



**§89.1070. Graduation Requirements & TSDS PEIMS CO62 Graduation-Type-Code**

9 <sup>th</sup> Grade School Year	Student Age												
10-11									14	15	16	17	18
11-12								14	15	16	17	18	19
12-13							14	15	16	17	18	19	20
13-14						14	15	16	17	18	19	20	21
<b>14-15 Foundation</b>					14	15	16	17	18	19	20	21	22
<b>15-16 Foundation</b>				14	15	16	17	18	19	20	21	22	--
<b>16-17 Foundation</b>			14	15	16	17	18	19	20	21	22	--	--
<b>17-18 Foundation</b>		14	15	16	17	18	19	20	21	22	--	--	--
<b>18-19 Foundation</b>	14	15	16	17	18	19	20	21	22	--	--	--	--
<b>19-20</b>	15	16	17	18	19	20	21	22	--	--	--	--	--
<b>20-21</b>	16	17	18	19	20	21	22	--	--	--	--	--	--

**(a) Graduation with a regular high school diploma under subsections (b)(1), (b)(2)(D), (g)(1), (g)(2), (g)(3), or (g)(4)(D) of this section terminates a student's eligibility for special education services under this subchapter and Part B of the Individuals with Disabilities Education Act and entitlement to the benefits of the Foundation School Program, as provided in Texas Education Code (TEC), §42.003(a).**





**(b)** A student entering Grade 9 in the **2014-2015** school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions.

- (1) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and **satisfactorily completed credit requirements for graduation under the Foundation High School Program** specified in §74.12 of this title (relating to Foundation High School Program) applicable to students in general education as well as **satisfactory performance** as established in the TEC, Chapter 39, on the required state assessments, unless the student's **admission, review, and dismissal (ARD) committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.**

Grad-Type Code	Requirements
34	<ul style="list-style-type: none"> <li>• Complete Credit Requirements (No modified content)</li> <li>• Passing Score on all 5 EOCs (or IGC)</li> </ul>
35	<ul style="list-style-type: none"> <li>• Complete Credit Requirements (No modified content)</li> <li>• ARD committee can determine satisfactory performance on the state assessments is not necessary for graduation</li> </ul>





(2) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation under the Foundation High School Program specified in §74.12 of this title through courses, **one or more of which contain modified curriculum** that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in the TEC, Chapter 39, on the required state assessments, unless the student's **ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation**. The student must also successfully complete the student's individualized education program (IEP) and **meet one of the following conditions**.

(A) Consistent with the IEP, the student has **obtained full-time employment, based on the student's abilities and local employment opportunities**, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

(B) Consistent with the IEP, the student has **demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district**

(C) The student has **access to services** that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

(D) The student **no longer meets age eligibility requirements**.

Grad-Type Code	Requirements
54	<ul style="list-style-type: none"> <li>Meet the requirements of the Foundation High School Program</li> <li>Participate in state assessments and IEP requirements</li> <li>Obtained full-time employment based on student's abilities</li> </ul>
55	<ul style="list-style-type: none"> <li>Meet the requirements of the Foundation High School Program</li> <li>Participate in state assessments and IEP requirements</li> <li>Demonstrated mastery of specific employability &amp; self-help skills – <b>does not require ongoing support</b></li> </ul>
56	<ul style="list-style-type: none"> <li>Meet the requirements of the Foundation High School Program</li> <li>Participate in state assessments and IEP requirements</li> <li>Access to Services (Outside Agencies)</li> </ul>
57	<ul style="list-style-type: none"> <li>Meet the requirements of the Foundation High School Program</li> <li>Participate in state assessments and IEP requirements</li> <li>No longer meets age eligibility requirements (FAPE ends)</li> </ul>





## ENDORSEMENT(S)

**(c)** A student receiving special education services **may earn an endorsement** under §74.13 of this title (relating to Endorsements) if the student:

