

Chapter 74. Curriculum Requirements

Subchapter BB. Commissioner's Rules Concerning High School Graduation

§74.1021. Transition to the Foundation High School Program.

- (a) A school district shall allow a student who entered Grade 9 before the 2012-2013 school year to complete the curriculum requirements required for high school graduation under:
- (1) the foundation high school program by satisfying the requirements adopted by the State Board of Education in this chapter, if the student chooses during the 2014-2015 school year to take courses under this program;
 - (2) the minimum high school program by satisfying the requirements of §74.62 of this title (relating to Minimum High School Program), if the student was participating in that program before the 2014-2015 school year;
 - (3) the recommended high school program by satisfying the requirements of §74.63 of this title (relating to Recommended High School Program), if the student was participating in that program before the 2014-2015 school year; or
 - (4) the advanced high school program by satisfying the requirements of §74.64 of this title (relating to Distinguished Achievement High School Program--Advanced High School Program), if the student was participating in that program before the 2014-2015 school year.
- (b) A school district shall allow a student who entered Grade 9 in the 2012-2013 or 2013-2014 school year to complete the curriculum requirements required for high school graduation under:
- (1) the foundation high school program by satisfying the requirements adopted by the State Board of Education in this chapter, if the student chooses during the 2014-2015 school year to take courses under this program;
 - (2) the minimum high school program by satisfying the requirements of §74.72 of this title (relating to Minimum High School Program), if the student was participating in that program before the 2014-2015 school year;
 - (3) the recommended high school program by satisfying the requirements of §74.73 of this title (relating to Recommended High School Program), if the student was participating in that program before the 2014-2015 school year; or
 - (4) the advanced high school program by satisfying the requirements of §74.74 of this title (relating to Distinguished Achievement High School Program--Advanced High School Program), if the student was participating in that program before the 2014-2015 school year.
- (c) A student who entered Grade 9 prior to the 2014-2015 school year may, at any time prior to graduation and upon request, choose to complete the curriculum requirements required for high school graduation under a different program than that selected by the student during the 2014-2015 school year.

Statutory Authority: The provisions of this §74.1021 issued under the Texas Education Code, §28.025(h) and (h-2), as added by House Bill 5, 83rd Texas Legislature, Regular Session, 2013.

Source: The provisions of this §74.1021 adopted to be effective December 16, 2013, 38 TexReg 9021.

§74.1022. Foundation High School Program for Students Who Graduate in the 2013-2014 School Year.

- (a) Eligibility. Students who are completing the fourth year of high school during the 2013-2014 school year may choose to earn a foundation high school diploma. A student shall complete the coursework required to graduate under the foundation high school program, choose this option, and graduate in the 2013-2014 school year. This includes students who complete the required coursework during the summer of 2014, but not thereafter.

- (b) Assessment. To receive a foundation high school diploma during the 2013-2014 school year, a student must complete the testing requirements for graduation as specified in Chapter 101 of this title (relating to Assessment).
- (c) Credits. A student must earn at least 22 and one-half credits to complete the foundation high school program.
- (d) Core courses. A student must demonstrate proficiency in the following.
 - (1) English language arts--four credits. Three of the credits must consist of English I, II, and III. (Students with limited English proficiency who are at the beginning or intermediate level of English language proficiency, as defined by §74.4(d) of this title (relating to English Language Proficiency Standards), may satisfy the English I and English II graduation requirements by successfully completing English I for Speakers of Other Languages and English II for Speakers of Other Languages.) The final credit may be selected from one full credit or a combination of two half credits from the following courses:
 - (A) English IV;
 - (B) Research and Technical Writing;
 - (C) Creative Writing;
 - (D) Practical Writing Skills;
 - (E) Literary Genres;
 - (F) Business English;
 - (G) Journalism;
 - (H) Advanced Placement (AP) English Language and Composition; and
 - (I) AP English Literature and Composition.
 - (2) Mathematics--three credits. Two of the credits must consist of Algebra I and Geometry. The final credit may be selected from one full credit or a combination of two half credits from the following courses:
 - (A) Algebra II;
 - (B) Precalculus;
 - (C) Mathematical Models with Applications;
 - (D) Independent Study in Mathematics;
 - (E) Advanced Quantitative Reasoning;
 - (F) AP Statistics;
 - (G) AP Calculus AB;
 - (H) AP Calculus BC;
 - (I) AP Computer Science;
 - (J) International Baccalaureate (IB) Mathematical Studies Standard Level;
 - (K) IB Mathematics Standard Level;
 - (L) IB Mathematics Higher Level;
 - (M) IB Further Mathematics Standard Level;
 - (N) Mathematical Applications in Agriculture, Food, and Natural Resources;
 - (O) Engineering Mathematics;

