

## Chapter 74. Curriculum Requirements

### Subchapter BB. Commissioner's Rules Concerning High School Graduation

#### §74.1023. Financial Aid Application Requirement for High School Graduation.

- (a) In accordance with Texas Education Code (TEC), §28.0256, beginning with students enrolled in Grade 12 during the 2021-2022 school year, a student shall complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) as a requirement for receiving a high school diploma.
- (b) A student may opt out of the financial aid application requirement in subsection (a) of this section under one of the following conditions:
  - (1) the student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
  - (2) the student signs and submits the form described by paragraph (1) of this subsection on the student's own behalf if the student is 18 years of age or older or is emancipated under the Texas Family Code, Chapter 31; or
  - (3) a school counselor signs and submits the form described by paragraph (1) of this subsection indicating that the school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.
- (c) The board of trustees for each school district and open-enrollment charter school shall adopt the standard opt-out form provided by the Texas Education Agency (TEA) for the purpose of the exceptions under subsection (b) of this section.
  - (1) The opt-out form shall be available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under TEC, Chapter 29, Subchapter B, in the district or charter school. Districts and charter schools are responsible for translations not provided by TEA.
  - (2) The opt-out form must include the student's signature of intent to decline to complete a financial aid application prior to the student's anticipated graduation date.
- (d) Each school district and open-enrollment charter school shall provide students with the following notifications regarding the financial aid application requirement.
  - (1) Standard information regarding the financial aid requirement and the exceptions under subsection (b) of this section shall be provided at the time a student first registers for one or more classes required for high school graduation.
  - (2) Detailed information regarding instructions for the completion and submission of a financial aid application shall be provided to a student at the beginning of Grade 12 or at the time a student in Grade 12 transfers into a high school from a non-public school or a public school outside of Texas. The instructions shall include:
    - (A) an explanation of the FAFSA and TASFA and the difference between the two;
    - (B) instructions for how to access the FAFSA and TASFA, including key dates and deadlines for completion and submission;
    - (C) resources available to support completion and submission of the FAFSA and TASFA;
    - (D) documents and information required to complete the FAFSA or TASFA; and
    - (E) contact information for school staff or local community resources available to support completion of the forms.

- (3) Options available to a student under subsection (b) of this section if a student wishes to decline to complete and submit a financial aid application shall be provided to a student at the beginning of Grade 12 or at the time a student in Grade 12 transfers into a high school from a non-public school or a public school outside of Texas. The options shall include:
  - (A) the opt-out form and explanation of required signatures; and
  - (B) notification that if the student chooses to opt out for the purposes of graduation, the student will still be eligible to complete the FAFSA or TASFA that year or in subsequent years.
- (e) Each school district and open-enrollment charter school shall require one of the following methods of proof that a student has completed and submitted the FAFSA or TASFA as required by this section.
  - (1) Completion and submission of the FAFSA shall be confirmed through one of the following methods:
    - (A) ApplyTexas Counselor Suite FAFSA data;
    - (B) notification from the United States Department of Education that demonstrates a student has completed and submitted a FAFSA; or
    - (C) a local policy developed by a school district or an open-enrollment charter school for the method by which a student must provide proof that the student has completed a FAFSA.
  - (2) School districts and open-enrollment charter schools shall develop a local policy for the method by which a student must provide proof that the student has completed a TASFA.
- (f) Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the following information not later than December 1 of each school year for students awarded diplomas in the previous school year:
  - (1) the number of students who completed and submitted a financial aid application; and
  - (2) the number of students who submitted an exception.
- (g) Each school district and open-enrollment charter school shall maintain student financial aid application information securely and ensure compliance with federal law regarding the confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

*Statutory Authority: The provisions of this §74.1023 issued under the Texas Education Code, §28.0256(a), (c), and (e).*

*Source: The provisions of this §74.1023 adopted to be effective October 26, 2021, 46 TexReg 7208.*

#### **§74.1025. Individual Graduation Committee Review.**

- (a) Effective beginning with the 2014-2015 school year, in accordance with the Texas Education Code (TEC), §28.0258, §101.3022 of this title (relating to Assessment Requirements for Graduation), and the course requirements in Chapter 74, Subchapter B, of this title (relating to Graduation Requirements), a school district or an open-enrollment charter school may award a high school diploma to a student who has taken but failed to achieve the end-of-course (EOC) assessment graduation requirements for no more than two courses if the student has qualified to graduate by means of an individual graduation committee.
- (b) A school district or an open-enrollment charter school shall establish an individual graduation committee at the end of or after a student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an individual graduation committee decision before the student's 12th grade year.
- (c) A school district or an open-enrollment charter school may not establish an initial individual graduation committee for eligible students after June 10 or before the start of the next school year. Once the individual graduation committee has been established, it is the original individual graduation committee for that student.

