

**§74.1027. Diplomas for Certain Individuals Who Entered Grade 9 Before 2011-2012 School Year.**

(a) Effective beginning with the 2017-2018 school year, in accordance with the Texas Education Code (TEC), §28.02541, a school district or an open-enrollment charter school may award a high school diploma to an individual who:

- (1) entered Grade 9 before the 2011-2012 school year;
- (2) successfully completed the curriculum requirements for high school graduation applicable to the individual when the individual entered Grade 9;
- (3) has not performed satisfactorily on an assessment instrument or a part of an assessment instrument required for high school graduation, including an alternate assessment instrument offered under TEC, §39.025(c-1);
- (4) has been administered at least three times the required subject-areas test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered Grade 9; and
- (5) meets the alternative requirements for graduation in accordance with subsection (c) of this section or the local alternative requirements approved by the board of trustees in accordance with subsection (d) of this section.

(b) The school district or open-enrollment charter school in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation.

(c) The alternative requirements for graduation shall permit an individual to qualify to graduate and receive a high school diploma if the individual:

- (1) has met the performance standard on an alternate assessment as specified in §101.4003 of this title (relating to Texas Assessment of Knowledge and Skills Exit-Level Alternate Assessments);
- (2) has performed satisfactorily on the applicable subject-area test of a state-approved high school equivalency examination in accordance with §89.43(a)(4) of this title (relating to Eligibility for a Texas Certificate of High School Equivalency);
- (3) provides evidence of attainment of an industry-recognized postsecondary license or certification in accordance with §74.1003 of this title (relating to Industry-Based Certifications for Public School Accountability);
- (4) provides evidence of current active duty service in the armed forces or a DD Form 214 indicating honorable or general discharge from the armed forces; or

- (5) has successfully completed college-level coursework and earned college credit.
- (d) With approval by the school district board of trustees, a school district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily.
- (e) A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed.
- (f) The school district or open-enrollment charter school shall maintain documentation to support the decision to award or not award an individual a high school diploma.
- (g) Provisions of this section expire September 1, 2019.

*Statutory Authority: The provisions of this §74.1027 issued under the Texas Education Code, §28.02541.*

*Source: The provisions of this §74.1027 adopted to be effective May 3, 2018, 43 TexReg 2577.*