- (1) **Satisfactorily completes the requirements** for graduation under the Foundation High School Program specified in §74.12 of this title as well as the additional credit requirements in mathematics, science, and elective courses as specified in §74.13(e) of this title **with or without modified curriculum**;
- (2) Satisfactorily completes the courses required for the endorsement under §74.13(f) of this title **without any modified curriculum**; and
- (3) **Performs satisfactorily** as established in the TEC, Chapter 39, **on the required state assessments. (All 5 EOCs or IGC)**

## ENDORSEMENT(S) &amp; IGC

**(d)** Notwithstanding subsection (c)(3) of this section, a student receiving special education services classified in **Grade 11 or 12** who has **taken each of the state assessments** required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) **but failed** to achieve satisfactory performance on **no more than two of the assessments** is eligible to receive an endorsement if the student has met the requirements in subsection (c)(1) and (2) of this section.

**(e)** In order for a student receiving special education services to use a course to satisfy both a requirement under the Foundation High School Program specified in §74.12 of this title and a requirement for an endorsement under §74.13 of this title, the student must satisfactorily complete the course without any modified curriculum.

## TRANSITION TO FOUNDATION

**(f)** A student receiving special education services who **entered Grade 9 before the 2014-2015 school year may graduate and be awarded a high school diploma under the Foundation High School Program** as provided in §74.1021 of this title (relating to Transition to the Foundation High School Program), if the student's **ARD committee determines** that the student should take courses under that program and the student **satisfies the requirements of that program**. Subsections (c) and (d) of this section apply to a student transitioning to the Foundation High School Program under this subsection. As the TEC, §28.0258 and §39.025(a-2), modify the state assessment requirements applicable to students in general education, a student receiving special education services who is classified in Grade 11 or 12 who has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements.





**(g)** A student receiving special education services who entered Grade 9 before the 2014-2015 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions.

**DISTINGUISHED OR RECOMMENDED**

(1) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation (under the **recommended or distinguished achievement high school programs** in Chapter 74, Subchapter F, of this title (relating to Graduation Requirements, Beginning with School Year **2007-2008**) or Chapter 74, Subchapter G, of this title (relating to Graduation Requirements, Beginning with School Year **2012-2013**)), as applicable, including satisfactory performance as established in the TEC, Chapter 39, on the required state assessments.

(2) Notwithstanding paragraph (1) of this subsection, as the TEC, §28.0258 and §39.025(a-2), **modify the state assessment requirements** applicable to students in general education, a student receiving special education services who is classified in Grade 11 or 12 may graduate under the **recommended or distinguished achievement high school program**, as applicable, if the student has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but **failed to achieve satisfactory performance on no more than two** of the assessments and has met all other applicable graduation requirements in paragraph (1) of this subsection.

**MINIMUM**

(3) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation (under the **minimum high school program** in Chapter 74, Subchapter F or G, of this title), as applicable, including participation in required state assessments. The student's ARD committee will determine whether satisfactory performance on the required state assessments is necessary for graduation.





