



# TCSA Model Board Policy Series

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## 400.080 Required Instruction and Graduation

## **INTRODUCTION**

The Model Board Policies for Charter Schools is a series of publications by the Texas Charter Schools Association (TCSA). These publications are an educational tool for charter school leaders to aid in the operation and management of open-enrollment charter schools in Texas.

### **Overall Policy Framework**

Each module in the Board Policy Series provides a summary of federal and state statutes, regulations, and related materials applicable to open enrollment charter schools. Citations to these materials are provided throughout the module and many contain a hyperlink so the actual statutory or regulatory provision can be accessed on the Internet. The summary is designated by the **LEGAL AUTHORITY** tab on the right edge of each page.

After the **LEGAL AUTHORITY** portion of the module you will find the model policy section designed to comply with current statutory and regulatory requirements described in the **LEGAL AUTHORITY** summaries. These policies are designated by the red **CHARTER BOARD POLICY** tab on the right edge of each page.

These are suggested policies to address the requirements set forth in this Module. Prior to adoption of the model policies by the Board of a charter school, each policy should be customized by including the school's name and by tailoring the language, if appropriate, to fit the specific needs, culture and requirements of the school. TCSA recommends that the Board of a charter school consult with and obtain the advice of the school's legal counsel in connection with adopting policies to comply with laws governing charter schools.

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

### **Scope of Service & Copyright Notice**

This policy module prepared by the TCSA is designed and intended as a resource of information for charter schools and is not to be construed as legal advice. It should be used in connection with consulting and obtaining the advice of the school's legal counsel to ensure compliance with applicable legal requirements.

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## **Module 400: Students**

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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## **Legal Abbreviations Used In the TCSA Model Board Policy Series**

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| Atty. Gen. Op. | Attorney General Opinion |
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|       |                             |
|-------|-----------------------------|
| C.F.R | Code of Federal Regulations |
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|------------------|---------------------------|
| Tex. Admin. Code | Texas Administrative Code |
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| Tex. Educ. Code | Texas Education Code |
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| Tex. Gov't Code | Texas Government Code |
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| Tex. Labor Code | Texas Labor Code |
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| Tex. Loc. Gov't Code | Texas Local Government Code |
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|---------|------------------------------|
| U.S.C.A | United States Code Annotated |
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## **400.080. REQUIRED INSTRUCTION AND GRADUATION (UPDATED JANUARY 2014)**

### **A. Required Curriculum**

1. An open-enrollment charter school shall offer the following required curriculum:
  - a. A foundation curriculum that includes:
    - i. English language arts;
    - ii. Mathematics;
    - iii. Science; and
    - iv. Social studies, consisting of Texas, United States, and world history, government and geography; and
  - b. An enrichment curriculum that includes
    - i. Languages other than English, to the extent possible;
    - ii. Health;
    - iii. Physical education (“PE”);
      - (1) Each open-enrollment charter holder shall establish specific objectives and goals the charter holder intends to accomplish through the PE curriculum.
    - iv. Fine Arts;
    - v. Economics with emphasis on the free enterprise system and its benefits;
    - vi. Career and technology education;
    - vii. Technology applications; and
    - viii. Religious literature, including the Old and New Testament and its impact on history and literature.
    - ix. Personal financial literacy.

[Tex. Educ. Code §12.111\(a\)\(1\); Tex. Educ. Code 28.002; 19 Tex. Admin. Code §74.1.](#)

### **B. Pledge of Allegiance and Moment of Silence (NEW JANUARY 2014)**

1. The Board shall require students, once during each school day at each campus, to recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag.

2. The Board shall require that the United States and Texas flags be prominently displayed in accordance with federal and state regulations regarding flag display, in each campus classroom to which a student is assigned at the time the pledges of allegiance to those flags are recited.
3. The charter school may raise money or accept gifts, grants and donations to acquire the United States and Texas flags.
4. The charter school shall excuse the student from reciting the pledges of allegiance to the United States and Texas flags upon written request from a student's parent or guardian.
5. The board shall provide for the observance of one minute of silence at each campus following the recitation of the pledges of allegiance to the United States and Texas.
6. During the one-minute period of silence, the student may, as the student chooses, reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student.

[Tex. Educ. Code §25.082](#)

**C. Commemoration of the Events September 11, 2001 (NEW JANUARY 2014)**

In each year that September 11th falls on a regular school day, the charter school shall provide for the observance of one minute of silence at the beginning of the first class period of that day to commemorate the events of September 11, 2001. Immediately before the observance, the teacher must make a statement of reference to the memory of the individuals who died on September 11, 2001.

