter B, shall follow procedures specified in the applicable test administration materials.
- (d) In accordance with TEC, §39.023(a)(5), the TEA shall administer to students assessments in any other subject and grade required by federal law.

*Statutory Authority: The provisions of this §101.3011 issued under Texas Education Code, §§7.021, 28.0211, 39.023, 39.0231, 39.0238, 39.025, and 39.028; 34 Code of Federal Regulations, §200.6; and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, §1111(b)(2)(C).*

*Source: The provisions of this §101.3011 adopted to be effective May 29, 2012, 37 TexReg 3827; amended to be effective March 14, 2013, 38 TexReg 1679; amended to be effective March 2, 2014, 39 TexReg 1150; amended to be effective August 11, 2020, 45 TexReg 5512; amended to be effective June 21, 2022, 47 TexReg 3535.*

**§101.3012. Parent Notification.**

The superintendent of each school district and chief administrative officer of each charter school shall be responsible for the following in order to provide timely and full notification of graduation requirements:

- (1) notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
- (2) notifying each student in Grades 7-12 new to the school district or charter school and his or her parent or guardian in writing of the testing requirements for graduation; and
- (3) notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

*Statutory Authority: The provisions of this §101.3012 issued under the Texas Education Code, §§7.021, 28.0211, 39.023, 39.0231, 39.025, and 39.028.*

*Source: The provisions of this §101.3012 adopted to be effective March 14, 2013, 38 TexReg 1679; amended to be effective June 21, 2022, 47 TexReg 3535.*

**§101.3013. Accommodations.**

- (a) Testing accommodations on the assessments administered under the Texas Education Code (TEC), Chapter 39, Subchapter B, are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction.
- (b) For a student receiving special education services, the admission, review, and dismissal (ARD) committee shall determine the allowable accommodations necessary for the student to take the assessments administered under the TEC, Chapter 39, Subchapter B, and shall document them in the student's individualized education program.
- (c) Permissible testing accommodations shall be described in the appropriate test administration materials.

*Statutory Authority: The provisions of this §101.3013 issued under the Texas Education Code, §§7.021, 28.0211, 39.023, 39.0231, 39.025, and 39.028.*

*Source: The provisions of this §101.3013 adopted to be effective March 14, 2013, 38 TexReg 1679.*

**§101.3014. Scoring and Reporting.**

- (a) The superintendent of a school district or chief administrative officer of each charter school shall accurately report all test results as required by Texas Education Code (TEC), §39.030, with appropriate interpretations, to the school district board of trustees according to the schedule in the applicable test administration materials.
- (b) A school district, charter school, or private school that administers criterion-referenced tests under TEC, Chapter 39, Subchapter B, shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements in TEC, §39.030.
- (c) All test results shall be included in each student's academic record and shall be furnished for each student transferring to another school district, charter school, or private school.
- (d) The scoring contractor will provide school districts with the results of the machine-scorable assessments administered as required by TEC, §39.023, within a 21-day period following the close of the testing window. Upon receipt of the assessment results from the agency's test contractor, a school district or charter school shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year.
- (e) A school district, charter school, or private school that administers criterion-referenced tests under TEC, Chapter 39, Subchapter B, shall accurately report to the Texas Education Agency (TEA) whether that student transferred into the school or district from out of state during the current school year.

- (1) Procedures for the reporting of out-of-state-transfer students to the TEA shall be established by the TEA in the applicable test administration materials. A school district, an open-enrollment charter school, or a private school administering the tests required by TEC, Chapter 39, Subchapter B, shall follow procedures specified in those test administration materials.
- (2) The assessment results of the out-of-state transfer students shall be reported separately to school districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

*Statutory Authority: The provisions of this §101.3014 issued under the Texas Education Code, §§7.021, 28.0211, 39.023, 39.0231, 39.02315, 39.025, 39.028, and 39.030.*

*Source: The provisions of this §101.3014 adopted to be effective March 14, 2013, 38 TexReg 1679; amended to be effective March 2, 2014, 39 TexReg 1150; amended to be effective December 10, 2015, 40 TexReg 8760; amended to be effective June 21, 2022, 47 TexReg 3535.*

**§101.3015. Test Development.**

- (a) Texas educators shall assist Texas Education Agency staff in developing test objectives, assessment guidelines, and test items. Advisory committees composed of Texas educators shall reflect the diversity of the state by region, ethnicity, gender, and type and size of school district.
- (b) Each public school and charter school shall assist with field-testing and other activities necessary to implement the requirements of the Texas Education Code, Chapter 39, Subchapter B.

