Sec. 1. STUDENT TESTING REQUIREMENTS

All Midland Academy Charter students receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code, Chapter 39, Subchapter B.

19 TAC 101.5(a).

Unless exempted by applicable law, a student may not receive a high school diploma until the student has performed satisfactorily on applicable end-of-course ("EOC") assessment instruments.

Education Code 39.025(a); 19 TAC 101.4001.

Sec. 2. ENGLISH LEARNER STUDENTS

In grades 3–12, English learner[1] students shall participate in the state assessment in accordance with the Commissioner of Education's ("Commissioner") rules at 19 TAC Chapter 101, Subchapter AA.

Education Code 39.023(l), (m).

Sec. 3. SPECIAL EDUCATION

The student's admission, review and dismissal ("ARD") committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.025(a-4).

Sec. 4. MILITARY DEPENDENTS

If a student is a military dependent, Midland Academy Charter shall accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated for a military dependent transferring in his or her senior year, then the provisions of Education Code 162.002 art. VII, Section C shall apply.

[1] In this policy, the term "English learner" is synonymous with "emergent bilingual" student, as that term is used in Subchapter B, Chapter 29, Education Code.

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a) ***Substitute Passing Standard***

A substitute passing standard adopted by the Commissioner may be applied only for a qualified military dependent who enrolls in a Texas public school in this state for the first time after completing the ninth grade or who reenrolls in a Texas public school at or above the tenth grade level after an absence of at least two years from Texas public schools. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, §§ B–C.

Sec. 5. ADMINISTRATION OF ASSESSMENTS

Midland Academy Charter shall follow the test administration procedures established by the Texas Education Agency ("TEA") in the applicable test administration materials. The Superintendent shall be responsible for administering tests.

19 TAC 101.25, 101.27.

Beginning no later than the 2022-2023 school year, each assessment instrument required under Education Code 39.023(a), (c), or (l) must be administered electronically, unless otherwise provided by commissioner rule.

Education Code 39.0234.

a) ***Assessment Schedule***

The Commissioner shall specify the schedule for testing and field testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs. The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25.

b) ***Alternate Test Dates***

Midland Academy Charter or a campus may request from the Commissioner an alternate test date. Alternate test dates will only be allowed if Midland Academy Charter or campus is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that

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may affect Midland Academy Charter's or campus' ability to administer an assessment or the students' performance on an assessment. "Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause Midland Academy Charter or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the Commissioner may prohibit Midland Academy Charter or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of Midland Academy Charter, campus, and students.

19 TAC 101.5003.

Sec. 6. NOTICE TO STUDENTS AND PARENTS

The Superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of the testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The Superintendent shall also provide such notice for students in grades 7–12 who are new to Midland Academy Charter. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012(a).

Sec. 7. ASSESSMENTS IN GRADES 3–8

Unless otherwise excepted or exempted by law, all students shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a).

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a) ***Exception***

Except as required for purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(p), 39.023(a-2); 19 TAC 101.3011.

b) ***Kindergarten Assessment***

A kindergarten student may not be administered an assessment instrument under Education Code 39.023 except to determine whether the student is entitled to the benefit of the Foundation School Program.

Education Code 39.023(a-16).

c) ***Prekindergarten Assessment***

A prekindergarten student's performance on an assessment instrument may not be considered for any purpose related to Education Code Chapters 39 and 39A.

Education Code 39.027.

d) ***Assessment Accommodations***

Assessment accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible accommodations shall be described in the appropriate test administration materials.

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The committee established to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student. For a student receiving special education services, the ARD committee shall determine the allowable accommodations and shall document them in the student's Individualized Education Program ("IEP").

19 TAC 101.3013; Education Code 39.023(a)-(c), (n); 34 CFR 300.320(a)(6).

Sec. 8. END-OF-COURSE ASSESSMENTS

Students in grade 9 and above who are enrolled in a course for which an EOC assessment exists as required by Education Code 39.023(c) shall take the appropriate assessment.

19 TAC 101.3021(a).

a) *Students Enrolled Below High School Level*

A student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 TAC 101.3022.

19 TAC 101.3021(d).

b) *Assessment Requirements for Graduation*

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

i. *Exceptions: English I or English II*

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

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.

Exceptions related to English I also apply to English learners who meet the criteria in 19 TAC 101.1007.

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ii. *Exceptions: Credits Earned Prior to Enrollment*

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school and the credit has been accepted by a Texas public school, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–2012 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022.

c) *Substitute Assessments*

A student may use certain assessments as substitute assessments in place of an EOC assessment, to meet the student's assessment graduation requirements in accordance with the Commissioner's chart at 19 TAC 101.4002(b). An approved substitute assessment may be used in place of only one specific EOC assessment.

A student is eligible to use a substitute assessment if the student meets all eligibility criteria listed in 19 TAC 101.4002(c)-(d).

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart at 19 TAC 101.4002(b) must take the appropriate EOC assessment to meet the assessment graduation requirements for that subject.

i. *Verification of Results*

An eligible student is responsible for providing Midland Academy Charter an official copy of the student's scores from the substitute assessment. Upon receipt of official results of an approved substitute assessment, Midland Academy Charter must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the Commissioner.

