

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

Statutory Authority: The provisions of this Subchapter C issued under the Texas Education Code, §§7.102, 28.002, 28.023, 28.025, 28.053, 28.054, 29.907, 33.081, and 38.003, unless otherwise noted.

§74.21. Schedule for Implementation.

The requirements in this chapter shall be implemented according to the following schedule.

- (1) Elementary, kindergarten through Grade 5. All provisions of §74.2 of this title (relating to Description of a Required Elementary Curriculum) shall be implemented fully beginning with the 1996-1997 school year.
- (2) Secondary, Grades 6-12. All provisions of §74.3(b) of this title (relating to Description of a Required Secondary Curriculum) and Subchapter B of this chapter (relating to Graduation Requirements) shall be implemented fully beginning with the 1997-1998 school year. A student entering Grade 9 in the 1997-1998 school year or thereafter must meet the provisions of Subchapter B of this chapter (relating to Graduation Requirements).
- (3) Other sections. Provisions of other sections of this chapter shall be implemented during the 1996-1997 school year unless otherwise specified.

Source: The provisions of this §74.21 adopted to be effective September 1, 1996, 21 TexReg 4311.

§74.22. Options for Offering Courses.

- (a) A school district may use alternative procedures for delivering instruction to ensure that essential knowledge and skills are taught. The district shall pay any fees or other costs for students to participate in alternative delivery procedures.
- (b) A school district may operate a magnet program, academy, or other innovative program to serve student populations with specialized interests and aptitudes.

Source: The provisions of this §74.22 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 1998, 23 TexReg 5675; amended to be effective December 25, 2007, 32 TexReg 9623.

§74.23. Correspondence Courses and Distance Learning.

Credit toward state graduation requirements may be granted under this section only under the following conditions.

(1) The institution offering correspondence courses must be The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the commissioner of education.

(2) Students may earn course credit through distance learning technologies such as, but not limited to, satellite, Internet, two-way video-conferencing, online courses, the Texas Virtual School Network (TxVSN), and instructional television.

(3) The correspondence and distance learning courses must include the essential knowledge and skills as specified in §74.1 of this title (relating to Essential Knowledge and Skills) for such a course.

Source: The provisions of this §74.23 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 1998, 23 TexReg 5675; amended to be effective September 1, 2001, 25 TexReg 7691; amended to be effective August 24, 2010, 35 TexReg 7211.

§74.24. Credit by Examination.

(a) General provisions.

(1) A school district must provide at least one window to test between January 1 and March 31, one window to test between April 1 and June 30, one window to test between July 1 and September 30, and one window to test between October 1 and December 31 annually when each examination for acceleration for each primary school grade level and for credit for secondary school academic subjects required under Texas Education Code, §28.023, shall be administered in Grades 1-12 unless the examination has an administration date that is established by an entity other than the school district. A student may take a specific examination only once during each window. The testing window must be designed to meet the needs of all students. The dates must be publicized in the community.

(2) A school district shall provide opportunities for a student who is homeless or in substitute care who transfers to the district after the start of the school year to be administered credit by examination at any point during the school year.

(3) A school district shall not charge for an examination for acceleration for each primary school grade level or for credit for secondary school academic subjects. If a parent requests an alternative examination, the district may administer and recognize results of a test purchased by the parent or student from Texas Tech University or The University of Texas at Austin.

(A) For each grade level or course, Texas Tech University and The University of Texas at Austin shall ensure that the assessments they provide for the purposes of this section are aligned to and address all assessable Texas Essential Knowledge and Skills (TEKS) at the appropriate level of rigor.

(B) Texas Tech University and The University of Texas at Austin shall arrange for a third party to conduct an audit, on a rotating basis, of at least 20% of the assessments they provide for the purposes of this section. The audit shall be conducted annually.

(C) The results of each audit shall be provided to the Texas Education Agency in the form of a report to be delivered no later than May 31 of each year.

(4) A school district must have the approval of the school district board of trustees to develop its own tests or to purchase examinations that thoroughly test the essential knowledge and skills in the applicable grade level or subject area.

(5) A school district may allow a student to accelerate at a time other than one required in paragraph (1) of this subsection by developing a cost-free option approved by the school district board of trustees that allows students to demonstrate academic achievement or proficiency in a subject or grade level.

(b) Assessment for acceleration in kindergarten through Grade 5.