*Statutory Authority: The provisions of this §101.3015 issued under the Texas Education Code, §§7.021, 28.0211, 39.023, 39.0231, 39.025, and 39.028.*

*Source: The provisions of this §101.3015 adopted to be effective March 14, 2013, 38 TexReg 1679.*

**§101.3016. National Comparative Data.**

- (a) In accordance with the Texas Education Code (TEC), §39.028, the commissioner of education shall develop a schedule to obtain nationally comparative results for the grades and subject areas for which academic content area assessments are adopted under the TEC, §39.023.
- (b) The Texas Education Agency will use sampling and other techniques to minimize the disruption to schools and loss of instructional time required of school districts to obtain nationally comparative data.
- (c) The nationally comparative data will be collected by using nationally recognized instruments for obtaining valid and reliable normative data from a sample of Texas students.

*Statutory Authority: The provisions of this §101.3016 issued under the Texas Education Code, §§7.021, 28.0211, 39.023, 39.0231, 39.025, and 39.028.*

*Source: The provisions of this §101.3016 adopted to be effective March 14, 2013, 38 TexReg 1679.*

**§101.3017. Release of Tests.**

During the 2014-2015 and 2015-2016 school years, the Texas Education Agency shall release test items and answer keys for primary administration assessment instruments under the Texas Education Code (TEC), §39.023(a), (b), (c), (d), and (l), after the last time the assessment is administered for the school year. The test release shall exclude any test items or test forms used in subsequent test administrations. In accordance with the TEC, §39.023(e-1), an assessment's release shall be deferred or limited if the assessment is under development or revision.

*Statutory Authority: The provisions of this §101.3017 issued under the Texas Education Code, §7.021 and §39.023(e-1), (e-2), and (e-3).*

*Source: The provisions of this §101.3017 adopted to be effective April 10, 2014, 39 TexReg 2573; amended to be effective December 10, 2015, 40 TexReg 8760.*

**Division 2. Participation and Assessment Requirements for Graduation**

**§101.3021. Required Participation in Academic Content Area Assessments.**

- (a) Beginning with students first enrolled in Grade 9 in the 2011-2012 school year, a student enrolled in a course for which an end-of-course (EOC) assessment exists as required by the Texas Education Code (TEC), §39.023(c), shall take the appropriate assessment.
- (b) A student is required to meet the EOC assessment graduation requirements of §101.3022 of this title (relating to Assessment Requirements for Graduation) to receive a Texas diploma if a student:
  - (1) is participating in a distance-learning or correspondence course as outlined in §74.23 of this title (relating to Correspondence Courses and Distance Learning) for which there is an EOC assessment as listed in the TEC, §39.023(c); or
  - (2) is participating in a dual-credit course as specified in §74.25 of this title (relating to High School Credit for College Courses) for which there is an EOC assessment as listed in the TEC, §39.023(c).
- (c) An EOC assessment administered under the TEC, §39.023(c), cannot be used for purposes of credit by examination as specified in §74.24 of this title (relating to Credit by Examination).
- (d) Beginning in the 2011-2012 school year, a student in Grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment specified in the TEC, §39.023(c). The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in §101.3022 of this title.
- (e) If a student earned high school credit for a course for which there is an EOC assessment as listed in the TEC, §39.023(c), prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course for which there is an EOC assessment prior to the 2011-2012 spring administration, the student is not required to take the corresponding EOC assessment as listed in the TEC, §39.023(c).
- (f) A student may retake an EOC assessment under the TEC, §39.023(c), only if the student previously failed the EOC assessment. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

*Statutory Authority: The provisions of this §101.3021 issued under the Texas Education Code, §39.023 and §39.025, and House Bill 5, Sections 36 and 79, 83rd Texas Legislature, Regular Session, 2013.*

*Source: The provisions of this §101.3021 adopted to be effective May 29, 2012, 37 TexReg 3827; amended to be effective March 25, 2014, 39 TexReg 2077; amended to be effective December 10, 2015, 40 TexReg 8761.*

