

Sec. 1. APPLICABILITY OF TITLE RELATING TO HIGH SCHOOL GRADUATION

Erath Excels Academy is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education) of the Texas Education Code (“TEC”), or a rule adopted under Title 2 (Public Education) of the TEC, relating to high school graduation under TEC Section 28.025.

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

Sec. 2. ARD COMMITTEE AND IEP

For each student who is at least 14 years of age and qualifies for special education, the admission, review, and dismissal (“ARD”) committee must begin transition planning. The ARD committee must also consider the student’s graduation plan and what state assessments are required for graduation.

Education Code 29.0111; 19 TAC 89.1070.

Sec. 3. SPECIAL EDUCATION ELIGIBILITY UPON GRADUATION

Graduation with a regular high school diploma terminates a student’s eligibility for special education and related services. Termination of eligibility based on graduation requires Erath Excels Academy to complete a summary of performance in accordance with 34 CFR 300.305(e)(3), and prior written notice must be provided to the parent.

34 CFR 300.102.

A student who receives a diploma, but took one or more classes with a modified curriculum, may request the ARD committee determine needed educational services as long as the student meets the age eligibility requirements. Modified curriculum is defined as curriculum or content that is reduced in amount or complexity of the required Texas Essential Knowledge and Skills (“TEKS”).

19 TAC 89.1070.

Sec. 4. GRADUATION REQUIREMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

A student with a disability that receives special education services and who enters 9th grade in or after the 2014-2015 school year, may receive a regular high school diploma if the student:

1. Demonstrates mastery of the required states standards;
2. Completes the credit requirements under the Foundation High School Program; or

3. Achieves satisfactory performance on the required state assessment unless the ARD committee determines that satisfactory performance on the required state assessment is not necessary for graduation.

A student who receives special education services entering 9th grade in 2014-2015 or after may also earn a high school diploma if the student the student meets the above requirements and successfully completes the individualized education program (“IEP”) and meets one of the following:

1. consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable to the student to maintain employment without direct or ongoing educational support;
2. consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support;
3. has access to services that are not within the legal responsibility of Erath Excels Academy or educational options for which the student has been prepared for by the academic program; or
4. no longer meets eligibility requirements

19 TAC 89.1070; Education Code 28.025.

Sec. 5. ENDORSEMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

A student receiving special education services, may receive an endorsement if the student:

1. Completes the requirements for graduation under the Foundation High School Program and completes the additional credits requirements in mathematics, science, and elective courses required for an endorsement with or without modified curriculum; or
2. Completes the courses required for the endorsement without modified curriculum; and
3. Performs satisfactorily on the state assessment.

A student who is in 11th or 12th grade in 2014-2015, 2015-2016, or 2016-2017 school years who took each of the required assessments, but failed to achieve satisfactorily on no more than two assessments is eligible for an endorsement if the student meets the other endorsement requirements.

For students receiving special education services, if the student wants to use a course to satisfy both the Foundation High School Program requirements and for the endorsement requirement, the course must be completed without modified curriculum.

19 TAC 89.1070; Education Code 28.025.

Sec. 6. TRANSITIONING TO THE FOUNDATION HIGH SCHOOL PROGRAM

For students who entered 9th grade prior to the 2014-2015 school year, a student may receive a diploma under the Foundation High School Program if the student's ARD committee determines the student should take courses under the Foundations program and the student completes the requirements.

A student transitioning may also receive an endorsement if he or she meets the requirements.

A student who is in 11th or 12th grade in the 2014-2015, 2015-2016, or 2016-2017 school years and transitioning to the Foundation High School Program, who took each of the required assessments, but failed to achieve satisfactorily on no more than two assessments may graduate if the student met the other graduation requirements.

19 TAC 89.1070; Education Code 28.025.

Sec. 7. SUBSTITUTIONS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

a) *Language other than English*

If the ARD committee determines that a student with a disability is unable to complete two credits in the same language other than English, the ARD committee may determine to:

1. substitute a combination of two credits from ELA, math, science, or social studies; or
2. substitute two credits of CTE, technology applications, or other academic electives.