(1) A school district must develop procedures for kindergarten acceleration that are approved by the school district board of trustees. The board of trustees shall approve an audit process to be completed for assessments for acceleration.

(2) A student in any of Grades 1-5 must be accelerated one grade if he or she meets the following requirements:

(A) the student scores 80% on a criterion-referenced test for the grade level he or she wants to skip in each of the following areas: language arts, mathematics, science, and social studies;

(B) a school district representative recommends that the student be accelerated; and

(C) the student's parent or guardian gives written approval for the acceleration.

(c) Assessment for course credit in Grades 6-12.

(1) A school district board of trustees shall approve for each high school course, to the extent available, at least four examinations. The board of trustees shall approve an audit process to be completed for examinations under subparagraph (B)(iii) of this paragraph.

(A) The examinations shall include the following, which are not subject to the requirements in paragraphs (2)-(7) of this subsection:

(i) College Board advanced placement examinations; and

(ii) examinations administered through the College-Level Examination Program.

(B) The examinations may include examinations developed by:

(i) Texas Tech University;

(ii) The University of Texas at Austin;

(iii) the school district; and

(iv) another entity if the assessment meets all of the requirements in paragraph (2) of this subsection.

(2) In order for a school district to administer an examination for credit, prior to the first administration, the school district or the provider of the assessment must certify that the examination:

- (A) is aligned to all assessable TEKS for the course;
- (B) has not been published and is not publicly available;
- (C) will only be administered in a secure environment under standardized conditions by a school district or institution of higher education; and
- (D) has been evaluated to ensure:
 - (i) test scores can be interpreted as indicators of what the test is intended to measure;
 - (ii) consistency of test results across testing conditions.

(3) A school district or the provider of the assessment must make public an annual report, including:

- (A) the test development process;
- (B) a statement certifying that the examination meets the criteria in paragraph (2)(D) of this subsection;
- (C) the number of students who took each examination;
- (D) the number of students who scored 70% or above on each examination;
- (E) the number of students who scored 80% or above on each examination; and
- (F) the average score for all students who took the examination for each examination.

(4) In order for a school district to administer an examination for credit for a course that has a state end-of-course assessment instrument, the school district or the provider of the assessment must certify, prior to the first administration, that the examination:

- (A) meets the requirements of paragraph (2) of this subsection;
- (B) has been externally validated and determined to:
 - (i) align to and appropriately address all assessable TEKS for the course;
 - (ii) assess the appropriate level of rigor for each student expectation; and
 - (iii) yield comparable distribution of results across tested subgroups.

(5) If the number of students who take an examination in a given year is not sufficient to determine comparable results among subgroups, the provider may obtain approval from the State Board of Education to demonstrate comparable results over a specified number of years.

(6) For an examination that is validated in accordance with paragraph (4) of this subsection, a school district or the provider of the assessment must make public:

(A) the annual report required by paragraph (3) of this subsection;

(B) all relevant test development specifications;

(C) a statement certifying that the examination meets the criteria in paragraph (4)(B) of this subsection; and

(D) results for all tested subgroups disaggregated by students who receive prior instruction and students with no prior instruction and including descriptive data for small subgroups.

(7) Examinations for courses that do not have a state end-of-course assessment shall meet all requirements in paragraph (2) of this subsection no later than the 2019-2020 school year.

(8) A student in any of Grades 6-12 must be given credit for an academic subject in which he or she has had no prior instruction if the student scores:

(A) a three or higher on a College Board advanced placement examination that has been approved by the school district board of trustees for the applicable course;

(B) a scaled score of 50 or higher on an examination administered through the College-Level Examination Program and approved by the school district board of trustees for the applicable course; or

(C) 80% on any other criterion-referenced test approved by the school district board of trustees for the applicable course.

(9) A student may not attempt to earn credit by examination for a specific high school course more than two times.

(10) If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit.

(11) If a student is given credit in accordance with paragraph (8) of this subsection in a subject on the basis of an examination on which the student scored 80% or higher, the school district must enter the examination score on the student's transcript, and the student is not required to take an applicable end-of-course assessment instrument for the course.

(12) In accordance with local school district policy, a student in any of Grades 6-12 may be given credit for an academic subject in which he or she had some prior instruction if the student scores 70% on a criterion-referenced test approved by the school district board of trustees for the applicable course.

Statutory Authority: The provisions of this §74.24 issued under the Texas Education Code, §§7.102, 25.007, and 28.023.

