STATE ASSESSMENT OF ACADEMIC SKILLS

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see TESTING IN GRADES 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5(a)*

To be eligible to receive a high school diploma, a nonexempt student must demonstrate satisfactory performance on the end-of-course (EOC) assessment instruments [see END-OF-COURSE ASSESSMENTS, below]. *Education Code 39.025(a); 19 TAC 101.7(a)*

LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with Commissioner's rules at 19 Administrative Code 101.5 and 19 Administrative Code Chapter 101, Subchapter AA. *19 TAC 101.5(c)* [See EKBA]

SPECIAL EDUCATION

TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee. Each testing accommodation shall be documented in the student's individualized education program (IEP). *Education Code 39.023(b)–(c); 19 TAC 101.5(b)*

MILITARY DEPENDENTS

If the student is a military dependent, the District shall accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then a Commissioner's substitute passing standard shall apply.

SUBSTITUTE PASSING STANDARD

The Commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the

first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

*Education Code 162.002 art. VII, §§ B–C* [See FDD]

ADMINISTRATION

The District shall follow the test administration procedures established by TEA in the applicable test administration materials. The Superintendent shall be responsible for:

1. Administering tests;
2. Maintaining the integrity of the test administration process; and
3. Ensuring that every test administrator receives at least annual training in these procedures as provided by TEA through the education service centers.

*19 TAC 101.25, .27*

SCHEDULE

The Commissioner shall specify the schedule for testing. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

*19 TAC 101.25*

ALTERNATE TEST DATES

The Commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or District is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect the District's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause the District or campus to be closed or that would cause a small

percentage of students to be in attendance on the day testing is scheduled;

2. Health epidemics that result in a large number of students being absent on the day of testing;

3. Death of a student or school official that may impact student performance; and

4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the Commissioner may prohibit the District or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the District, campus, and students.

*19 TAC 101.5003*

NOTICE TO PARENTS AND STUDENTS

The Superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

GRADE ADVANCEMENT TESTING

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing.

   Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, and no later than the beginning of the student's first-grade year for all other students. The Superintendent shall also provide such notice for students in grades 1–8 who are new to the District.

GRADUATION TESTING

2. The testing requirements for graduation and the dates, times, and locations of testing.

   Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The Superintendent shall also provide such notice for students in grades 7–12 who are new to the District. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

*19 TAC 101.13*

TESTING IN GRADES 3–8

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3 through 7 without the aid of technology and in grade 8 with the aid of technology on any assessment instrument that includes algebra;
2. Reading, annually in grades 3 through 8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

*Education Code 39.023(a)*

EXCEPTION

A student is not required to be assessed in a subject otherwise assessed at the student's grade level if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under the list above that aligns with the curriculum for the course in which the student is enrolled; or
2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument for the course.

*Education Code 39.023(a-2)*

ACCOMMODATIONS

Testing accommodations 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. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by the Board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

For a student receiving special education services, the ARD committee shall determine the allowable accommodations and shall document them in the student's IEP.

*19 TAC 101.29; Education Code 39.023(c), (n)*

END-OF-COURSE ASSESSMENTS

The Commissioner shall adopt rules requiring a student participating in the Recommended or Advanced/Distinguished Achievement High School Program to be administered an EOC assessment in-

strument for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. The rules shall require a student participating in the Minimum High School Program to be administered an EOC assessment instrument only for a listed course in which the student is enrolled and for which an EOC assessment instrument is administered. A student may not receive a high school diploma until the student has performed satisfactorily on the EOC assessment instruments.

STUDENTS ENROLLED BELOW HIGH SCHOOL LEVEL

Nothing in Education Code 39.025 has the effect of prohibiting the administration of an EOC assessment instrument to a student enrolled below the high school level who is enrolled in the course for which the assessment instrument is adopted. In accordance with Commissioner's rules, the student's performance on the assessment instrument is to be considered in the same manner for purposes of Education Code 39.025 as the performance of a student enrolled at the high school level.

SATISFACTORY PERFORMANCE

A student is required to achieve, in each subject in the foundation curriculum, a cumulative score that is at least equal to the product of the number of EOC assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the Commissioner under Education Code 39.0241(a). A student must achieve a minimum score as determined by the Commissioner to be within a reasonable range of the scale score under Education Code 39.0241(a) on an EOC assessment instrument for the score to count towards the student's cumulative score. A student's cumulative score is determined using the student's highest score on each EOC assessment instrument administered to the student.

IMPACT ON GRADES

A student's performance on an EOC assessment instrument listed above must count for 15 percent of the student's final grade for the course. [See EIA]

ADDITIONAL STATE ASSESSMENTS

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments.

*Education Code 39.023 (c), (c-2), .025(a)–(a-3), (e-1)*

FOREIGN EXCHANGE STUDENTS

A foreign exchange student who has waived in writing his or her intention to receive a Texas high school diploma may be excused from the exit-level assessment requirement. *19 TAC 101.5(d)*

IMPLEMENTATION SCHEDULE

A student shall not be required to demonstrate performance on exit-level tests at a standard higher than the one in effect when the student was first eligible to take the test.

Students who were enrolled in grade 8 or a lower grade on January 1, 2001, must fulfill testing requirements for graduation with the exit-level Texas Assessment of Knowledge and Skills (TAKS) tests, as required by Education Code 39.023(c), as that section existed before amendment by Senate Bill 1031, 80th Texas Legislature, 2007.