Year Entering Grade 9 Curriculum Requirements in Effect During School Year	High School Program	Graduation Codes
<b>2001-2002, 2002-2003, 2003-2004 (TAC Chapter 74, Subchapter D)</b> *The TAC §89.1070 in effect for students graduating under TAC Chapter 74, Subchapter D is no longer available electronically via the TEA website but may be accessed via the link provided to the Texas Register.		
TAC §74.42 TAC §89.1070 (b) (1)* <a href="#">27 Tex Reg 3103</a>	Minimum	General Education and Special Education 21
TAC §74.43 TAC §89.1070 (b) (1) * <a href="#">27 Tex Reg 3103</a>	Recommended	General Education and Special Education 22
TAC §74.44 TAC §89.1070 (b) (1)* <a href="#">27 Tex Reg 3103</a>	Distinguished	General Education and Special Education 23
<b>2004-2005, 2005-2006, 2006-2007 (TAC Chapter 74, Subchapter E)</b> *The TAC §89.1070 in effect for students graduating under TAC Chapter 74, Subchapter E is no longer available electronically via the TEA website but may be accessed via the link provided to the Texas Register.		
TAC §74.52 TAC §89.1070 (b) (1) <a href="#">27 Tex Reg 3103</a>	Minimum	General Education and Special Education 24
TAC §74.53 TAC §89.1070 (b) (1)* <a href="#">27 Tex Reg 3103</a>	Recommended	General Education and Special Education 25
TAC §74.54 TAC §89.1070 (b) (1)* <a href="#">27 Tex Reg 3103</a>	Distinguished	General Education and Special Education 26
<b>2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012 (TAC Chapter 74, Subchapter F)</b> ** The TAC §89.1070 as currently in effect and available via the link provided to the Texas Administrative Code.		
TAC §74.62 <a href="#">TAC §89.1070(b)(2)**</a>	Minimum	General Education and Special Education 27
TAC §74.63 <a href="#">TAC §89.1070(b)(1)**</a>	Recommended	General Education and Special Education 28
TAC §74.64 <a href="#">TAC §89.1070(b)(1)**</a>	Distinguished	General Education and Special Education 29
<b>2012-2013 and 2013-2014 (TAC Chapter 74, Subchapter G)</b> ** The TAC §89.1070 as currently in effect and available via the link provided to the Texas Administrative Code.		
TAC §74.72 <a href="#">TAC §89.1070(b)(2)**</a>	Minimum	General Education and Special Education 30
TAC §74.73 <a href="#">TAC §89.1070(b)(1)**</a>	Recommended	General Education and Special Education 31
TAC §74.74 <a href="#">TAC §89.1070(b)(1)**</a>	Distinguished	General Education and Special Education 32
<b>2014-2015 (TAC Chapter 74, Subchapter B)</b>		
TAC §74.1021, TAC §74.12	Foundation High School Program	General Education and Special Education 34

Chart 1 applies to all students in general education and to students receiving special education services for whom the required curriculum content was **not modified** or substituted and **satisfactory performance on the exit-level assessments** in place at the time of the student's enrollment in grade 9 was **required**.





### GRADUATION-TYPE-CODE Chart 2

Coding of students who meet the curriculum and credit requirements under TEC Chapter 74 and participated in or were exempted from the statewide assessment instrument(s) identified in the Individualized Education Plan (IEP).

Year Entering Grade 9 Curriculum Requirements in Effect During School Year	High School Program	Graduation Codes	
<b>2001 – 2002 through 2006-2007</b> (TAC Chapter 74, Subchapters D, and E)			
*The version of TAC §89.1070 (b)(2) in effect for students graduating under Subchapters D, and E is no longer available electronically via the TEA website but may be accessed via the link provided to the Texas Register.			
**Amendments to TAC §89.1070 adopted to be effective Nov. 11, 2007, require satisfactory performance on the statewide assessment for the recommended and distinguished high school programs for all students entering grade 9 in 2007-2008 and thereafter; therefore, graduation codes 19 and 20 may be used for students entering the ninth grade prior to the 2007-2008 school year only.			
TAC §74.43 and 74.53 only TAC §89.1070(b)(2)* <a href="#">27 Tex Reg 3103</a>	<b>Recommended **</b> Completed the minimum curriculum and credit requirements for the Recommended High School Program applicable to students in general education and participated in or were exempted from the statewide assessment instrument identified in the IEP	General Education	Not applicable
		Special Education	19
TAC §74.44 and 74.54 only TAC §89.1070(b)(2)* <a href="#">27 Tex Reg 3103</a>	<b>Distinguished **</b> Completed the minimum curriculum and credit requirements for the Distinguished Achievement Program applicable to students in general education and participated in or were exempted from the statewide assessment instrument identified in the IEP	General Education	Not applicable
		Special Education	20
<b>2001-2002 through 2013-2014</b> (TAC Chapter 74, Subchapter D, E, F, and G)			
TAC §74.42, 74.52 TAC §89.1070 (b)(2) <a href="#">27 Tex Reg 3103</a>	<b>Minimum</b> Completed the minimum curriculum and credit requirements for the Minimum High School Program applicable to students in general education and participated in (or prior to 2007-2008 was exempted from) the statewide assessment instruments identified in the IEP.	General Education	Not applicable
		Special Education	18
TAC §74.62, and 74.72 TAC §89.1070 (b)(2)			
<b>2014 - 2015</b> and thereafter (TAC Chapter 74, Subchapter B) and prior school years for students who opted to graduate under the Foundation High School Program (TAC Chapter §74.1021.)			
TAC §74.12 TAC §89.1070(f)(2)	<b>Foundation</b> Completed the minimum curriculum and credit requirements for the Foundation High School Program applicable to students in general education and participated in (or prior to 2007-2008 was exempted from) the statewide assessment instruments identified in the IEP.	General Education	Not applicable
		Special Education	35