- (P) Statistics and Risk Management; and
 - (Q) Robotics Programming and Design.
- (3) Science--three credits. One credit must consist of Biology. The additional two credits may be selected from the following laboratory-based courses:
- (A) Integrated Physics and Chemistry;
 - (B) Chemistry;
 - (C) Physics;
 - (D) Aquatic Science;
 - (E) Astronomy;
 - (F) Earth and Space Science;
 - (G) Environmental Systems;
 - (H) AP Biology;
 - (I) AP Chemistry;
 - (J) AP Physics B;
 - (K) AP Physics C;
 - (L) AP Environmental Science;
 - (M) IB Biology;
 - (N) IB Chemistry;
 - (O) IB Physics;
 - (P) IB Environmental Systems;
 - (Q) Scientific Research and Design;
 - (R) Anatomy and Physiology;
 - (S) Engineering Design and Problem Solving;
 - (T) Medical Microbiology;
 - (U) Pathophysiology;
 - (V) Advanced Animal Science;
 - (W) Advanced Biotechnology;
 - (X) Advanced Plant and Soil Science;
 - (Y) Food Science; and
 - (Z) Forensic Science.
- (4) Social studies--three credits. Two of the credits must consist of United States History Studies Since 1877 (one credit), United States Government (one-half credit), and Economics with Emphasis on the Free Enterprise System and Its Benefits (one-half credit). The final credit may be selected from the following courses:
- (A) World History Studies; and
 - (B) World Geography Studies.
- (5) Languages other than English--two credits. The credits must consist of any two levels in the same language.

- (6) Physical education--one credit.
- (A) The required credit may be selected from any combination of the following one-half to one credit courses:
- (i) Foundations of Personal Fitness;
 - (ii) Adventure/Outdoor Education;
 - (iii) Aerobic Activities; and
 - (iv) Team or Individual Sports.
- (B) In accordance with local district policy, credit for any of the courses listed in subparagraph (A) of this paragraph may be earned through participation in the following activities:
- (i) Athletics;
 - (ii) Junior Reserve Officer Training Corps (JROTC); and
 - (iii) appropriate private or commercially sponsored physical activity programs conducted on or off campus. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions.
 - (I) Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
 - (II) Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.
- (C) In accordance with local district policy, up to one credit for any one of the courses listed in subparagraph (A) of this paragraph may be earned through participation in any of the following activities:
- (i) Drill Team;
 - (ii) Marching Band; and
 - (iii) Cheerleading.
- (D) All substitution activities allowed in subparagraphs (B) and (C) of this paragraph must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.
- (E) Credit may not be earned for any course identified in subparagraph (A) of this paragraph more than once. No more than four substitution credits may be earned through any combination of substitutions allowed in subparagraphs (B) and (C) of this paragraph.
- (F) A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit (English language arts, mathematics, science, or social studies) for the physical education credit requirement. The determination regarding a student's ability to participate in physical activity will be made by:

- (i) the student's admission, review, and dismissal (ARD) committee if the student receives special education services under the Texas Education Code (TEC), Chapter 29, Subchapter A;
 - (ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, §794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973; or
 - (iii) a committee established by the school district of persons with appropriate knowledge regarding the student if each of the committees described by clauses (i) and (ii) of this subparagraph is inapplicable. This committee shall follow the same procedures required of an ARD or a Section 504 committee.
- (7) Speech--one-half credit. The credit may be selected from the following courses:
- (A) Communication Applications; and
 - (B) Professional Communications.
- (8) Fine arts--one credit. The credit may be selected from the following courses:
- (A) Art, Level I, II, III, or IV;
 - (B) Dance, Level I, II, III, or IV;
 - (C) Music, Level I, II, III, or IV;
 - (D) Theatre, Level I, II, III, or IV;
 - (E) Principles and Elements of Floral Design;
 - (F) Digital Art and Animation; and
 - (G) 3-D Modeling and Animation.
- (e) Elective courses--five credits. The credits must be selected from the list of courses specified in §74.71(h) of this title (relating to High School Graduation Requirements). A student may not combine a half credit of a course for which there is an end-of-course assessment with another elective credit course to satisfy an elective credit requirement.
- (f) Substitutions. No substitutions are allowed in the foundation high school program, except as specified in this chapter.

Statutory Authority: The provisions of this §74.1022 issued under the Texas Education Code, §28.025(h) and (h-2), as added by House Bill 5, 83rd Texas Legislature, Regular Session, 2013.

Source: The provisions of this §74.1022 adopted to be effective December 16, 2013, 38 TexReg 9021.

§74.1025. Individual Graduation Committee Review.

- (a) Effective beginning with the 2014-2015 school year, in accordance with the Texas Education Code (TEC), §28.0258, §101.3022 of this title (relating to Assessment Requirements for Graduation), and the course requirements in Chapter 74, Subchapter B, of this title (relating to Graduation Requirements), a school district or an open-enrollment charter school may award a high school diploma to a student who has taken but failed to achieve the end-of-course (EOC) assessment graduation requirements for no more than two courses if the student has qualified to graduate by means of an individual graduation committee.
- (b) A school district or an open-enrollment charter school shall establish an individual graduation committee at the end of or after a student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an individual graduation committee decision before the student's 12th grade year.

- (c) A school district or an open-enrollment charter school may not establish an initial individual graduation committee for eligible students after June 10 or before the start of the next school year. Once the individual graduation committee has been established, it is the original individual graduation committee for that student.
- (d) In order for a student to be included as a graduate in the school district's or charter school's graduation data in the school year in which the student meets the requirements provided by law to graduate under individual graduation committee provisions, an individual graduation committee must make a decision to award a diploma no later than August 31 immediately following that school year. A student who graduates as a result of an individual graduation committee decision after August 31 shall be reported in the subsequent year's graduation data.
- (e) If a student leaves a school district after an original individual graduation committee has been established and before that original individual graduation committee awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original individual graduation committee of record and shall implement the original individual graduation committee recommendations to the extent possible.
- (f) The individual graduation committee shall consist of the following:
 - (1) the principal or principal's designee;
 - (2) for each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
 - (3) the department chair or lead teacher supervising the teacher described by paragraph (2) of this subsection; and
 - (4) as applicable:
 - (A) the student's parent or person standing in parental relation to the student;
 - (B) a designated advocate if the person described by subparagraph (A) of this paragraph is unable to serve; or
 - (C) the student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.
- (g) In the event that the teacher identified in subsection (f)(2) of this section is unavailable, the principal shall designate a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area as an alternate member of the committee.
- (h) In the event that the individual identified in subsection (f)(3) of this section is unavailable, the principal shall designate an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.
- (i) In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the individual graduation committee, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.
- (j) Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the following:
 - (1) the number of students each school year for which an individual graduation committee is established; and
 - (2) the number of students each school year who are awarded a diploma based on the decision of an individual graduation committee.
- (k) A district shall maintain documentation to support the decision of the individual graduation committee to award or not award a student a high school diploma.

- (l) This section only applies to a student classified by the school district or open-enrollment charter school as an 11th or 12th grade student in the 2014-2015, 2015-2016, 2016-2017, 2017-2018, or 2018-2019 school year.
- (m) Provisions of this section expire September 1, 2019. 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 the individual graduation committee convened prior to September 1, 2019.
- (n) A student receiving special education services is not subject to the individual graduation committee requirements in the TEC, §28.0258, or the provisions of this section. 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.