**§101.3022. Assessment Requirements for Graduation.**

- (a) Beginning with students first enrolled in Grade 9 in the 2011-2012 school year, a student must meet satisfactory performance on each end-of-course (EOC) assessment listed in the Texas Education Code (TEC), §39.023(c), except in cases as provided by subsections (b), (e), and (f) of this section and §101.3021(e) of this title (relating to Required Participation in Academic Content Area Assessments), in order to be eligible to receive a Texas diploma. The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career.
- (b) A student who was administered separate reading and writing EOC assessments under the TEC, §39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has met the following criteria:
  - (1) achieved satisfactory performance on either the reading or writing EOC assessment for that course;
  - (2) met at least the minimum score on the other EOC assessment for that course; and
  - (3) achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

- (c) Exceptions to subsection (a) of this section related to English I shall apply to English language learners who meet the criteria specified in §101.1007 of this title (relating to Assessment Provisions for Graduation).
- (d) If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.
- (e) Effective beginning with the 2014-2015 school year, a student who has taken but failed to achieve the EOC assessment graduation requirements for no more than two courses may receive a Texas high school diploma if the student has qualified to graduate by means of an individual graduation committee under the TEC, §28.0258.
  - (1) A student may not graduate under an individual graduation committee if the student did not take each EOC assessment required by this subchapter or an approved substitute assessment in Subchapter DD of this chapter (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A school district or charter school shall determine whether the student took each required EOC assessment or an approved substitute assessment required by Subchapter DD of this chapter. For purposes of this section only, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an individual graduation committee.
  - (2) A student who is an English language learner (ELL) and qualifies for the English I special provision in §101.1007 of this title may graduate without an individual graduation committee if the student achieves satisfactory performance on the remaining EOC assessments that the student is required to take.
    - (A) The qualifying ELL becomes eligible for individual graduation committee review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.
    - (B) If a qualifying ELL does graduate by means of an individual graduation committee, the student is required to complete individual graduation committee requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.
  - (3) Notwithstanding any action taken by a student's individual graduation committee, a school district or charter school must provide a student an opportunity to retake an EOC assessment under the TEC, §39.023(c), if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.
  - (4) Provisions of this subsection expire September 1, 2023. A student may graduate by means of an individual graduation committee if the student has qualified for an individual graduation committee under the TEC, §28.0258, and that individual graduation committee convened prior to September 1, 2023.
- (f) A student who is receiving special education services or has been dismissed from a special education program under the TEC, Chapter 29, Subchapter A, is subject to the provisions of this subsection.
  - (1) A student receiving special education services is not subject to the requirements in the TEC, §28.0258. As provided in §89.1070 of this title (relating to Graduation Requirements) and §101.3023 of this title (relating to Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.
  - (2) A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take

and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for individual graduation committee review under the TEC, §28.0258, and is subject to the provisions of subsection (e) of this section.

*Statutory Authority: The provisions of this §101.3022 issued under the Texas Education Code, §§28.025(h), 28.0258, 39.023, and 39.025.*

*Source: The provisions of this §101.3022 adopted to be effective May 29, 2012, 37 TexReg 3827; amended to be effective July 3, 2013, 38 TexReg 4183; amended to be effective March 25, 2014, 39 TexReg 2077; amended to be effective September 6, 2015, 40 TexReg 5458; amended to be effective December 5, 2017, 42 TexReg 6794; amended to be effective October 15, 2019, 44 TexReg 5901.*

**§101.3023. Participation and Graduation Assessment Requirements for Students Receiving Special Education Services.**

- (a) As stipulated by §89.1070 of this title (relating to Graduation Requirements), a student receiving special education services under the Texas Education Code (TEC), Chapter 29, Subchapter A, who successfully completes the requirements of his or her individualized education program (IEP), including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's admission, review, and dismissal (ARD) committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.
- (b) Beginning with the 2011-2012 school year, all Grades 9-12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of end-of-course (EOC) assessments as listed in §101.3011(b)(2) of this title (relating to Implementation and Administration of Academic Content Area Assessment Instruments).
- (c) For the 2011-2012 through 2013-2014 school years, a student who is receiving special education services under the TEC, Chapter 29, Subchapter A, and who is first enrolled in Grade 9 or below in the 2011-2012 school year shall be administered an alternative version of an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP. Beginning with the 2014-2015 school year, a student who is receiving special education services under the TEC, Chapter 29, Subchapter A, whose IEP does not specify the administration of an alternate assessment and who is first enrolled in Grade 9 or below in the 2011-2012 school year shall be administered an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP.