Source: The provisions of this §74.24 adopted to be effective September 1, 1996, 21 TexReg 7239; amended to be effective September 1, 1998, 23 TexReg 5675; amended to be effective September 1, 2001, 25 TexReg 7691; amended to be effective August 8, 2006, 31 TexReg 6212; amended to be effective September 1, 2008, 33 TexReg 1089; amended to be effective May 11, 2014, 39 TexReg 3591; amended to be effective November 24, 2015, 40 TexReg 8209; amended to be effective August 27, 2018 43 TexReg 5514.

§74.25. High School Credit for College Courses.

(a) A school district board of trustees may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by one of the following regional accrediting associations:

- (1) Southern Association of Colleges and Schools;
- (2) Middle States Association of Colleges and Schools;
- (3) New England Association of Schools and Colleges;
- (4) North Central Association of Colleges and Schools;
- (5) Western Association of Schools and Colleges; or
- (6) Northwest Association of Schools and Colleges.

(b) To be eligible to enroll and be awarded credit toward state graduation requirements, a student must have the approval of the high school principal or other school official designated by the school district. The course for which credit is awarded must provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course.

Source: The provisions of this §74.25 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 1998, 23 TexReg 5675; amended to be effective September 1, 2001, 25 TexReg 7691.

§74.26. Award of Credit.

(a) The award of credit for a course by a school district affirms that a student has satisfactorily met all state and local requirements. Any course for which credit is awarded must be provided according to this subsection.

- (1) Credit earned toward state graduation requirements by a student in an accredited school district shall be transferable and must be accepted by any other school district in the state. A district may not prohibit a new student from attending school pending receipt of transcripts or records from the school district the student previously attended. Credit earned in a local-credit course may be transferred only with the consent of the receiving school district.
- (2) A school district must ensure that the records or transcripts of an out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a

Texas nonpublic school are evaluated and that the student is placed in appropriate classes promptly. The district may use a variety of methods to verify the content of courses for which a transfer student has earned credit.

(b) Districts may offer courses designated for Grades 9-12 (refer to §74.11 of this title (relating to High School Graduation Requirements)) in earlier grade levels. A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student has received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels than Grades 9-12 and have been awarded state graduation credits.

(c) Credit for courses for high school graduation may be earned only if the student received a grade which is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for each course.

(d) In accordance with local district policy, students who are able to successfully complete only one semester of a two-semester course can be awarded credit proportionately.

(e) A school district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only one semester of a two-semester course.

Statutory Authority: The provisions of this §74.26 issued under the Texas Education Code, §§7.102, 25.007, and 28.023.

Source: The provisions of this §74.26 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 1998, 23 TexReg 5675; amended to be effective September 1, 2001, 25 TexReg 7691; amended to be effective November 24, 2015, 40 TexReg 8209.

§74.27. Innovative Courses and Programs.

A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.

(1) The State Board of Education (SBOE) may approve any course that does not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.

(2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.

(3) To request approval from the SBOE or the commissioner of education, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:

(A) a description of the course and its essential knowledge and skills;

- (B) the rationale and justification for the request in terms of student need;
- (C) a description of activities, major resources, and materials to be used;
- (D) the methods of evaluating student outcomes;
- (E) the qualifications of the teacher; and
- (F) the amount of credit requested.

(4) With the approval of the local board of trustees, a school district may offer, without modifications, any state-approved innovative course.

Source: The provisions of this §74.27 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 1998, 23 TexReg 5675; amended to be effective September 1, 2001, 25 TexReg 7691; amended to be effective December 25, 2007, 32 TexReg 9623.

§74.28. Students with Dyslexia and Related Disorders.

(a) In order to support and maintain full educational opportunity for students with dyslexia and related disorders and consistent with federal and state law, school districts and open-enrollment charter schools shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services.

(b) The board of trustees of a school district or the governing body of an open-enrollment charter school must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to the student are implemented in the district.

(c) A school district's or open-enrollment charter school's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders " provided in this subsection. The handbook is a set of guidelines for school districts and open-enrollment charter schools that may be modified by the SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state.

Figure: 19 TAC §74.28(c)

(d) Screening as described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.

(e) A school district or open-enrollment charter school shall purchase a reading program or develop its own evidence-based reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and

spelling components described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders. " The professional development activities specified by each open-enrollment charter school and district and/or campus planning and decision making committee shall include these instructional strategies.