19 TAC 101.4002, .4005.

d) *Satisfactory Performance*

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner, on each EOC assessment instrument administered to the student.

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Education Code 39.025(a).

e) *Individual Graduation Committee*

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee ("IGC").

Education Code 28.0258, 39.025(a-2).

f) *Special Education*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 TAC 89.1070 (Graduation Requirements) and 19 TAC 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

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 Education Code 28.0258 and is subject to the IGC provisions above.

19 TAC 101.3022(f).

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

All students in grades 9–12 with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 TAC 101.3011(b)(2).

19 TAC 101.3023(a)-(b).

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g) *Credit by Examination*

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 TAC 74.24.

19 TAC 101.3021(c).

h) *Retakes*

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. A student is not required to retake a course as a condition of retaking an EOC assessment instrument. 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.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d).

Sec. 9. REPORTING RESULTS

a) *Public Reports*

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of the Board, after receipt from TEA. The information shall not contain the names of individual students or teachers.

Education Code 39.030(b).

b) *Reports to the Board*

The Superintendent shall accurately report all test results, with appropriate interpretations, to the Board according to the schedule in the applicable test administration materials.

c) *Reports to Students, Parents, and Teachers*

Midland Academy Charter shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated in Section 12-c below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, Midland Academy Charter shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year.

19 TAC 101.3014.

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The TEA has adopted a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. Midland Academy Charter shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. Midland Academy Charter may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course.

Education Code 39.0233(b).

d) ***Parent's Right-to-Know Under ESSA***

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), Midland Academy Charter shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A.

20 U.S.C. 6312(e)(1)(B)(i).

Sec. 10. <u>OUT-OF-STATE TRANSFERS</u>

Midland Academy Charter shall accurately report to TEA whether that student transferred into Midland Academy Charter from out of state during the current school year. Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. Midland Academy Charter shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to Midland Academy Charter from the results of its other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014.

Sec. 11. <u>ACCELERATED INSTRUCTION</u>

Midland Academy Charter shall provide accelerated instruction to any student who fails to preform satisfactorily on a state assessment instrument in the manner required by applicable law. *See also* PG-2.20.

Sec. 12. <u>ASSESSMENT SECURITY AND CONFIDENTIALITY</u>

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All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.
The Superintendent and campus principals in all Midland Academy Charter schools shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as Midland Academy Charter becomes aware of any alleged or suspected violation of the security or confidential integrity of an assessment;
3. Report all confirmed testing violations to TEA within 10 working days of Midland Academy Charter becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure assessment materials are Midland Academy Charter employees who have:
   a. Met the requirements to participate in the student assessment program;
   b. Received annual training in test security and test administration procedures; and
   c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of assessment materials by:
   a. Verifying that all boxes of testing materials have been accounted for and match Midland Academy Charter shipping notices upon receipt from the state's testing contractor(s);
   b. Requiring campuses to immediately inventory all testing materials received and to notify the Midland Academy Charter testing coordinator of any shortages or discrepancies;
   c. Immediately notifying the state's testing contractor(s) of any discrepancies between the materials received and Midland Academy Charter's shipping notices;
   d. Placing test booklets and answer documents in secure, limited-access, locked storage when not in use;
   e. Collecting and destroying any scratch paper, graph paper, or reference materials that students have written on, as well as any recordings, after the completion of a test administration;
   f. Requiring that all secure materials assigned to individual campuses have been accounted for and packaged in accordance with the procedures for returning materials as detailed in the test administration materials;
   g. Requiring that all test item image cards and photocopies or reproductions of secure test materials have been collected and returned to the Midland Academy Charter testing coordinator for return to the testing contractor(s); and
   h. Maintaining inventory and shipping records for five years.

19 TAC 101.3031(a)(1)-(a)(2).

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a) ***Security and Confidentiality Violations***

Violations of the security and confidential integrity of an assessment include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described in subparagraphs (1)-(10) above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in conduct described in subparagraphs (1)-(11) above or in any other serious violation of security and confidentiality under this section;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

i. *Consequences / Penalties*

If Midland Academy Charter determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, Midland Academy Charter shall invalidate the student's test results. Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Education Certification for sanctions; and
3. Lowering Midland Academy Charter's accreditation status Midland Academy Charter's or campus's accountability ratings, or appointment of a monitor, conservator, or a management team in accordance with Education Code Chapter 39A.

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ii. *Test Administration Procedures and Training Activities*

Test administration procedures shall be delineated in the test administration materials provided to Midland Academy Charter annually. Midland Academy Charter must comply with all of the applicable requirements specified in the test administration materials.

Midland Academy Charter shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

iii. *Record Retention*

Midland Academy Charter shall maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)-(d).

iv. *Development of Procedures*

The Superintendent and each Principal must develop procedures to ensure the security and confidentiality of state assessments, and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of an assessment.

b) *Minimize Disruptions*

In implementing the Commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, Midland Academy Charter shall minimize disruptions to school operations and the classroom environment.

Education Code 39.0301(a-1).

c) *Assessment Confidentiality Results*

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA).

Education Code 39.030(b).

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