*Statutory Authority: The provisions of this §101.3023 issued under the Texas Education Code, §39.023 and §39.025, and House Bill 5, Sections 36 and 79, 83rd Texas Legislature, Regular Session, 2013.*

*Source: The provisions of this §101.3023 adopted to be effective May 29, 2012, 37 TexReg 3827; amended to be effective March 25, 2014, 39 TexReg 2077.*

**§101.3024. Assessment Requirements for Students First Enrolled in Grade 9 Prior to 2011-2012 School Year or First Enrolled in Grade 10 or Above in 2011-2012 School Year.**

- (a) Students who were first enrolled in Grade 9 prior to the 2011-2012 school year or enrolled in Grade 10 or above in the 2011-2012 school year must fulfill testing requirements for graduation with the assessments required by the Texas Education Code (TEC), §39.023(c), as that section existed before amendment by Senate Bill (SB) 1031, 80th Texas Legislature, 2007. For purposes of this section, coursework necessary to graduate means all the coursework required under the student's graduation plan.
- (b) For a student who is receiving special education services under the TEC, Chapter 29, Subchapter A, who is enrolled above Grade 9 in the 2011-2012 school year and for whom an IEP specifies that the student shall take a modified version of an assessment, the modified assessments as required by the TEC, §39.023, as

that section existed before amendment by SB 1031, 80th Texas Legislature, 2007, will continue to be the student's assessment requirement.

- (c) With the exception of students who meet the criteria described in subsection (d) of this section, students who were enrolled as follows shall fulfill testing requirements for graduation with the assessments as required by the TEC, §39.023(c), as that section existed before amendment by SB 1031, 80th Texas Legislature, 2007, with the applicable performance standards established by the commissioner of education and published on the Texas Education Agency (TEA) website:
  - (1) in Grade 9 or higher on January 1, 2001, regardless of when they are scheduled to graduate; or
  - (2) in Grade 8 or lower on January 1, 2001, if they were on an accelerated track and fulfilled all coursework necessary to graduate by September 1, 2004.
- (d) A student who entered Grade 11 in the 1989-1990 school year or an earlier school year shall fulfill testing requirements for graduation with assessments as required by the TEC, §39.023(c), as that section existed before amendment by SB 1031, 80th Texas Legislature, 2007, under an applicable performance standard established by the commissioner of education that corresponds to the performance standard in effect for the exit-level Texas Educational Assessment of Minimum Skills (TEAMS) when the student was first eligible to take the exit-level TEAMS. Performance standards that apply to TEAMS students will be published on the TEA website.
- (e) A student fulfilling testing requirements under subsection (c) of this section will be required to take only those sections of the exit-level Texas Assessment of Knowledge and Skills (TAKS) that correspond to the subject areas formerly assessed by the exit-level Texas Assessment of Academic Skills (TAAS) (reading, writing, and mathematics) for which the student has not yet met the passing standard.
  - (1) If a student has not yet met the passing standard on TAAS reading, the student will be administered only the reading multiple-choice items from the TAKS English language arts (ELA) test.
  - (2) If a student has not yet met the passing standard on TAAS writing, the student will be administered only the writing prompt and the revising and editing multiple-choice items from the TAKS ELA test.
- (f) A student fulfilling testing requirements under subsection (d) of this section will be required to take only those sections of the exit-level TAKS that correspond to the subject areas formerly assessed by the exit-level TEAMS (reading and mathematics) for which the student has not yet met the passing standard. If a student has not yet met the passing standard on TAAS reading, the student will be administered only the reading multiple-choice items from the TAKS ELA test.
- (g) Effective beginning with the 2017-2018 school year, a student who has taken but failed to meet assessment graduation requirements under this section may receive a Texas high school diploma if the student has qualified to graduate in accordance with the TEC, §28.02541.
  - (1) A student may not graduate under TEC, §28.02541 if the student did not take each assessment instrument or the part of the assessment instrument for which the student has not performed satisfactorily at least three times.
  - (2) This subsection expires September 1, 2023.
- (h) Notwithstanding any of the requirements in subsections (a)-(g) of this section, students who pass all of the required exit-level TAKS tests or meet the alternate assessment requirements of Chapter 101, Subchapter DD, of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) have fulfilled their testing requirements for graduation.
- (i) Beginning with the 2011-2012 school year, students first enrolled in Grade 9 or lower must fulfill testing requirements for graduation with the end-of-course assessment instruments, as specified in the TEC, §39.023(c), as amended by SB 1031, 80th Texas Legislature, 2007.