(f) At least five school days before any evaluation or identification procedure is used selectively with an individual student, the school district or open-enrollment charter school must provide written notification to the student's parent or guardian or another person standing in parental relation to the student of the proposed identification or evaluation. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:

- (1) a reasonable description of the evaluation procedure to be used with the individual student;
- (2) information related to any instructional intervention or strategy used to assist the student prior to evaluation;
- (3) an estimated time frame within which the evaluation will be completed; and
- (4) specific contact information for the campus point of contact, relevant Parent Training and Information Projects, and any other appropriate parent resources.

(g) Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), the school district or open-enrollment charter school must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503, provide all information required under subsection (f) of this section, and provide:

- (1) a copy of the procedural safeguards notice required by 34 CFR, §300.504;
- (2) an opportunity to give written consent for the evaluation; and
- (3) a copy of information required under Texas Education Code (TEC), §26.0081.

(h) Parents/guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by TEC, §26.0081(d), and options under federal law, including IDEA and the Rehabilitation Act, §504.

(i) Each school or open-enrollment charter school must provide each identified student access at his or her campus to instructional programs required in subsection (e) of this section and to the services of a teacher trained in dyslexia and related disorders. The school district or open-enrollment charter school may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.

(j) Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each district and open-enrollment charter school as outlined in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." School districts and open-enrollment charter schools may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a

full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

(k) Each school district and open-enrollment charter school shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program must include:

- (1) awareness and characteristics of dyslexia and related disorders;
- (2) information on testing and diagnosis of dyslexia and related disorders;
- (3) information on effective strategies for teaching students with dyslexia and related disorders;
- (4) information on qualifications of those delivering services to students with dyslexia and related disorders;
- (5) awareness of information on accommodations and modifications, especially those allowed for standardized testing;
- (6) information on eligibility, evaluation requests, and services available under IDEA and the Rehabilitation Act, §504, and information on the response to intervention process; and
- (7) contact information for the relevant regional and/or school district or open-enrollment charter school specialists.

(l) School districts and open-enrollment charter schools shall provide to parents of children suspected to have dyslexia or a related disorder a copy or a link to the electronic version of the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders."

(m) School districts and open-enrollment charter schools will be subject to monitoring for compliance with federal law and regulations in connection with this section.

Statutory Authority: The provisions of this §74.28 issued under the Texas Education Code, §7.102(c) (28) and §38.003.

Source: The provisions of this §74.28 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 2001, 25 TexReg 7691; amended to be effective August 8, 2006, 31 TexReg 6212; amended to be effective August 24, 2010, 35 TexReg 7211; amended to be effective August 27, 2018, 43 TexReg 5519; amended to be effective March 13, 2019, 44 TexReg 1315.

§74.29. Texas Advanced Placement Incentive Program.

(a) Purpose. The Texas advanced placement incentive program is created to recognize and reward students, teachers, and schools that demonstrate success in achieving the educational goals of the state. An award or a subsidy granted under this section shall be for the public purpose of promoting an educated citizenry.

(b) Types of awards.

- (1) A school participating in the program shall be eligible to receive the following awards:

(A) a one-time, \$3,000 equipment grant for providing a College Board advanced placement or International Baccalaureate course, based on need as determined by the commissioner of education;

(B) up to \$100 for each student who receives a score of three or better on a College Board advanced placement or International Baccalaureate test; and

(C) up to \$450 to reimburse a teacher or pay for a teacher to complete approved College Board advanced placement or International Baccalaureate training.

(2) A teacher who teaches a College Board advanced placement or International Baccalaureate course shall be eligible to receive the following awards:

(A) a one-time award of \$250 for teaching a College Board advanced placement or International Baccalaureate course for the first time; and

(B) a share of the teacher bonus pool proportional to the number of courses taught that shall be distributed by the teacher's school. Fifty dollars may be deposited in the teacher bonus pool for each student enrolled in the school who receives a score of three or better on a College Board advanced placement or International Baccalaureate test.

(3) A student who receives a score of three or better on a College Board advanced placement or International Baccalaureate test may receive a reimbursement of up to \$65 for the advanced placement or International Baccalaureate testing fee. The reimbursement shall be reduced by the amount of any subsidy awarded by the College Board or International Baccalaureate or under subsection (e) of this section.

(c) Award adjustment. The commissioner of education shall adjust and prorate by category the sum and number of awards to ensure the purpose of the program is realized.