- (d) In order for a student to be included as a graduate in the school district's or charter school's graduation data in the school year in which the student meets the requirements provided by law to graduate under individual graduation committee provisions, an individual graduation committee must make a decision to award a diploma no later than August 31 immediately following that school year. A student who graduates as a result of an individual graduation committee decision after August 31 shall be reported in the subsequent year's graduation data.
- (e) If a student leaves a school district after an original individual graduation committee has been established and before that original individual graduation committee awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original individual graduation committee of record and shall implement the original individual graduation committee recommendations to the extent possible.
- (f) The individual graduation committee shall consist of the following:
  - (1) the principal or principal's designee;
  - (2) for each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
  - (3) the department chair or lead teacher supervising the teacher described by paragraph (2) of this subsection; and
  - (4) as applicable:
    - (A) the student's parent or person standing in parental relation to the student;
    - (B) a designated advocate if the person described by subparagraph (A) of this paragraph is unable to serve; or
    - (C) the student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.
- (g) In the event that the teacher identified in subsection (f)(2) of this section is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.
- (h) In the event that the individual identified in subsection (f)(3) of this section is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.
- (i) In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the individual graduation committee, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.
- (j) Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the following:
  - (1) the number of students each school year for which an individual graduation committee is established; and
  - (2) the number of students each school year who are awarded a diploma based on the decision of an individual graduation committee.
- (k) A district shall maintain documentation to support the decision of the individual graduation committee to award or not award a student a high school diploma.
- (l) This section only applies to a student classified by the school district or open-enrollment charter school as an 11th or 12th grade student in the 2014-2015 school year or thereafter.

- (m) Provisions of this section expire September 1, 2023. A student may graduate by means of an individual graduation committee if the student has qualified for an individual graduation committee under the TEC, §28.0258, and the individual graduation committee convened prior to September 1, 2023.
- (n) A student receiving special education services is not subject to the individual graduation committee requirements in the TEC, §28.0258, or the provisions of this section. 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.

*Statutory Authority: The provisions of this §74.1025 issued under the Texas Education Code, §28.0258 and §28.0259.*

*Source: The provisions of this §74.1025 adopted to be effective April 19, 2016, 41 TexReg 2745; amended to be effective February 27, 2018, 43 TexReg 1090; amended to be effective February 10, 2020, 45 TexReg 893.*

**§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-2);
  - (4) has been administered at least three times the required subject-areas test(s), including an alternate assessment as specified in paragraph (3) of this subsection, 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 a Texas Education Agency-approved industry-recognized postsecondary license or certification;
  - (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, 2023.

*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; amended to be effective February 10, 2020, 45 TexReg 893.*

**§74.1030. Community-Based Fine Arts Programs.**

- (a) In accordance with the Texas Education Code, §28.025(b-9), each school district or open-enrollment charter school may allow a student to satisfy the fine arts credit required for graduation on the foundation high school program by participating in a community-based fine arts program not provided by the district or charter school in which the student is enrolled.
- (b) In accordance with local district policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements.
  - (1) The school district or charter school must apply to the commissioner of education for approval of the community-based fine arts program.
  - (2) The school district's board of trustees or charter school's governing body must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by Chapter 117, Subchapter C, of this title (relating to High School).
  - (3) The school district or charter school must document student completion of the approved activity.
  - (4) The program must be organized and monitored by appropriately trained instructors.
  - (5) The fine arts program may be provided on or off a school campus and outside the regular school day.
  - (6) Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.
- (c) The school district or charter school shall require that instructors of the community-based fine arts program provide the school entity, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with Chapter 153, Subchapter DD, of this title (relating to Criminal History Record Information Review), if the community-based program is offered on campus.

*Statutory Authority: The provisions of this §74.1030 issued under the Texas Education Code, §28.025(b-9).*

*Source: The provisions of this §74.1030 adopted to be effective December 28, 2014, 39 TexReg 10443.*