[Tex. Educ. Code §25.0821](#)

**D. Instruction in Cardiopulmonary Resuscitation (CPR) (NEW JANUARY 2014)**

1. The charter school shall provide CPR instruction to students in grades 7 through 12 that includes training developed by the American Heart Association, American Red Cross or using nationally recognized guidelines for emergency cardiovascular care that incorporates psychomotor skills to support the instruction.
2. The instruction may be provided as part of any course. A student shall receive the instruction at least once before graduation.

[Tex. Educ. Code §28.0023](#)

**E. End of Course Assessments (UPDATED JANUARY 2014)**

1. End of Course Assessments

The state shall administer end-of-course assessment instruments for secondary-level courses in Algebra I, Biology, English I, English II, and United States History.

[Tex. Educ. Code §39.023\(c\)](#)

2. Postsecondary Readiness Assessment Instruments

A charter school may elect to annually administer postsecondary readiness assessment instruments in Algebra II and English III at the charter school's option. The charter school may not administer an additional benchmark assessment instrument solely for the purpose of preparing for the administration of a postsecondary readiness assessment instrument. The results of a postsecondary readiness assessment instrument may not be used by the charter school:

- a. For the purpose of teacher evaluations; or
- b. To determine a student's final course grade or determining a student's class rank for the purpose of high school graduation.

[Tex. Educ. Code §39.0238](#)

3. Student Performance on Assessments

A student's performance on an end-of-course assessment instrument may not be used in determining the student's class ranking for any purpose, including automatic college admission.

[Tex. Educ. Code §39.0232](#)

4. Retakes

A student who failed to achieve a score requirement on an end of course assessment instrument may retake the assessment instrument.

[Tex. Educ. Code §39.025\(b\).](#)

5. Special Education

If a student is in a special education program under Subchapter A, Chapter 29 of the Education Code, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection.

6. Assessment Results (**NEW JANUARY 2014**)

The charter school shall disclose to each teacher the results of the assessment instrument administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.

[Tex. Educ. Code §39.023\(h\)](#)

7. Benchmark Assessments (**NEW JANUARY 2014**)

The open-enrollment charter school shall not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument. A parent of or person standing in parental

relation to a student with special needs as determined by the Texas Education Agency, may request administration of additional benchmark assessments.

*[Tex. Educ. Code §39.0263\(c\)](#)*

8. Accelerated Instruction for High School Students (**NEW JANUARY 2014**)

Each time a student fails to perform satisfactorily on an end-of-course assessment instrument, the charter school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Tex. Educ. Code 28.0211. 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 operation.

*[Tex. Educ. Code §28.0217](#)*

**F. Graduation (**UPDATED JANUARY 2014**)**

1. Selection of Endorsement

The open-enrollment charter school shall ensure that each student, on entering the ninth grade, indicates in writing the endorsement the student intends to earn. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

- a. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
- b. The student's parent or person standing in parental relation to the student files with the school counselor written permission, on a form adopted by the Texas Education Agency, allowing the student to graduate under the foundation high school program without earning an endorsement.

*[Tex. Educ. Code §28.025\(b\)](#)*

2. Endorsements

A student may earn an endorsement by successfully completing curriculum requirements for that endorsement adopted by the SBOE. An endorsement may be earned in any of the following categories:

- a. science, technology, engineering and math (STEM)
- b. business and industry
- c. public services
- d. arts and humanities
- e. multidisciplinary studies

The charter school must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement. A charter school that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.

*[Tex. Educ. Code 28.025\(c-1\); \(c-4\)](#)*

3. Distinguished Level of Achievement

A student may earn a distinguished level of achievement under the foundation high school program by successfully completing the curriculum requirements established by the SBOE, which shall include:

- a. the curriculum requirements for the foundation high school program
- b. the curriculum requirements for at least one endorsement
- c. Algebra II; and
- d. an additional fourth credit in science.

A student who has completed the core curriculum of an institution of higher education, as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma.

*[Tex. Educ. Code 28.025\(b-15\); \(b-7\).](#)*

4. High School Personal Graduation Plan

**TCSA NOTE: Open-enrollment charter schools are not required to develop and administer personal graduation plans. Tex. Educ. Code 12.111(b) requires a charter school to consider adopting and administering personal graduation plans. Tex. Educ. Code §12.111(b).**

A principal of a high school shall designate a school counselor or school administrator to review personal graduation plan options with each student entering 9th grade together with the student's parent or guardian. The personal graduation plan options reviewed must include the distinguished level of achievement and the endorsements offered by the school. Before the conclusion of the school year, the student and student's parent or guardian must confirm and sign a personal graduation plan for the student.

A personal graduation plan must identify a course of study that promotes college and workforce readiness; career placement and advancement; and facilitates the student's transition from secondary to postsecondary education.