(d) Application for, and use of, awards.

(1) To obtain an award, a school or teacher must submit to the State Board of Education (SBOE) a written application in a form, manner, and time prescribed by the commissioner of education.

(2) A school must give priority to academic enhancement purposes in using any award received under this section. An award may not be used for any purpose relating to athletics.

(3) The principal of each school participating in the program shall convene, at least annually, a team composed of not more than five members, with not fewer than three teachers, to include at least one teacher participating in the program and at least one teacher who teaches students in preparation for their participation in the program, for the purpose of determining the use of funds awarded under subsection (b) of this section.

(e) Subsidies for College Board advanced placement or International Baccalaureate tests.

(1) A student is entitled to a subsidy for the fee he or she pays to take a College Board advanced placement or International Baccalaureate test if the student demonstrates financial need according to guidelines adopted by the College Board.

(2) The Texas Education Agency (TEA), with SBOE approval, may pay each eligible applicant an equal amount of up to \$25.

(f) Funding of awards and subsidies.

(1) An award or a subsidy granted under this section is subject to the availability of funds. An award or a subsidy may be funded by donations, grants, or legislative appropriations.

(2) The commissioner of education may solicit and receive a grant or donation for the purpose of making awards under this section. The TEA shall account for and distribute any donation, grant, or legislative appropriation.

(3) The TEA shall apply to the program any available funds from its appropriations that may be used for this purpose.

(4) An application for funding may be filed with TEA at a date determined by the commissioner of education.

Source: The provisions of this §74.29 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 2001, 25 TexReg 7691; amended to be effective August 24, 2010, 35 TexReg 7211.

§74.30. Identification of Honors Courses.

(a) The following are identified as honors classes as referred to in the Texas Education Code, §33.081(d)(1), concerning extracurricular activities:

(1) all College Board Advanced Placement courses and International Baccalaureate courses in all disciplines;

(2) English language arts: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)";

(3) Languages other than English: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)"; American Sign Language, Level IV; American Sign Language, Advanced Independent Study; Level IV, Intermediate Mid to Intermediate High Proficiency; Level V, Intermediate High to Advanced Mid Proficiency; Level VI, Advanced Mid to Advanced High Proficiency; Level VII, Advanced High to Superior Proficiency; Seminar in Languages Other Than English, Advanced; Classical Languages, Level IV, Novice Mid to Advanced Mid Proficiency; Classical Languages, Levels V-VII, Novice High to Superior Low Proficiency; and Seminar in Classical Languages, Advanced;

(4) Mathematics: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)" and Precalculus;

(5) Science: high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)"; and

(6) Social studies: Social Studies Advanced Studies, Economics Advanced Studies, and high school/college concurrent enrollment classes that are included in the "Lower-Division Academic Course Guide Manual (Approved Courses)."

(b) Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purpose of this section, but must identify such courses prior to the semester in which any exemptions related to extracurricular activities occur.

(c) Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

Statutory Authority: The provisions of this §74.30 issued under the Texas Education Code, §33.081.

Source: The provisions of this §74.30 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 1998, 23 TexReg 5675; amended to be effective June 23, 2008, 33 TexReg 4883; amended to be effective October 28, 2019, 44 TexReg 6368.

§74.31. Health Classifications for Physical Education.

For physical education, a district must classify each student, on the basis of health, into one of the following categories.

(1) Unrestricted (not limited in activities).

(2) Restricted (excludes the more vigorous activities).

(A) Permanent. A member of the healing arts licensed to practice in Texas must provide the school written documentation concerning the nature of the impairment and the expectations for physical activity for the student.

(B) Temporary. The student may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas must provide the school written documentation concerning the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student must continue to learn the concepts of the lessons but may not actively participate in the skill demonstration.

(3) Adapted and remedial (specific activities prescribed or prohibited, as directed by a member of the healing arts licensed to practice in Texas).

Source: The provisions of this §74.31 adopted to be effective September 1, 2001, 25 TexReg 7691.

§74.33. Additional Requirements for Social Studies Classes for Grades 3-12.

(a) Instruction during Celebrate Freedom Week. Each social studies class shall include, during Celebrate Freedom Week as provided under Texas Education Code, §29.907, or during another full school week as determined by the board of trustees of a school district, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the United

States Constitution, including the Bill of Rights, in their historical contexts. The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the United States Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.

(b) Recitation during Celebrate Freedom Week.