Statutory Authority: The provisions of this §74.1025 issued under the Texas Education Code, §28.0258 and §28.0259.

Source: The provisions of this §74.1025 adopted to be effective April 19, 2016, 41 TexReg 2745; amended to be effective February 27, 2018, 43 TexReg 1090.

§74.1027. Diplomas for Certain Individuals Who Entered Grade 9 Before 2011-2012 School Year.

- (a) Effective beginning with the 2017-2018 school year, in accordance with the Texas Education Code (TEC), §28.02541, a school district or an open-enrollment charter school may award a high school diploma to an individual who:
 - (1) entered Grade 9 before the 2011-2012 school year;
 - (2) successfully completed the curriculum requirements for high school graduation applicable to the individual when the individual entered Grade 9;
 - (3) has not performed satisfactorily on an assessment instrument or a part of an assessment instrument required for high school graduation, including an alternate assessment instrument offered under TEC, §39.025(c-1);
 - (4) has been administered at least three times the required subject-areas test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered Grade 9; and
 - (5) meets the alternative requirements for graduation in accordance with subsection (c) of this section or the local alternative requirements approved by the board of trustees in accordance with subsection (d) of this section.
- (b) The school district or open-enrollment charter school in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation.
- (c) The alternative requirements for graduation shall permit an individual to qualify to graduate and receive a high school diploma if the individual:
 - (1) has met the performance standard on an alternate assessment as specified in §101.4003 of this title (relating to Texas Assessment of Knowledge and Skills Exit-Level Alternate Assessments);
 - (2) has performed satisfactorily on the applicable subject-area test of a state-approved high school equivalency examination in accordance with §89.43(a)(4) of this title (relating to Eligibility for a Texas Certificate of High School Equivalency);
 - (3) provides evidence of attainment of an industry-recognized postsecondary license or certification in accordance with §74.1003 of this title (relating to Industry-Based Certifications for Public School Accountability);

- (4) provides evidence of current active duty service in the armed forces or a DD Form 214 indicating honorable or general discharge from the armed forces; or
- (5) has successfully completed college-level coursework and earned college credit.
- (d) With approval by the school district board of trustees, a school district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily.
- (e) A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed.
- (f) The school district or open-enrollment charter school shall maintain documentation to support the decision to award or not award an individual a high school diploma.
- (g) Provisions of this section expire September 1, 2019.

Statutory Authority: The provisions of this §74.1027 issued under the Texas Education Code, §28.02541.

Source: The provisions of this §74.1027 adopted to be effective May 3, 2018, 43 TexReg 2577.

§74.1030. Community-Based Fine Arts Programs.

- (a) In accordance with the Texas Education Code, §28.025(b-9), each school district or open-enrollment charter school may allow a student to satisfy the fine arts credit required for graduation on the foundation high school program by participating in a community-based fine arts program not provided by the district or charter school in which the student is enrolled.
- (b) In accordance with local district policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements.
 - (1) The school district or charter school must apply to the commissioner of education for approval of the community-based fine arts program.
 - (2) The school district's board of trustees or charter school's governing body must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by Chapter 117, Subchapter C, of this title (relating to High School).
 - (3) The school district or charter school must document student completion of the approved activity.
 - (4) The program must be organized and monitored by appropriately trained instructors.
 - (5) The fine arts program may be provided on or off a school campus and outside the regular school day.
 - (6) Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.
- (c) The school district or charter school shall require that instructors of the community-based fine arts program provide the school entity, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with Chapter 153, Subchapter DD, of this title (relating to Criminal History Record Information Review), if the community-based program is offered on campus.

Statutory Authority: The provisions of this §74.1030 issued under the Texas Education Code, §28.025(b-9).

Source: The provisions of this §74.1030 adopted to be effective December 28, 2014, 39 TexReg 10443.