**GRADUATION-TYPE-CODE Chart 2 Notes:**

Chart 2 applies to students receiving special education services graduating under TAC §89.1070 (b)(2) (currently or previously in effect) for whom the required curriculum content was not modified or substituted AND the student participated in (or prior to 2007-2008 was exempted from) the statewide assessment instrument identified in the IEP.





(4) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title through courses, one or more of which contain modified content that is aligned to the standards required under the **minimum high school program** in Chapter 74, Subchapter F or G, of this title, as applicable, as well as the satisfactorily completed credit requirements under the minimum high school program, including participation in required state assessments. The student's **ARD committee will determine whether satisfactory performance on the required state assessments is necessary for graduation**. The student graduating under this subsection must also successfully complete the student's IEP and meet one of the following conditions.

(A) Consistent with the IEP, the student has **obtained full-time employment based on the student's abilities and local employment opportunities**, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

(B) Consistent with the IEP, the student has **demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.**

(C) The student has **access to services** that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

(D) The student **no longer meets age eligibility requirements.**

Grad-Type Code	Requirements
04	<ul style="list-style-type: none"> <li>Meet the requirements of the Minimum High School Program</li> <li>Participate in state assessments and IEP requirements</li> <li>Obtained full-time employment based on student's abilities</li> </ul>
05	<ul style="list-style-type: none"> <li>Meet the requirements of the Minimum High School Program</li> <li>Participate in state assessments and IEP requirements</li> <li>Demonstrated mastery of specific employability &amp; self-help skills – <b>does not require ongoing support</b></li> </ul>
06	<ul style="list-style-type: none"> <li>Meet the requirements of the Minimum High School Program</li> <li>Participate in state assessments and IEP requirements</li> <li>Access to Services (Outside Agencies)</li> </ul>
07	<ul style="list-style-type: none"> <li>Meet the requirements of the Minimum High School Program</li> <li>Participate in state assessments and IEP requirements</li> <li>No longer meets age eligibility requirements (FAPE ends)</li> </ul>







**(h)** All students graduating under this section must be provided with a **summary of academic achievement and functional performance** as described in 34 Code of Federal Regulations (CFR), §300.305(e)(3). This summary must 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. An evaluation as required by 34 CFR, §300.305(e)(1), must be included as part of the summary for a student graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) of this section.

**(i)** **Students who participate in graduation ceremonies but who are not graduating** under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) of this section and who will remain in school to complete their education **do not have to be evaluated** in accordance with subsection (h) of this section.

**(j)** **Employability and self-help skills** referenced under subsections (b)(2) and (g)(4) of this section are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

**(k)** For students who receive a diploma according to subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) of this section, the **ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.**

### RETURNING FOR FAPE DETERMINATION

**(l)** For purposes of this section, **modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills** in Chapters 110-118, 126-128, and 130 of this title. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

*Statutory Authority: The provisions of this §89.1070 issued under the Texas Education Code, §§28.002, 28.025, 28.0258, 29.001, 29.005, and 39.025 and 34 Code of Federal Regulations, §300.100.*

*Source: The provisions of this §89.1070 adopted to be effective March 6, 2001, 26 TexReg 1837; amended to be effective August 1, 2002, 27 TexReg 3061; amended to be effective November 11, 2007, 32 TexReg 8129; amended to be effective August 22, 2011, 36 TexReg 413; amended to be effective January 1, 2015, 39 TexReg 10446; amended to be effective September 16, 2015, 40 TexReg 6107; amended to be effective February 15, 2018, 43 TexReg 763.*