(1) Each school district shall require that, during Celebrate Freedom Week or other week of instruction prescribed under subsection (a) of this section, students in Grades 3-12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness--That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed."

(2) Each school district shall excuse from the recitation a student:

(A) whose parent or guardian submits to the district a written request that the student be excused;

(B) who, as determined by the district, has a conscientious objection to the recitation; or

(C) who is the child of a representative of a foreign government to whom the United States government extends diplomatic immunity.

Source: The provisions of this §74.33 adopted to be effective December 7, 2003, 28 TexReg 10935.

§74.35. Additional Requirements for High School Health Classes.

(a) Parenting and paternity awareness.

(1) A school district and an open-enrollment charter school shall incorporate instruction in parenting awareness into any course meeting a requirement for a health education credit, using the materials approved by the State Board of Education for this purpose in accordance with Texas Education Code (TEC), §28.002(p). Implementation of this requirement shall comply with requirements that the board of trustees of each school district establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction as stated in TEC, §28.004.

(2) A school district may add elements at its discretion but must include the following areas of instruction:

(A) parenting skills and responsibilities, including child support;

(B) relationship skills, including money management, communication, and marriage preparation; and

(C) skills relating to the prevention of family violence, only if the school district's high schools do not have a family violence prevention program.

(3) If the required high school health education credit is earned through a course taken prior to Grade 9, the materials and parenting awareness instruction must be incorporated into that course or, at the district's discretion, may be incorporated into another course available to all students in Grades 9-12.

(4) At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.

(5) A student under 14 years of age may not participate in a parenting and paternity awareness program without the permission of the student's parent or person standing in parental relation to the student.

(6) A school district shall use the materials approved by the State Board of Education for this purpose beginning with the 2008-2009 school year.

(b) Alcohol awareness.

(1) A school district and an open-enrollment charter school shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit in accordance with TEC, §28.002(r).

(2) A school district shall choose an evidence-based alcohol awareness program to use in the district's middle school, junior high school, and high school health curriculum from a list of programs approved by the commissioner of education for this purpose.

Source: The provisions of this §74.35 adopted to be effective April 27, 2008, 33 TexReg 3261; amended to be effective December 23, 2009, 34 TexReg 9198.

§74.36. Requirements for Elective Courses on the Bible's Hebrew Scriptures (Old Testament) and New Testament and Their Impact on the History and Literature of Western Civilization.

(a) Pursuant to this rule, a school district may offer to students in Grade 9 or above:

(1) an elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact; or

(2) an elective course that combines the courses on the Hebrew Scriptures (Old Testament) and its impact and on the New Testament and its impact.

(b) The purpose of a course under this section is to:

(1) teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy; and

(2) familiarize students with, as applicable:

- (A) the contents of the Hebrew Scriptures or New Testament;
- (B) the history of the Hebrew Scriptures or New Testament;
- (C) the literary style and structure of the Hebrew Scriptures or New Testament; and
- (D) the influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

(c) A course offered under this section shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in their school district. A course under this section shall not endorse, favor, or promote, or disfavor or show hostility toward, any particular religion or nonreligious faith or religious perspective.

(d) Beginning with school year 2011-2012, a course offered under this section shall follow the Texas Essential Knowledge and Skills for Special Topics in Social Studies, Beginning with School Year 2011-2012, or the Texas Essential Knowledge and Skills for Independent Study in English as set out in this subsection.

(1) Texas Essential Knowledge and Skills for Special Topics in Social Studies (One-Half Credit), Beginning with School Year 2011-2012. The provisions of this paragraph shall be implemented by school districts beginning with the 2011-2012 school year.

(A) General requirements. Students shall be awarded one-half unit of credit for successful completion of this course. Students may take this course with different course content for a maximum of two credits.

(B) Introduction.

(i) In Special Topics in Social Studies, an elective course, students are provided the opportunity to develop a greater understanding of the historic, political, economic, geographic, multicultural, and social forces that have shaped their lives and the world in which they live. Students will use social science knowledge and skills to engage in rational and logical analysis of complex problems using a variety of approaches, while recognizing and appreciating diverse human perspectives.

(ii) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(iii) State and federal laws mandate a variety of celebrations and observances, including Celebrate Freedom Week.

(I) Each social studies class shall include, during Celebrate Freedom Week as provided under Texas Education Code, §29.907, or during another full school week as determined by the board of trustees of a school district, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, including the Bill of Rights, in their historical contexts.