Education Code 74.12(b)(5)(D)(i), 28.025(b-14)(1).

b) *Physical Education*

In accordance with State Board of Education ("SBOE") rules, a student who is unable to participate in physical activity due to disability or illness is allowed to substitute one credit in English language arts, mathematics, science, or social studies or one academic elective credit for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

- The student's ARD committee, if the student receives special education services under the IDEA and Texas Education Code Chapter 29;
- The student's 504 committee, if the student does not receive special education services under the IDEA or Texas Education Code Chapter 29, Subchapter A but is covered by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794; or

- If each of the described committees is inapplicable, a committee established by the school of persons with appropriate knowledge regarding the student.

Education Code 28.025(b-11).

Credits allowed as a substitution for the language and PE requirement may not be used to satisfy other graduation credit requirements.

Education Code 28.025(b-11), (b-14).

Sec. 8. DISTINGUISHED ACHIEVEMENT, RECOMMENDED, AND MINIMUM HIGH SCHOOL PROGRAM

A student receiving special education services who entered 9th grade before the 2014-2015 school year, may graduate with a regular diploma if the student:

1. Demonstrates mastery of the state standards;
2. Completes credit requirements for graduation under the recommended or distinguished program; and
3. Achieves satisfactory performance on the required state assessment.

A student who is in 11th or 12th grade in 2014-2015, 2015-2016, or 2016-2017 school years and who took each of the required assessments, but failed to achieve satisfactorily on no more than two assessments may graduate under the recommended or distinguished program if the student met the other graduation requirements.

A student receiving special education services who entered 9th grade before the 2014-2015 school year, may also graduate with a regular diploma if the student:

1. Demonstrates mastery of the state standards;
2. Completes credit requirements for graduation under the minimum program; and
3. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee.

A student receiving special education services who entered 9th grade before the 2014-2015 school year, may also graduate with a regular diploma if the student:

1. Demonstrates mastery of the state standards through courses, one or more of which contained modified content and is aligned with the requirements under the minimum high school program;
2. Completes credit requirements for graduation under the minimum program;

3. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee; and
4. Successfully completes the IEP and meets one of the following conditions:
 - a. consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable to the student to maintain employment without direct or ongoing educational support;
 - b. consistent with the IEP, demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support;
 - c. has access to services that are not within the legal responsibility of Erath Excels Academy or educational options for which the student has been prepared for by the academic program; or
 - d. No longer meets eligibility requirements.

19 TAC 89.1070.

Sec. 9. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD

Erath Excels Academy does issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the SBOE under Education Code Section 28.025(a) but who fails to comply with Section 39.025 (Secondary-Level Performance Required) relating to exit-level assessment requirements. Erath Excels Academy does allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.

Education Code 28.025(d).

Sec. 10. CERTIFICATE OF ATTENDANCE

Erath Excels Academy does issue a Certificate of Attendance to a student who receives special education services under the Individuals with Disabilities Education Act (“IDEA”), and who has completed four years of high school but has not completed the student's IEP. Erath Excels Academy shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony. Receiving a Certificate of Attendance does not preclude a student from receiving a diploma.

Education Code 28.025(f).

Sec. 11. PROMOTION TO 6TH OR 9TH GRADE

A student may not be promoted to 6th grade if the student does not perform satisfactorily on the 5th grade mathematics and reading assessments.

A student may not be promoted to 9th grade if the student did not perform satisfactorily on the 8th grade mathematics and reading assessments.

Each time a student fails to perform satisfactorily on an assessment administered under Section 39.023(a) in the 3rd, 4th, 5th, 6th, 7th, or 8th grade, Erath Excels Academy shall provide the student with accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.

The ARD committee of a student who participates in Erath Excels Academy's special education program and who does not perform satisfactorily on an assessment shall determine:

1. the manner in which the student will participate in an accelerated instruction program under this section; and
2. whether the student will be promoted or retained under this section.

Education Code 28.0211.