A student may amend his or her personal graduation plan after the initial confirmation of the plan. If the student amends the student's personal graduation plan, the charter school shall send written notice to the student's parent regarding the change.

[Tex. Educ. Code 28.02121](#)

1. TEA Notice of Graduation Plan Options

The Texas Education Agency shall prepare and make available in English and Spanish information that explains the advantages of the distinguished level of achievement and each endorsement. The charter school may publish the information provided by the Texas Education Agency on its Internet website to ensure that the information is available to students in grades 9 and above and to the parents or guardians of these students in the language in which the parents or guardians are most proficient.

[Tex. Educ. Code §28.02121](#)

6. Diploma

- a. A student may graduate and receive a diploma only if the student:
  - ii. Successfully completes the curriculum requirements identified by the SBOE for the foundation high school program; and
  - iii. has performed satisfactorily on required end-of-course assessment instruments; or
  - iv. The student successfully completes an individualized education program developed under [Chapter 29.005 of the Texas Education Code](#).

[Tex. Educ. Code §§12.104\(b\)\(2\)\(E\), 28.025\(b\),\(c\).](#)

- b. An open-enrollment charter school may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements but who fails to perform satisfactorily on required end-of-course assessment instruments. An open-enrollment charter school may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
- c. A student may earn a performance acknowledgment on the student's diploma and transcript by satisfying the requirements for an acknowledgment adopted by the SBOE. An acknowledgment may be earned for outstanding performance:
  - i. In a dual credit course;
  - ii. In bilingualism and bi-literacy;
  - iii. On a college advanced placement test or international baccalaureate examination; or
  - iv. On the PSAT, the ACT-Plan, the SAT, or the ACT; or
  - v. For earning a nationally or internationally recognized business or industry certification or license.

[Tex. Educ. Code 28.025 \(c-1\)](#)

- d. The charter school shall clearly indicate a distinguished level of achievement under the foundation high school program, an endorsement, and/or a performance acknowledgement on the diploma and transcript of a student who satisfies the applicable requirements.

[Tex. Educ. Code 28.025 \(e-1\)](#)

[Tex. Educ. Code §§12.104\(b\)\(2\)\(E\), 28.025\(d\).](#)

7. Individual Graduation Committee (**NEW JUNE 2015**)

- a. An open-enrollment charter school is required to establish an Individual Graduation Committee (IGC) as an alternative method for satisfying certain public high school graduation requirements. A student who has failed not more than two End-of-Course assessments (EOCs) is allowed to receive a high school diploma if the student qualifies to graduate by means of an IGC.
- b. Only students enrolled in the 11th or 12th grade for the 2014-2015, 2015-2016, or 2016-2017 school years may graduate via the IGC. A student cannot qualify to graduate via IGC before their 12th grade year. In order to be eligible to graduate via the IGC, a student must:
  - i. Successfully complete the Foundation High School Program under State Board of Education rules; or
  - ii. Successfully complete the curriculum requirements under the Commissioner's transition plan rules.
  - iii. Note, if a student has retaken an EOC for Algebra I or English II and receives a failing score but receives a proficient score on a corresponding subject matter TSI assessment, then the student has satisfied the EOC requirement for Algebra I or English II and there would not be a need to convene an IGC.
- c. The IGC must be composed of:
  - i. The principal or principal's designee;
  - ii. The teacher of the course for each EOC the student failed;
  - iii. The department chair or lead teacher supervising the teacher of the relevant course; and
  - iv. As applicable:
    - (1) *The student's parent or guardian; or*

(2) *A designated advocate if the parent or guardian is unable to serve; or*

(3) *The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.*

v. To the extent practicable, the school shall provide a translator for the parent or student or designated advocate who is unable to speak English.

vi. For the 2014-2015 school year, the charter school must establish its own procedures for appointing the designated advocate.

vii. The charter school shall ensure a good faith effort is made to timely notify the parent or guardian of the student, the student if over 18 or emancipated, or the designated advocate of the time, place, and purpose for convening the IGC. The notice must be:

(1) Provided in person or by regular mail or e-mail;

(2) Clear and easy to understand; and

(3) Written in English, in Spanish, or, to the extent practicable, in the native language of the parent or guardian of the student

d. The IGC must recommend additional requirements by which the student may qualify to graduate including:

i. Additional remediation; and

ii. For each EOC:

(1) The completion of a project related to the subject area of the course that demonstrated proficiency in the subject area; or

(2) The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

(3) Note, coursework previously completed may satisfy the recommended additional requirements above.

iii. In determining whether a student for whom an IGC is established is qualified to graduate, the committee shall consider the following:

(1) Recommendation of the teacher in the course for which the student failed the EOC

(2) Grades in the course for which the student failed the EOC

- (3) Scores on the failed EOC
- (4) Student performance on the additional academic requirements of the IGC
- (5) Hours of remediation attended
- (6) School attendance rate
- (7) Satisfaction of any of the Texas Success Initiative (TSI) college readiness benchmarks set by the THECB
- (8) Successful completion of a dual credit course in English, Math, Science or Social Studies
- (9) Successful completion of a Pre-AP, AP, or IB program course in English, Math, Science or Social Studies
- (10) An “Advanced High” rating on the most recent high school administration of TELPAS
- (11) A score of 50 or better on a CLEP test
- (12) Scores on ACT, SAT, or ASVAB tests
- (13) Completion of a sequence of CTE program courses required to attain an industry recognized credential or certificate
- (14) Overall preparedness for postsecondary success
- (15) Any other academic information that the charter school board requires the IGC to consider.

iv. After consideration of the criteria above and after successful completion of the additional academic requirements recommended by the IGC, the IGC may determine that the student is qualified to graduate by unanimous vote of the committee. The Commissioner by rule shall establish a timeline for the IGC to make a determination. For the 2014-2015 school year, the charter school must establish such timeline. The decision by the IGC is final, and may not be appealed.

e. Public Education Information Management System (PEIMS) Reporting: No later than December 1st of the school year following the school year the student is awarded a diploma, the charter school must report the number of charter school students each school year for which an IGC was established and the number of charter school students who were awarded a diploma based on the decision of an IGC.

[Tex. Educ. Code §§12.104\(b\)\(2\), 28.0258, 28.0259; 19 Texas Admin. Code §101.3022](#)

## 8. Reports

- a. Each open-enrollment charter school shall report the academic achievement record of students who have completed a minimum, recommended, or advanced high school program on transcript forms adopted by the SBOE.

*Tex. Educ. Code §§12.104(b)(2)(E), 28.025(e).*

## 9. Special Education Students

- a. A student receiving special education services may graduate and receive a regular high school diploma if:
  - i. The student has satisfactorily completed the curriculum and credit requirements for graduation applicable to students in general education, including satisfactory performance on the exit-level assessment instrument; or
  - ii. The student has satisfactorily completed the minimum curriculum and credit requirements for graduation applicable to students in general education, including participation in required state assessments. The student's admission, review, and dismissal ("ARD") committee shall determine whether satisfactory performance on a required state assessment shall also be required for graduation.
- b. A student receiving special education services may also graduate and receive a regular high school diploma when the student's ARD committee has determined that the student has successfully completed:
  - i. The student's individualized education program ("IEP");
  - ii. One of the following conditions, consistent with the student's IEP:
    - (1) Full-time employment, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the open-enrollment charter school;
    - (2) Demonstrated a mastery of specific employability skills and self-help skills which don't require direct ongoing educational support of the open-enrollment charter school; or
    - (3) Access to services which are not within the legal responsibility of public education, or employment or education options for which the student has been prepared by the academic program;
  - iii. The minimum credit requirements for students without disabilities; and
  - iv. The state's or charter school's minimum curriculum requirements to the extent

possible with modifications/substitutions only when it is determined necessary by the ARD committee for the student to receive an appropriate education.

- c. A student receiving special education services may also graduate and receive a regular high school diploma upon the ARD committee determining that the student no longer meets age eligibility requirements and has completed the requirements in the IEP.
- d. An open-enrollment charter school shall issue a certificate of attendance to a student who receives special education and who has completed four years of high school but has not completed the student's IEP.

[Tex. Educ. Code §§ 12.104\(b\)\(2\)\(E\), 28.025.](#)

10. Requirements for Automatic College Admission and Financial Aid  
**(NEW JANUARY 2014)**

- a. The governing board of an open-enrollment charter school shall require each high school that it operates the posting of appropriate signs in each counselor's office, in each principal's office, and in each administrative building the requirements under Texas Education Code, §51.803, regarding automatic college admission and the curriculum requirements for financial aid authorized by federal law.
- b. The open-enrollment charter school shall provide each student, at the time the student first registers for one or more classes required for high school graduation, a written and detailed notice in plain language explaining the requirements under Texas Education Code §51.803 regarding automatic college admission, the curriculum requirements for financial aid authorized by federal law, and the benefits of completing the requirements for automatic admission and financial aid. The notice must be signed by the student's counselor in addition to being signed by the student and the student's parent or guardian.
- c. The commissioner shall adopt forms, including specific language, to use in providing the notice described above and the open-enrollment charter school shall use the appropriate form adopted by the commissioner.

[Tex. Educ. Code §28.026](#)