

## Chapter 101. Assessment

### Subchapter DD. Commissioner's Rules Concerning Substitute Assessments for Graduation

#### §101.4001. Testing Requirements for Graduation.

Each school district and charter school shall test eligible students in accordance with the Texas Education Code (TEC), Chapter 39, Subchapter B. All students must meet the assessment graduation requirements of Chapter 101, Subchapter CC, Division 2, of this title (relating to Participation and Assessment Requirements for Graduation) to qualify for a high school diploma from a Texas public school.

*Statutory Authority: The provisions of this §101.4001 issued under the Texas Education Code, §39.023(c) and §39.025(a) and (a-1), as amended by House Bill 5, 83rd Texas Legislature, Regular Session, 2013; §39.025(f); and House Bill 5, Section 80, 83rd Texas Legislature, Regular Session, 2013.*

*Source: The provisions of this §101.4001 adopted to be effective April 3, 2006, 31 TexReg 2857; amended to be effective December 16, 2013, 38 TexReg 9024.*

#### §101.4002. State of Texas Assessments of Academic Readiness End-of-Course Substitute Assessments.

- (a) For purposes of this subchapter, "equivalent course" is defined as a course having sufficient content overlap with the essential knowledge and skills of a similar course in the same content area listed under §74.1(b)(1)-(4) of this title (relating to Essential Knowledge and Skills).
- (b) Effective beginning with the 2011-2012 school year, in accordance with Texas Education Code (TEC), §39.025(a-1), (a-2), and (a-3), the commissioner of education adopts certain assessments as provided in the chart in this subsection as substitute assessments that a student may use in place of a corresponding end-of-course (EOC) assessment under TEC, §39.023(c), to meet the student's assessment graduation requirements. A satisfactory score on an approved substitute assessment may be used in place of only one specific EOC assessment, except in those cases described by subsection (d)(1) of this section.

[Figure: 19 TAC §101.4002\(b\)](#)

- (c) A student at any grade level is eligible to use a substitute assessment as provided in the chart in subsection (b) of this section if:
  - (1) a student was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
  - (2) a student received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart in subsection (b) of this section; and
  - (3) a student using a Texas Success Initiative Assessment (TSIA) or a Texas Success Initiative Assessment, Version 2.0 (TSIA2) also meets the requirements of subsection (d) of this section.
- (d) Effective beginning with the 2014-2015 school year, a student must meet criteria established in paragraph (1) or (2) of this subsection in order to qualify to use TSIA or TSIA2 as a substitute assessment.
  - (1) A student must have been enrolled in a college preparatory course for English language arts (PEIMS code CP110100) or mathematics (PEIMS code CP111200) and, in accordance with TEC, §39.025(a-1), have been administered an appropriate TSIA or TSIA2 at the end of that course.
    - (A) A student under this paragraph who meets all three TSIA or both TSIA2 English language arts score requirements provided in the figure in subsection (b) of this section satisfies both the English I and English II EOC assessment graduation requirements.
    - (B) A student under this paragraph may satisfy an assessment graduation requirement in such a manner regardless of previous performance on an Algebra I, English I, or English II EOC assessment.

- (2) In accordance with TEC, §39.025(a-3), a student who has not been successful on the Algebra I or English II EOC assessment after taking the assessment at least two times may use the corresponding TSIA or TSIA2 in place of that EOC assessment.

For a student under this paragraph who took separate reading and writing assessments for the English II EOC assessment and who did not meet the English II assessment graduation requirement using those tests as specified in §101.3022(b) of this title (relating to Assessment Requirements for Graduation), the separate reading or writing TSIA may not be used to substitute for the corresponding English II reading or writing EOC assessment.

- (e) A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under TEC, §39.023(c), at least once for federal accountability purposes. If a student sits for an EOC assessment, a school district may not void or invalidate the test in lieu of a substitute assessment.
- (f) A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in subsection (b) of this section must take the appropriate EOC assessment required under TEC, §39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in subsection (c) of this section.

*Statutory Authority: The provisions of this §101.4002 issued under the Texas Education Code, §39.023 and §39.025, and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, §1111(b)(2)(B).*

*Source: The provisions of this §101.4002 adopted to be effective December 16, 2013, 38 TexReg 9024; amended to be effective December 10, 2015, 40 TexReg 8762; amended to be effective July 26, 2017, 42 TexReg 3638; amended to be effective January 8, 2019, 44 TexReg 94; amended to be effective February 23, 2020, 45 TexReg 1223; amended to be effective March 30, 2021, 46 TexReg 2008; amended to be effective August 9, 2022, 47 TexReg 4675.*

#### **§101.4003. Texas Assessment of Knowledge and Skills Exit-Level Alternate Assessments.**

- (a) In accordance with the Texas Education Code (TEC), Chapter 39, Subchapter B, the commissioner of education adopts certain assessments as provided in the figure in this subsection as alternate assessments that a person may use in place of corresponding Texas Assessment of Knowledge and Skills (TAKS) exit-level assessments beginning in the fall of 2017.

[Figure: 19 TAC §101.4003\(a\)](#)

- (b) An eligible person who has met the passing standard on a state-approved alternate exit-level assessment as set by the commissioner and provided in the figure in subsection (a) of this section in a particular subject area has satisfied the exit-level testing requirement in that subject area.
- (c) A person is eligible to substitute an alternate exit-level assessment for a TAKS exit-level assessment for purposes of this subchapter if the person was first enrolled in Grade 9 prior to the 2011-2012 school year or first enrolled in Grade 10 or above in the 2011-2012 school year.

*Statutory Authority: The provisions of this §101.4003 issued under the Texas Education Code, §§28.02541, 39.023(c), and 39.025.*

*Source: The provisions of this §101.4003 adopted to be effective April 3, 2006, 31 TexReg 2857; amended to be effective December 16, 2013, 38 TexReg 9024; amended to be effective November 5, 2017, 42 TexReg 6144; amended to be effective May 28, 2024, 49 TexReg 3798.*

#### **§101.4005. Verification of Results.**

- (a) A student who is eligible to substitute an approved assessment as specified in §101.4002 of this title (relating to State of Texas Assessments of Academic Readiness End-of-Course Substitute Assessments) or §101.4003 of this title (relating to Texas Assessment of Knowledge and Skills Exit-Level Alternative

Assessments) is responsible for providing to the school district an official copy of his or her scores from that assessment.

- (b) A school district or charter school must, upon receipt of official results from an approved substitute or alternative assessment for a student who is eligible under this section:
- (1) verify the student's score on the substitute or alternative assessment; and
  - (2) determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner of education.

*Statutory Authority: The provisions of this §101.4005 issued under the Texas Education Code, §39.023(c) and §39.025(a) and (a-1), as amended by House Bill 5, 83rd Texas Legislature, Regular Session, 2013; §39.025(f); and House Bill 5, Section 80, 83rd Texas Legislature, Regular Session, 2013.*

*Source: The provisions of this §101.4005 adopted to be effective April 3, 2006, 31 TexReg 2857; amended to be effective December 16, 2013, 38 TexReg 9024.*