**§101.3022. Assessment Requirements for Graduation.**

(a)  Beginning with students first enrolled in Grade 9 in the 2011-2012 school year, a student must meet satisfactory performance on each end-of-course (EOC) assessment listed in the Texas Education Code (TEC), §39.023(c), except in cases as provided by subsections (b), (e), and (f) of this section and §101.3021(e) of this title (relating to Required Participation in Academic Content Area Assessments), in order to be eligible to receive a Texas diploma. The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career.

(b)  A student who was administered separate reading and writing EOC assessments under the TEC, §39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has met the following criteria:

(1)  achieved satisfactory performance on either the reading or writing EOC assessment for that course;

(2)  met at least the minimum score on the other EOC assessment for that course; and

(3)  achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

(c)  Exceptions to subsection (a) of this section related to English I shall apply to English language learners who meet the criteria specified in §101.1007 of this title (relating to Assessment Provisions for Graduation).

(d)  If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

(e)  Effective beginning with the 2014-2015 school year, a student who has taken, but failed to achieve the EOC assessment graduation requirements for no more than two courses may receive a Texas high school diploma if the student has qualified to graduate by means of an individual graduation committee (IGC) under the TEC, §28.0258.

(1)  A student may not graduate under an IGC if the student did not take each EOC assessment required by this subchapter or an approved substitute assessment in Subchapter DD of this chapter for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A school district or charter school shall determine whether the student took each required EOC assessment or an approved substitute assessment required by Subchapter DD of this chapter. For purposes of this section only, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an IGC.

(2)  A student who is an English language learner (ELL) and qualifies for the English I special provision in §101.1007 of this title may graduate without an IGC if the student achieves satisfactory performance on the remaining EOC assessments that the student is required to take.

(A)  The qualifying ELL becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

(B)  If a qualifying ELL does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

(3)  Notwithstanding any action taken by a student's IGC, a school district or charter school must provide a student an opportunity to retake an EOC assessment under the TEC, §39.023(c), if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

(4)  This subsection only applies to a student classified by the school district or charter school as an 11th or 12th grade student in the 2014-2015, 2015-2016, or 2016-2017 school year.

(5)  Provisions of this subsection expire September 1, 2017. A student may graduate by means of an IGC if the student has qualified for an IGC under the TEC, §28.0258, and that IGC convened prior to September 1, 2017.

(f)  A student who is receiving special education services or has been dismissed from a special education program under the TEC, Chapter 29, Subchapter A, is subject to the provisions of this subsection.

(1)  A student receiving special education services is not subject to the requirements in the TEC, §28.0258. 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.

(2)  A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under the TEC, §28.0258, and is subject to the provisions of subsection (e) of this section.

*Statutory Authority: The provisions of this §101.3022 issued under the Texas Education Code, §§28.025(h), 28.0258(k), 39.023, and 39.025.*

*Source: The provisions of this §101.3022 adopted to be effective May 29, 2012, 37 TexReg 3827; amended to be effective July 3, 2013, 38 TexReg 4183; amended to be effective March 25, 2014, 39 TexReg 2077; amended to be effective September 6, 2015, 40 TexReg 5458.*