

The Texas Education Agency adopts an amendment to §101.4003, concerning Texas Assessments of Knowledge and Skills (TAKS) exit-level alternate assessments. The amendment is adopted without changes to the proposed text as published in the February 16, 2024 issue of the *Texas Register* (49 TexReg 834) and will not be republished. The adopted amendment updates the performance standards for former students whose assessment graduation requirement was the TAKS based on the redesign of the State of Texas Assessments of Academic Readiness (STAAR®).

REASONED JUSTIFICATION: Section 101.4003 specifies the assessments and corresponding passing scores allowed as alternate assessments for certain former students whose assessment graduation requirement was TAKS. As required in Texas Education Code, §39.025, some of the alternate assessments former students may use to satisfy graduation assessment requirements in place of TAKS exit-level assessments are the STAAR® end-of-course (EOC) assessments.

In 2023, STAAR® was redesigned as required by House Bill (HB) 3906, 86th Texas Legislature, 2019, and HB 3261, 87th Texas Legislature, Regular Session, 2021. Based on the required redesign, STAAR® performance standards were re-evaluated and updated.

The adopted amendment updates Figure: 19 TAC §101.4003(a) to align the performance standards for former students whose assessment graduation requirements was TAKS with the updated performance standards for the STAAR® EOC assessments. The performance standards in Figure: 19 TAC §101.4003(a) for STAAR® Algebra I, English II, Biology, and U.S. History EOC assessments are amended to ensure they reflect an equivalent level of rigor as the performance standards that were in place for the TAKS exit-level assessments.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began February 16, 2024, and ended March 18, 2024. Following is a summary of public comments received and agency responses.

Comment: One Texas school district administrator commented that the proposed amendment to the rule for alternate assessments should include the Texas Success Initiative Assessment 2.0 (TSIA2).

Response: The agency disagrees. TAKS equivalent passing standards on TSIA2 are not available; therefore, only the Texas Success Initiative Assessment, not the TSIA2, is permitted as an alternate assessment for former students whose assessment graduation requirement was TAKS.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §28.02541, which requires the commissioner of education by rule to establish a procedure to determine whether certain former students, who have met curriculum requirements for graduation but have not performed satisfactorily on an assessment instrument, may qualify to graduate and receive a high school diploma; and TEC, §39.025, which establishes the secondary-level performance required to receive a Texas high school diploma, establishes alternate assessment options for students who entered Grade 9 prior to the 2011-2012 school year or Grade 10 or above in the 2011-2012 school year, and requires the commissioner to establish satisfactory performance levels on the alternate assessments.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §28.02541 and §39.025.

<rule>

§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.