*Statutory Authority: The provisions of this §101.3024 issued under the Texas Education Code, §§28.02541, 39.023, and 39.025.*

*Source: The provisions of this §101.3024 adopted to be effective May 29, 2012, 37 TexReg 3827; amended to be effective November 5, 2017, 42 TexReg 6144; amended to be effective October 15, 2019, 44 TexReg 5901.*

**Division 3. Security of Assessments, Required Test Administration Procedures and  
Training Activities**

**§101.3031. Required Test Administration Procedures and Training Activities to Ensure Validity, Reliability,  
and Security of Assessments.**

- (a) Security and confidentiality.
  - (1) All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.
  - (2) School districts and campuses, the superintendent and campus principals in each school district, open-enrollment charter schools and campuses, and the chief administrative officer and campus principals of each charter school shall:
    - (A) implement and ensure compliance with state test administration procedures and training activities;
    - (B) notify the Texas Education Agency (TEA) as soon as the school district or charter school becomes aware of any alleged or suspected violation of the security or confidential integrity of a test as listed in paragraph (3) of this subsection;
    - (C) report all confirmed testing violations to TEA within 10 working days of the school district or charter school becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
    - (D) ensure that the only individuals with access to secure test materials are school district or charter school employees who have:
      - (i) met the requirements to participate in the student assessment program;
      - (ii) received training in test security and test administration procedures; and
      - (iii) signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
    - (E) ensure the security of the test materials by:
      - (i) verifying that all boxes of testing materials have been accounted for and match the school district or charter school shipping notices upon receipt from the state's testing contractor(s);
      - (ii) requiring campuses to immediately inventory all testing materials received and to notify the school district or charter school testing coordinator of any shortages or discrepancies;
      - (iii) immediately notifying the state's testing contractor(s) of any discrepancies between the materials received and the school district, charter school, and campus shipping notices;
      - (iv) placing test booklets and answer documents in secure, limited-access, locked storage when not in use;

- (v) collecting and destroying any scratch paper, graph paper, or reference materials that students have written on, as well as any recordings, after the completion of a test administration;
  - (vi) requiring that all secure materials assigned to individual campuses have been accounted for and packaged in accordance with the procedures for returning materials as detailed in the test administration materials;
  - (vii) requiring that all test item image cards and photocopies or reproductions of secure test materials have been collected and returned to the school district or charter school testing coordinator for return to the testing contractor(s); and
  - (viii) maintaining inventory and shipping records for five years.
- (3) Violations of the security and confidential integrity of a test include:
- (A) directly or indirectly assisting students with responses to test questions;
  - (B) tampering with student responses;
  - (C) falsifying holistic ratings or student responses;
  - (D) viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
  - (E) discussing or disclosing secure test content or student responses;
  - (F) scoring students' tests, either formally or informally;
  - (G) duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
  - (H) responding to secure test questions;
  - (I) fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
  - (J) receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
  - (K) encouraging or assisting an individual to engage in the conduct described in subparagraphs (A)-(J) of this paragraph or in any other serious violation of security and confidentiality;
  - (L) failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in conduct described in subparagraphs (A)-(K) of this paragraph or in any other serious violation of security and confidentiality under this section;
  - (M) failing to implement sufficient procedures to prevent student cheating; and
  - (N) failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.
- (4) If a school district or charter school determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the school district or charter school shall invalidate the student's test results.
- (5) Any violation of test security or confidential integrity may result in the TEA:
- (A) invalidating student test results;
  - (B) referring certified educators to the State Board for Educator Certification for sanctions in accordance with Chapter 247 of this title (relating to Educators' Code of Ethics) and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases); and

