The purpose of a High School Equivalency Program (HSEP) approved by the commissioner of education is to prepare eligible students to take the high school equivalency examination. *19 TAC 89.1401*

Authorization For Program

A district may apply for authorization to operate an HSEP. A board must hold a public hearing concerning the proposed application before applying to operate an HSEP. *Education Code 29.087(b), (k)(1); 19 TAC 89.1405(a), .1407*

A cooperative of districts may apply for permission to operate a cooperative HSEP if it operates pursuant to a written agreement. The fiscal agent of a cooperative HSEP is responsible for complying with the requirements of 19 Administrative Code Chapter 89, Subchapter DD. *19 TAC 89.1405(b)*

A district authorized by the commissioner on or before August 31, 2003, to operate an HSEP may continue to operate the program in accordance with Education Code 29.087. *Education Code 29.087(b-1)*

Operation of Program

A student enrolled in an HSEP must be offered, at a minimum, 420 minutes of instruction per school day and 75,600 instructional minutes per calendar year. However, a student may attend the HSEP a maximum of 600 minutes, or ten hours of instruction per day. A student may be enrolled in only an HSEP or may be enrolled in an HSEP in combination with regular attendance and/or special program attendance during the school day. *Education Code 29.087(c); 19 TAC 89.1411(a), (d), .1417(b)*

Annual Review

A board must hold a public hearing annually to review the performance of the HSEP. *Education Code 29.087(k)(2); 19 TAC 89.1407(b)*

Student Eligibility

A student is eligible to participate in the HSEP if:

Court-Ordered

1. The student has been ordered by a court under Family Code 65.103, or by the Texas Juvenile Justice Department, to:
   a. Participate in a preparatory class for the high school equivalency examination; or
   b. Take the high school equivalency examination administered under Education Code 7.111; or

Student at Risk

2. The following conditions are satisfied:
   a. The student is at least 16 years of age at the beginning of the school year or semester;

b. The student is a student at risk of dropping out of school [see EHBC];

c. The student and the student's parent or guardian agree in writing to the student's participation; and

d. At least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one-third of the credits required to graduate under the minimum graduation requirements of a district.

Education Code 29.087(d); 19 TAC 89.1403

State Assessment

A student entering an HSEP must take:

1. Each state assessment instrument required for the student's applicable grade or cohort prior to entering the program; and

2. Each state assessment instrument required for the student's applicable grade or cohort during the period in which the student is enrolled in the program.

A student entering an HSEP by order of the court under Family Code 65.103, or by order of the Texas Juvenile Justice Department, is exempt from these assessment requirements.

Education Code 29.087(f); 19 TAC 89.1409(a)–(b) [See EKB]

High School Equivalency Testing

A district operating an approved HSEP must present to TEA proof that a student has been administered the assessment instruments required above. TEA will not allow an HSEP student to take the high school equivalency examination without proof from the approved HSEP that the student has been administered the required assessment instruments. A student who is enrolled in an HSEP and withdraws before taking the required assessment instruments cannot take the high school equivalency examination until after the individual's 18th birthday.

A district operating an approved HSEP must inform each student who has completed the program of the time and place at which the student may take the high school equivalency examination.

19 TAC 89.1409(c), (d)

Extracurricular Participation

A student enrolled in an HSEP may not participate in a competition or activity sanctioned by the University Interscholastic League. *Education Code 29.087(g); 19 TAC 89.1415*