

**(REQUIRED BY LAW)**

(b) An open-enrollment charter school is subject to: . . . public school accountability under Subchapters B, C, D, E, G, and J, Chapter 39 . . . .

Education Code 12.104(b)(2)(L).

**POLICY**

**Student Testing Requirements**

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.

Education Code 39.023; 19 TAC 101.5(a).

Unless exempted by applicable law, a student may not receive a high school diploma until he or she has performed satisfactorily on the end-of-course assessment instruments required by Education Code, Chapter 39, Subchapter B.

Education Code 39.025(a); 19 TAC 101.7(a).

**Special Education and Limited English Proficient Students**

A student receiving special education services enrolled in grades 3–11 and who is receiving instruction in the essential knowledge and skills shall take the assessment of academic skills unless the student’s ARD committee determines that it is an inappropriate measure of the student’s academic progress as outlined in the student’s IEP. If the student’s ARD committee determines that the assessment of academic skills is an inappropriate measure of the student’s academic progress in one or more subjects, the student shall take the alternate assessment of academic skills in the subject or subjects. Each testing accommodation shall be documented in accordance with 34 CFR 300.374(a)(5)(i)-(ii).

In grades 3–12, a limited English proficient (LEP) student shall participate in the assessments as required by 19 TAC 101.5 and 19 TAC Chapter 101, Subchapter AA. In grades 3–5, the language proficiency assessment committee (LPAC) shall determine whether a nonexempt LEP student whose primary language is Spanish will take the assessment of academic skills in English or in Spanish. This decision shall be based on the assessment that provides the most appropriate measure of the student’s academic progress.

19 TAC 101.5(b), (c).

**Military Dependents**

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

1. Exit or end-of-course 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 for a military dependent transferring in his or her senior year, then a Commissioner's substitute passing standard shall apply.

**Substitute Passing Standard**

A substitute passing standard adopted by the Commissioner may be applied only for a student who enrolls in a Texas public school in this state for the first time after completing the ninth grade or who reenrolls in a Texas public school at or above the tenth grade level after an absence of at least two years from Texas public schools. 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.

**Administration of Tests**

The School shall follow the test administration procedures established by the TEA in the applicable test administration materials. The Chief Executive Officer 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 the TEA through the education service centers.

19 TAC 101.25(b), 101.27(c).

**Testing Schedule**

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.

**Alternate Test Dates**

The School or a campus may request from the Commissioner an alternate test date. Alternate test dates will only be allowed if the School or campus is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect the School's or campus' ability to administer an assessment or the students' performance on an assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause the School 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 School or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the School, campus, and students.

19 TAC 101.5003.

**Notice to Students and Parents**

The Chief Executive Officer shall be responsible for providing timely and full notification of graduation requirements:

1. Notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7–12 new to the School and his or her parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

The Chief Executive Officer shall be responsible for providing timely and full notification of testing requirements for advancement at certain grades:

1. Notifying each student and his or her parent or guardian in writing no later than the beginning of the student's first-grade year (or no later than the

- beginning of the student's kindergarten year for students attending kindergarten) of the testing requirements for grade advancement as specified in Education Code 28.0211;
2. Notifying each student in grades 1–8 who is new to the School and his or her parent or guardian in writing of the testing requirements for grade advancement; and
  3. Notifying each student required to take the grade advancement tests of the dates, times, and location of testing.

19 TAC 101.13.

### **Testing in Grades 3–8**

Unless otherwise excepted by law, all students shall be assessed in:

1. Mathematics, annually in grades 3–7 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 3–8;
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).

### **Testing 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.

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.

### **End-of-Course Assessments**

The School shall follow all rules regarding end-of-course assessment instruments 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.

**Impact on Grades**

A student's performance on an end-of-course assessment instrument listed above must count for 15% of the student's final grade for the course.

**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).

**Assessment Requirements for Graduation**

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.

19 TAC 101.7(a)(2).

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 2011–2012 school year, students first enrolled in grade 9 or lower must fulfill testing requirements for graduation with the end-of-course 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), 101.3003.

**Alternative Assessments**

An eligible student who has met the passing standard on a state-approved alternative assessment instrument in a particular subject area has satisfied the exit-level testing requirement in that subject area.

19 TAC 101.4001.

**Determining Eligibility**

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.

19 TAC 101.4003.

**Verification of Results**

A student who is eligible to substitute an approved alternative exit-level assessment is responsible for providing to the School an official copy of his or her scores from the alternative assessment.

Upon receipt of official results of an approved alternative exit-level assessment, the School shall:

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.

19 TAC 101.4005.

**Retaking of End-of-Course Assessments**

Each time an end-of-course assessment instrument is administered, a student who fails to achieve a minimum score shall retake the assessment instrument. A student who fails to perform satisfactorily on an Algebra II or English III end-of-course 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 end-of-course assessment instrument for any reason.

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

Education Code 39.025(b).

**Accelerated Instruction**

The School shall provide each student who fails to perform satisfactorily as determined by the Commissioner under Education Code 39.0241(a) on an end-of-course instrument with accelerated instruction in the subject assessed by the assessment instrument.

Education Code 39.025(b-1).

**College Preparatory Courses**

If the School 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) for receiving a high school diploma, the School shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available.

Education Code 39.025(b–2).

### **Performance Reports**

#### **Public Reports**

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. The information shall not contain the names of individual students or teachers. Education Code 39.030(b).

#### **Reports to the Board**

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

19 TAC 101.81(a).

#### **Reports to Students and Parents**

The School shall notify each student and his or her parent or guardian of test results, observing confidentiality requirements in Education Code 39.030. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another school district, charter school, or private school.

19 TAC 101.81(c)–(d).

The TEA has adopted a series of questions to be included in an end-of-course 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 School 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 School 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).

**Security of Tests**

The statewide assessment program is a secure testing program. 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. Additionally, 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.

**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 are specified in the appropriate test administration materials. 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 Chief Executive Officer shall develop procedures to ensure the security and confidential integrity of the tests and shall be responsible for notifying the 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.