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

Academy of Accelerated Learning, Inc. (AAL) 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 Texas Education Code, relating to high school graduation under Section 28.025.

Tex. Educ. Code § 12.104(b)(2)(E).

Sec. 2. MODIFIED CURRICULUM AND MODIFIED CONTENT

For purposes of this policy and its related requirements, "modified curriculum" and "modified content" reference any reduction of the amount or complexity of required Texas Essential Knowledge and Skills (TEKS). Substitutions that are not specifically authorized in statute or regulations must not be considered modified curriculum or modified content.

19 Tex. Admin. Code § 89.1070(k).

Sec. 3. ARD COMMITTEE AND TRANSITION PLANNING

Not later than the first Individualized Education Program ("IEP") to be in effect when the student turns 14 years of age, the Admission, Review and Dismissal ("ARD") committee must consider and, if appropriate, address, transition planning in accordance with applicable state and federal law. The ARD committee must also consider the student's graduation plan and what state assessments are required for graduation. For more information about transition planning, see PG-6.3.

34 C.F.R. §§ 300.43(a), (b), 300.321(b)(2); Tex. Educ. Code §§ 29.011, 29.0111; 19 Tex. Admin. Code § 89.1055(k)-(o).

Sec. 4. SPECIAL EDUCATION ELIGIBILITY UPON GRADUATION

Graduation under 19 Texas Administrative Code § 89.1070(b)(1) or reaching maximum age eligibility as set forth in 19 Texas Administrative Code § 89.1035 terminates a student's eligibility for special education and related services and entitlement to the benefits of the Foundation School Program as set forth in Texas Education Code § 48.003(a) Termination of eligibility based on graduation requires AAL to complete a summary of performance in accordance with 34 C.F.R. § 300.305(e)(3), and prior written notice must also be provided.

34 C.F.R. § 300.102; 19 Tex. Admin. Code §§ 89.1035(a), 89.1070(a).

Sec. 5. GRADUATION REQUIREMENTS

Pursuant to 19 Texas Administrative Code § 89.1070(b)(1), a student with a disability who receives special education services may graduate and receive a diploma if the student satisfies the following criteria:

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1. Demonstrates mastery of the required states standards or AAL's standards if they are greater;
2. Satisfactorily completes the credit requirements for graduation under the Foundation High School Program applicable to students in general education; and
3. Demonstrates satisfactory performance as established for students in general education in Chapters 28 and 39, on the required end-of-course assessment instruments, which could include meeting the requirements of 19 Texas Administrative Code § 89.1070(d).

Tex. Educ. Code §§ 28.025(c)(1), 39.025; 19 Tex. Admin. Code §§ 74.12, 89.1070(b)(1), 101.3023(a).

A student who is in eleventh or twelfth grade who has taken each of the required state assessments required by Chapter 101, Subchapter CC of the Texas Education Code, but failed to achieve satisfactorily on no more than two of the assessments, is eligible to receive a diploma under 19 Texas Administrative Code § 89.1070(b)(1) above.

19 Tex. Admin. Code § 89.1070(d).

Pursuant to 19 Texas Administrative Code 89.1070(b)(2), a student who receives special education services may also graduate and receive a diploma if:

1. The student demonstrates mastery of the required states standards or AAL's standards if they are greater;
2. The student satisfactorily completes the credit requirements for graduation under the Foundation High School Program applicable to students in general education; and
3. The student's ARD committee has determined that satisfactory performance, beyond what would otherwise be required in 19 Texas Administrative Code § 89.1070(b)(1) and (d), on the required end-of-course instruments is not required for graduation.

19 Tex. Admin. Code § 89.1070(b)(2).

Pursuant to 19 Texas Administrative Code § 89.1070(b)(3), a student who receives special education services may also graduate and earn a diploma if:

1. The student satisfactorily completes the credit requirements for graduation under the Foundation High School Program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to general education;
2. The student demonstrates mastery of the required state standards (or AAL's standards if greater) in accordance with modified content and curriculum expectations established in the student's IEP;
3. The student achieves satisfactory performance on the required end-of-course assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required end-of-course instruments is not required for graduation; and
4. The student successfully completes the IEP and meets one of the following conditions:

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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 of AAL;
b. consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support from AAL; or
c. the student has access to services or other supports that are not within the legal responsibility of public education, including employment or postsecondary education established through transition planning.

Tex. Educ. Code § 28.025; 19 Tex. Admin. Code §§ 89.1035, 89.1070(b)(3).