Beginning with the 2011–12 school year, students first enrolled in grade 9 or lower must fulfill testing requirements for graduation with the EOC assessment instruments as required by Education Code 39.023, as amended by Senate Bill 1031, 80th Texas Legislature, 2007.

*19 TAC 101.7(a)–(b), .3003*

ALTERNATIVE ASSESSMENTS

An eligible student who has met the passing standard on a state-approved alternative assessment instrument, as set forth at 19 Administrative Code 101.4001, in a particular area has satisfied the exit-level testing requirement in that subject area.

A student is eligible to substitute an alternative exit-level assessment for a TAKS exit-level assessment if the student, after January 1 of the year in which the student would otherwise be eligible to graduate:

1. Enrolls in a public school in Texas for the first time; or
2. Enrolls in a public school in Texas after an absence of at least four years from any public school in the state. A student meets this requirement if the student has not been enrolled for one or more days in a public school in Texas in the four years preceding the date on which the student enrolls.

VERIFICATION OF ELIGIBILITY

An eligible student is responsible for providing the District an official copy of the student's scores from the alternative assessment.

The District shall be responsible for verifying a student's eligibility for the alternative exit-level assessment. Upon receipt of official results of an approved alternative exit-level assessment, the District must:

1. Verify the student's score on the 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.

*Education Code 39.025(d); 19 TAC 101.4001, .4003, .4005*

RETAKES

Each time an EOC assessment instrument is administered, a student who failed to achieve a minimum score shall retake the assessment instrument. [See SATISFACTORY PERFORMANCE, above]

A student who fails to perform satisfactorily on an Algebra II or English III EOC assessment instrument under the college readiness performance standard, as provided under Education Code 39.024(b), may retake the assessment instrument.

Any other student may retake an EOC assessment instrument for any reason.

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

*Education Code 39.025(b); 19 TAC 101.7(a)(2), (d)*

REPORTING RESULTS

TO THE PUBLIC

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of the Board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

TO THE BOARD

The Superintendent shall accurately report all test results with appropriate interpretations to the Board according to the schedule in the applicable test administration materials.

TO PARENTS AND STUDENTS

The District shall notify each of its students and his or her parent or guardian of test results, observing confidentiality requirements stated at CONFIDENTIALITY, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. [See BQ series, FD, and FL]

*19 TAC 101.81; No Child Left Behind Act, 20 U.S.C. 6311(h)(6)*

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. The District shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. The District may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

PARENTAL ACCESS

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

FURTHER INSTRUCTION

ACCELERATED INSTRUCTION

The District shall provide each student who fails to perform satisfactorily as determined by the Commissioner under Education Code 39.0241(a) on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. [See EHBC]

COLLEGE PREPARATORY COURSE

If the District determines that a student, on completion of grade 11, is unlikely to achieve the cumulative score requirements for one or more subjects prescribed by Education Code 39.025(a) [see SATISFACTORY PERFORMANCE, above] for receiving a high school diploma, the District shall require the student to enroll in a corresponding content-area college preparatory course for which an EOC assessment instrument has been adopted, if available.

A student who enrolls in a college preparatory course shall be administered an EOC assessment instrument for the course, with the instrument scored on a scale as determined by the Commissioner not to exceed 20 percent of the cumulative score requirements required to graduate. A student may use the student's score on the EOC assessment instrument for the college preparatory course towards satisfying the cumulative score requirements.

*Education Code 39.025(b-1)–(b-2)*

SECURITY

The statewide assessment program is a secure testing program. Procedures for maintaining security shall be specified in the appropriate test administration materials. Secure test materials must be accounted for before, during, and after each test administration. Only authorized personnel may have access to secure test materials. *19 TAC 101.61*

CONFIDENTIALITY

The contents of each test booklet and answer document are confidential in accordance with state and federal law. Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b); 19 TAC 101.63* [See FL and GBA]

PENALTIES

Violation of security or confidential integrity of any test shall be prohibited. A person who engages in prohibited conduct may be subject to sanction of credentials.

Procedures for maintaining the security and confidential integrity of a test shall be specified in the appropriate test administration mate-

rials. Conduct that violates the security and confidential integrity of a test is defined as any departure from the test administration procedures established by the Commissioner. Conduct of this nature may include the following acts and omissions:

1. Duplicating secure examination materials;
2. Disclosing the contents of any portion of a secure test;
3. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
4. Changing or altering a response or answer of an examinee to a secure test item or prompt;
5. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;
6. Encouraging or assisting an individual to engage in the conduct described in 1–5 above; or
7. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in 1–6 above.

Any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidential integrity, and any person who fails to report such a violation are subject to the following penalties:

1. Placement of restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;
2. Issuance of an inscribed or non-inscribed reprimand;
3. Suspension of a Texas teacher certificate for a set term; or
4. Revocation or cancellation of a Texas teacher certificate without opportunity for reapplication for a set term or permanently.

Any irregularities in test security or confidential integrity may also result in the invalidation of student results.

The Superintendent and campus principal shall develop procedures to ensure the security and confidential integrity of the tests and shall be responsible for notifying TEA in writing of conduct that violates the security or confidential integrity of a test. Failure to report can subject the person responsible to the applicable penalties specified above.

*19 TAC 101.65*