The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the U.S. Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.

(II) Each school district shall require that, during Celebrate Freedom Week or other week of instruction prescribed under subclause (I) of this clause, students in Grades 3-12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness--That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed."

(C) Knowledge and skills.

(i) Social studies skills. The student uses problem-solving and decision-making skills, working independently and with others, in a variety of settings. The student is expected to:

(I) apply social studies methodologies encompassing a variety of research and analytical tools to explore questions or issues thoroughly and fairly to include multiple perspectives;

(II) evaluate effects of major political, economic, and social conditions on selected social studies topic;

(III) appraise a geographic perspective that considers physical and cultural processes as they affect the selected topic;

(IV) examine the role of diverse communities in the context of the selected topic;

(V) analyze ethical issues raised by the selected topic in historic, cultural, and social contexts;

(VI) depending on the topic, use a problem-solving process to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution; and

(VII) depending on the topic, use a decision-making process to identify a situation that requires a decision, gather information, identify options, predict consequences, and take action to implement a decision.

(ii) Social studies skills. The student applies critical-thinking skills to organize and use information acquired from a variety of sources, including electronic technology. The student is expected to:

- (I) locate, analyze, organize, synthesize, evaluate, and apply information about selected topic, identifying, describing, and evaluating multiple points of view;
- (II) differentiate between valid primary and secondary sources and use them appropriately to conduct research and construct arguments;
- (III) read narrative texts critically and identify points of view from the historical context surrounding an event and the frame of reference that influenced the participants;
- (IV) analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions;
- (V) collect visual images (photographs, paintings, political cartoons, and other media) to enhance understanding and appreciation of multiple perspectives in a social studies topic;
- (VI) identify bias in written, oral, and visual material;
- (VII) evaluate the validity of a source based on language, corroboration with other sources, and information about the author; and
- (VIII) use appropriate mathematical skills to interpret social studies information such as maps and graphs.

(iii) Social studies skills. The student creates written, oral, and visual presentations of social studies information. The student is expected to:

- (I) apply the conventions of usage and mechanics of written English;
- (II) use social studies terminology correctly;
- (III) use appropriate oral communication techniques;
- (IV) construct a thesis that is supported by evidence;
- (V) recognize and evaluate counter arguments;
- (VI) use visual images (photographs, paintings, and other media) to facilitate understanding and appreciation of multiple perspectives in a social studies topic;
- (VII) develop a bibliography with ideas and information attributed to source materials and authors using accepted social science formats such as *Modern Language Association Style Manual* (MLA) and *Chicago Manual of Style* (CMS) to document sources and format written materials; and

(VIII) use computer software to create written, graphic, or visual products from collected data.

(2) Texas Essential Knowledge and Skills for Independent Study in English (One-Half to One Credit). The provisions of this paragraph shall be implemented by school districts beginning with the 2011-2012 school year.

(A) Introduction.

(i) Students enrolled in Independent Study in English will focus on a specialized area of study such as the work of a particular author or genre. Students will read and write in multiple forms for a variety of audiences and purposes. High school students are expected to plan, draft, and complete written compositions on a regular basis and carefully examine their papers for clarity, engaging language, and the correct use of the conventions and mechanics of written English.

(ii) If this course is being used to satisfy requirements for the Distinguished Achievement Program, a student research/product must be presented before a panel of professionals or approved by the student's mentor.

(iii) For high school students whose first language is not English, the students' native language serves as a foundation for English language acquisition and language learning.

(iv) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(v) The essential knowledge and skills as well as the student expectations for Independent Study in English are described in subparagraph (B) of this paragraph.

(B) Knowledge and skills.

(i) The student inquires through reading literature and researching self-selected and assigned topics. The student is expected to:

(I) read widely for further study;

(II) generate relevant, interesting, and researchable questions with instructor guidance and approval; and

(III) draw relevant questions for further study from the research findings or conclusions.

(ii) The student uses writing as a tool for learning and research. The student produces visual representations that communicate with others. The student is expected to:

- (I) produce research projects and reports in multiple forms for a variety of audiences from primary and secondary sources using available technology;
- (II) conduct a research project(s), producing an original work in print or another medium with a demonstration of advanced skill;
- (III) use writing to organize and support what is known and needs to be learned about a topic, including discovering, recording, reviewing, and learning;
- (IV) compile written ideas and representations; interpret information into reports, summaries, or other formats; and draw conclusions; and
- (V) use writing as a tool such as to reflect, explore, or problem solve.