- (C) lowering the school district's or charter school's accreditation status or a school district's, charter school's, or campus's accountability rating in accordance with Texas Education Code (TEC), §39.003(d), or appointment of a monitor, conservator, or management team to the school district or charter school in accordance with TEC, Chapter 39A.
- (b) Test administration procedures. Test administration procedures shall be delineated in the test administration materials provided to school districts and charter schools annually. Districts and charter schools must comply with all of the applicable requirements specified in the test administration materials. Test administration materials shall include, but are not limited to, the following:
  - (1) general testing program information;
  - (2) procedures for maintaining the security and confidentiality of state assessments;
  - (3) procedures for test administration;
  - (4) responsibilities of personnel involved in test administration; and
  - (5) procedures for materials control.
- (c) Training activities. School districts and charter schools shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.
- (d) Records retention. As part of test administration procedures, the commissioner shall require school districts and charter schools to maintain records related to the security of assessment instruments for five years.
- (e) Applicability. The required test administration procedures and training activities established annually in the test administration manuals and test security supplements for prior years remain in effect for all purposes with respect to the prior year to which they apply.

*Statutory Authority: The provisions of this §101.3031 issued under the Texas Education Code, §§26.010, 39.023, 39.025, 39.030, 39.0301, and 39.0304.*

*Source: The provisions of this §101.3031 adopted to be effective March 26, 2012, 37 TexReg 2083; amended to be effective March 27, 2013, 38 TexReg 1974; amended to be effective March 30, 2014, 39 TexReg 2288; amended to be effective February 16, 2015, 40 TexReg 702; amended to be effective March 15, 2016, 41 TexReg 1835; amended to be effective March 19, 2017, 42 TexReg 1121; amended to be effective January 31, 2018, 43 TexReg 460; amended to be effective April 23, 2019, 44 TexReg 1985; amended to be effective January 11, 2022, 47 TexReg 27.*

## Division 4. Performance Standards

### §101.3041. Performance Standards.

- (a) The commissioner of education shall determine the level of performance considered to be satisfactory on the assessment instruments. The figures in this section identify the performance standards established by the commissioner for state-developed assessments, as required by the Texas Education Code, Chapter 39, Subchapter B, for all grades, assessments, and subjects.
- (b) The figures in this subsection identify the performance standards established by the commissioner for the State of Texas Assessments of Academic Readiness (STAAR®) general and alternate assessments at Grades 3-8.
- (1) The figure in this paragraph identifies the STAAR® general education performance standards at Grades 3-8.  
[Figure: 19 TAC §101.3041\(b\)\(1\)](#)
- (2) The figure in this paragraph identifies the STAAR® Alternate 2 performance standards at Grades 3-8.  
[Figure: 19 TAC §101.3041\(b\)\(2\)](#)
- (c) For students first enrolled in Grade 9 or below in the 2011-2012 school year, the figures in this subsection identify the performance standards established by the commissioner for the STAAR® end-of-course (EOC) general and alternate assessments. The standard in place when a student first takes an EOC assessment is the standard that will be maintained on all EOC assessments throughout the student's high school career.
- (1) The figure in this paragraph identifies the EOC general education assessment performance standards.  
[Figure: 19 TAC §101.3041\(c\)\(1\)](#)
- (2) The figure in this paragraph identifies the EOC alternate assessment performance standards.  
[Figure: 19 TAC §101.3041\(c\)\(2\)](#)
- (d) The Texas Education Agency shall post annually to its website a 100-point score conversion table after the STAAR® assessment spring administrations. The 100-point scale is defined using percentiles, which represent the percentage of students across the state that took the assessment and received a scale score less than the scale score of interest. The percentile is based on the performance of students who took the paper, online, Braille, and L versions of the assessment during the spring administration of any given year.
- (1) The following formula is used to calculate the percentile  $p(S)$  for a scale score  $S$ :  $p(S) = x/N \times 100$ .
- (2) In the formula in paragraph (1) of this subsection,  $N$  is the total number of students who took the tests, and  $x$  is the number of students with scale scores less than  $S$ . If the calculated percentile is not a whole number, then it is rounded down to the closest whole number.

*Statutory Authority: The provisions of this §101.3041 issued under the Texas Education Code, §§39.023(b-1), 39.0241(a), and 39.025.*

*Source: The provisions of this §101.3041 adopted to be effective August 21, 2012, 37 TexReg 6306; amended to be effective July 3, 2013, 38 TexReg 4183; amended to be effective June 22, 2014, 39 TexReg 4766; amended to be effective March 11, 2015, 40 TexReg 1081; amended to be effective January 6, 2016, 41 TexReg 240; amended to be effective April 16, 2017, 42 TexReg 1893; amended to be effective May 29, 2019, 44 TexReg 2612.*