For students who graduate and receive a diploma according to 19 Texas Administrative Code § 89.1070(b)(2) or (b)(3)(A), (B), or (C) described above, the ARD committee must determine needed special education services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 Tex. Admin. Code § 89.1070(j).

Sec. 6. SUMMARY OF PERFORMANCE

A summary of academic achievement and functional performance must be provided prior to exit from public school for students who meet one of the following:

1. A student who has met requirements for graduation as set forth in 19 Texas Administrative Code § 89.1070(b)(1) or who has exceeded the maximum age of eligibility under 19 Texas Administrative Code § 89.1053;
2. A student who has met requirements for graduation specified in 19 Texas Administrative Code § 89.1070(b)(2) or (b)(3)(A), (B), or (C). A student meeting this condition is also entitled to an evaluation pursuant to 34 C.F.R. § 300.305(e)(1).

19 Tex. Admin. Code § 89.1070(f).

The summary of performance must:
1. include recommendations on how to assist the student in meeting the student's postsecondary goals in accordance with 34 C.F.R. § 300.305(e)(3); and
2. consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals.

19 Tex. Admin. Code § 89.1070(g).

Sec. 7. CERTIFICATE OF ATTENDANCE

A student who has reached the maximum age of eligibility in accordance with 19 Texas Administrative Code § 89.1035 without meeting the credit, curriculum, and assessment requirements specified in 19 Texas Administrative Code § 89.1070(b) is not eligible to receive a diploma but may receive a certificate of attendance as set forth in Texas Education Code § 28.025(f).

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19 Tex. Admin. Code § 89.1070(e).

For students who meet the graduation requirements in 19 Texas Administrative Code §§ 89.1070(b)(2) or (b)(3)(A), (B), or (C) described in Section 5 above, and who will continue enrollment in public school to receive special education services aligned with their transition plan will be provided he summary of performance described in Section 6 upon exit from the public school system. These students are entitled to participate in commencement ceremonies and receive a certificate of attendance after completing four years of high school, as described in the Texas Education Code § 89.025(f).

19 Tex. Admin. Code § 89.1070(h).

Sec. 8. ENDORSEMENTS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

A student receiving special education services may receive an endorsement under 19 Texas Administrative Code § 74.13 if the student:

1. Satisfactorily completes the requirements for graduation under the Foundation High School Program specified in 19 Texas Administrative Code § 74.12 as well as the additional credit requirements in mathematics, science, and elective courses in 19 Texas Administrative Code § 74.13(e) with or without modified curriculum;
2. Satisfactorily completes the courses required for endorsement as set forth in 19 Texas Administrative Code § 74.13(f) without any modified curriculum or with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the ARD committee; and
3. Performs satisfactorily as established in Chapter 39 of the Texas Education Code, on the required end-of-course assessment instruments unless the student's ARD committee determines that satisfactory performance is not required.

Tex. Educ. Code § 28.025(c-7); 19 Tex. Admin. Code § 89.1070(c).

Sec. 9. SUBSTITUTIONS UNDER THE FOUNDATION HIGH SCHOOL PROGRAM

a) *Language-Other-Than-English ("LOTE")*

A student who, due to disability, is unable to complete two credits in the same language in a LOTE, as provided in Section 28.025(b-1)(5), may substitute for those credits:

1. Any two levels in the same language, including comparable AP or IB language courses that do not count toward another credit required for graduation; or
2. Two credits in computer programming languages, including computer coding, to be selected from Computer Science I, II, and III, AP Computer Science Principles, AP Computer Science A, IB Computer Science Standard Level, and IB Computer Science Higher Level.

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A credit allowed to be substituted under the above provisions may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a LOTE.

The determination regarding a student's ability to participate in LOTE courses will be made by the student's ARD committee or the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the Texas Education Code, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.

Tex. Educ. Code § 28.025(b-14)(1); *19 Tex. Admin. Code* § 74.12(b)(5).

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 for the physical education credit required under Texas Education Code § 28.025(b-1)(8):

1. An academic elective credit (English language arts, mathematics, science, or social studies); or
2. A course that is offered for credit as provided by the Texas Education Code § 28.002(g-1).

A credit allowed to be substituted for PE credit may not also be used by the student to satisfy any other graduation requirement.

The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee, if the student receives special education services under the IDEA and Texas Education Code Chapter 29;
2. 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
3. If each of the committees described above is inapplicable, the committee established by the school consisting of persons with appropriate knowledge regarding the student shall make the determination.

Tex. Educ. Code §§ 28.025(b-11), (b-14); 19 Tex. Admin. Code § 74.12(b)(6)(G).

For additional information related to state assessments, please see AAL*'s Policy Group 2 (Instruction).*

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