Statutory Authority: The provisions of this §74.36 issued under the Texas Education Code, §§7.102(c)(4), 28.002, and 28.011.

Source: The provisions of this §74.36 adopted to be effective September 1, 2008, 33 TexReg 7159; amended to be effective December 20, 2010, 35 TexReg 11224; amended to be effective August 23, 2012, 37 TexReg 6305.

§74.37. Public School Physical Education Curriculum.

(a) The essential knowledge and skills for physical education shall:

- (1) emphasize the knowledge and skills capable of being used during a lifetime of regular physical activity;
- (2) be consistent with national physical education standards for:
 - (A) the information that students should learn about physical activity; and
 - (B) the physical activities that students should be able to perform;
- (3) meet the needs of students of all physical ability levels, including students who have a disability, chronic health problem, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
- (4) take into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
- (5) ensure students develop self-management and movement skills;
- (6) ensure students develop cooperation, fair play, and responsible participation in physical activity; and

(7) promote student participation in physical activity outside of school.

(b) A physical education course shall:

- (1) offer students an opportunity to choose among many types of physical activity in which to participate;
- (2) offer students both cooperative and competitive games; and
- (3) be an enjoyable experience for students.

(c) On a weekly basis, at least 50% of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Source: The provisions of this §74.37 adopted to be effective December 23, 2009, 34 TexReg 9198.

§74.38. Requirements for Instruction in Cardiopulmonary Resuscitation (CPR).

(a) A school district or an open-enrollment charter school shall provide instruction to students in Grades 7-12 in cardiopulmonary resuscitation (CPR). The instruction:

- (1) may be provided as a part of any course; and
- (2) must be provided to each student at least once before graduation from high school.

(b) CPR instruction must include training that has been developed:

- (1) by the American Heart Association or the American Red Cross; or
- (2) using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

(c) A school district or an open-enrollment charter school may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide CPR instruction and training under this section. Except as specified in subsection (d) of this section, an instructor of this training is not required to be certified in CPR.

(d) Instruction provided under this section is not required to result in certification by a student in CPR. If instruction is intended to result in certification in CPR, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(e) A school district or an open-enrollment charter school may waive the requirement under this section for a student, who due to a disability, is unable to complete the requirement. The determination regarding a student's ability to complete the CPR requirement will be made by:

- (1) the student's ARD committee if the student receives special education services under the Texas Education Code (TEC), Chapter 29, Subchapter A; or

(2) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, §794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.

(f) This section applies to any student who entered Grade 7 in the 2010-2011 school year and thereafter.

Statutory Authority: The provisions of this §74.38 issued under the Texas Education Code, §28.0023.

Source: The provisions of this §74.38 adopted to be effective August 25, 2014, 39 TexReg 5384.

§74.39. Requirements for Instruction on Proper Interaction with Peace Officers.

(a) A school district or open-enrollment charter school shall provide instruction in one or more courses to students in Grades 9-12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction:

- (1) may be provided as a part of any course or courses; and
- (2) must be provided to each student at least once before graduation from high school.

(b) The instruction must include all of the following information:

- (1) the role of law enforcement and the duties and responsibilities of peace officers;
- (2) a person's rights concerning interactions with peace officers;
- (3) proper behavior for civilians and peace officers during interactions;
- (4) laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws; and
- (5) how and where to file a complaint against or a compliment on behalf of a peace officer.

(c) A school district or open-enrollment charter school shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the State Board of Education, and the Texas Education Agency.

(d) A school district or open-enrollment charter school may tailor the instruction developed under this section as appropriate for the district's or school's community. In tailoring the instruction, the district or school shall solicit input from local law enforcement agencies, driver training schools, and the community.

(e) In accordance with §74.5 of this title (relating to Academic Achievement Record (Transcript)), a school district or an open-enrollment charter school shall clearly indicate on the transcript or academic achievement record the year in which the instruction was provided to the student.

(f) This section applies to any student who enters Grade 9 in the 2018-2019 school year and thereafter.

Statutory Authority: The provisions of this §74.39 issued under the Texas Education Code, §§7.102, 28.012, and 28.025.

Source: The provisions of this §74.39 adopted to be effective August 27, 2018, 43 TexReg 5523.

For more information, email rules@tea.texas.gov.