



## Frequently Asked Questions on Credit by Exam<sup>1</sup>

Since 1995, the Texas Education Code has allowed districts to use Credit by Exam (CBE) assessments for acceleration or credit for primary and secondary students. However, both the State Board of Education (SBOE) and the law place limitations on which exams may be used and how they may be used. In June 2018, the SBOE approved revised rules regarding the validation process for CBEs that include a new requirement that districts and assessment providers audit their CBE assessments. The revised rules also include changes to the validation requirements and new annual reporting requirements. The rules went into effect on August 27, 2018. This article addresses what districts need to know about those rules and other CBE clarifications.

### ***Q. How can a student earn credit by exam?***

A. Students are able to earn credit by exam in few different ways.

#### **Credit with Prior Instruction**

Students in grades 6-12 may earn credit by exam if they received prior instruction in a subject area, but did not receive credit for other reasons, such as a failing grade or excessive absences. To receive credit, these students must score a 70% or higher on a CBE assessment approved by the local school board. 19 Tex. Admin. Code § 74.24(c)(12). See TASB Policy EHDB.

#### **Credit without Prior Instruction (Elementary)**

Elementary school students (grade 1 through grade 5) may earn credit for a grade level and accelerate to the next grade level if three conditions are met. First, the student must score at least 80% on each of the exams in the grade level that he or she wants to skip in the subject areas of language arts, mathematics, science, and social studies. Second, a district representative must recommend that the student be advanced to the next grade level. And third, the grade advancement must be approved in writing by the student's parent or guardian. For students in kindergarten, the SBOE rules require districts to develop board-approved procedures for kindergarten acceleration. Tex. Educ. Code § 28.023(b); 19 Tex. Admin. Code § 74.24(b)(1). See TASB Policy EHDC.

---

<sup>1</sup> An electronic version of this document is available on TASB School Law eSource at [tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Instruction/documents/faqs-on-credit-by-exam.pdf](http://tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Instruction/documents/faqs-on-credit-by-exam.pdf).

### **Credit without Prior Instruction (Secondary)**

For grades 6 and above, students may receive credit based solely on their score on the CBE exam. A school district must give students who score 80% or higher on the board-approved exam credit for the assessment subject area. Students can also receive credit without prior instruction by scoring a three on an advanced placement (AP) exam or a scaled score of 50 or higher on exams administered through the College-Level Examination Program (CLEP). Tex. Educ. Code § 28.023(c), (c-1), (h).

#### ***Q. What exams qualify to give students credit without prior instruction?***

- A. Districts are required by law to develop or select examinations for acceleration for each elementary school grade level and for credit for secondary school academic subjects. The district's school board must approve for each subject, to the extent available, at least four examinations that satisfy SBOE guidelines. The approved exams must include AP and CLEP exams. Tex. Educ. Code § 28.023(a).

The SBOE has established guidelines for CBE assessments that enable Texas Tech University and the University of Texas at Austin to develop CBE assessments that can be used by districts. 19 Tex. Admin. Code § 74.24(a)(3).

In addition, a school board may approve a district's development of its own CBE assessments or allow the district to purchase external examinations. In order to qualify, these assessments must be aligned to address all assessable Texas Essential Knowledge and Skills (TEKS) for the appropriate course, as noted in 19 Texas Administrative Code section 74.24(a)(3). Before administering a CBE assessment that is not AP or CLEP, the district or the provider of the assessment must certify that the validation requirements listed below have been met.

#### ***Q. What does a district need to know about validating district-developed exams?***

##### **The New Validation Requirements**

The revised rules have different timelines and requirements for districts and assessment providers to implement the new validation criteria for CBE assessments, depending on whether the CBE assessment is for a subject area or course with a corresponding end-of-course (EOC) assessment.

**CBE assessment validation for courses without a corresponding EOC:** The revised rules require a district or assessment provider to certify the following before a CBE assessment for grades 6-12 can be administered: (1) the exam is aligned to all assessable TEKS for the course; (2) the exam has not been published and is not publicly available; (3) the exam will only be

administered in a secure environment under standardized conditions by a school district or institution of higher education; (4) the exam has been evaluated to ensure test scores can be interpreted as indicators of what the test is intended to measure; and (5) the exam ensures consistency of test results across testing conditions. 19 Tex. Admin. Code § 74.24(c)(2).

All district-developed or third-party-developed CBE assessments in non-EOC courses for grades 6-12 must meet the new validation criteria in 19 Texas Administrative Code section 74.24(c)(2) starting in the 2019-20 school year. 19 Tex. Admin. Code § 74.24(c)(7).

**CBE assessment validation for courses with a corresponding EOC:** The SBOE has added new requirements for CBE assessments with corresponding EOC exams that go beyond what is required for other grades 6-12 CBE assessments. In addition to meeting all of the requirements above, the district or provider of the assessment must certify that the exam has also been *externally* validated to certify that it not only addresses all assessable TEKS for the course and assesses to the appropriate level of rigor, but that it will also yield a comparable distribution of results across tested subgroups. If the CBE assessment does not have enough test-takers for any given year to determine sub-group comparison, the SBOE may approve the assessment if the district or test provider can demonstrate comparable results over a specified number of years. 19 Tex. Admin Code § 74.24(c)(4)-(c)(5).

CBE assessments for subject areas that have corresponding EOC assessments must meet the new validation criteria in 19 Texas Administrative Code subsections 74.24(c)(2) and 74.24(c)(4)(B) before administration in the **2018-19 school year**. This rule applies to both district-developed and third-party developed exams.

**Q. When is a district required to audit a CBE assessment?**

- A. The amended rules require the board to approve an audit process for all district-developed CBE assessments. In addition, TEA interprets the rule to require board to establish an audit process for assessments from non-district providers in grades K-5. TEA has informally advised that districts that choose to adopt exams from Texas Tech or the University of Texas do not need to create an audit process for those exams. At the time of adoption, a school board may choose to note in their resolution that approval of these exams includes acceptance of the provider's audits. Districts may also choose to accept Texas Tech and the University of Texas audit processes through a board adopted resolution.

Although the new audit requirement was effective August 27, 2018, districts may choose to conduct the audit at a later time in the school year. For example, the board adoption of an audit process and the subsequent implementation of the audit may occur just prior to the newly required annual report (see below). TASB Legal Services recommends districts that wish to administer their own CBE assessments have board approval of an audit process at a time that makes sense for their district in the 2018-19 school year.

***Q. How does the audit process differ from the validation process?***

- A. The process for auditing CBE assessments is not prescribed by the rule. Although TEA may release additional information in the future, they have informally advised that the audit is not required to be as rigorous as the validation process. The audit must be a board adopted process. It should reflect that the district evaluated the exam and finds it valid for the purpose of the finding the student has the skills and knowledge for the course or grade level from which they seek credit or acceleration. TASB Policy Service has a sample resolution at EHDC(EXHIBIT D) that districts may edit to include their audit process.

***Q. What does a district need to know about the logistics of administering CBEs?***

- A. Districts are required to provide at least four testing windows in dates specified by the SBOE except for exams established by another outside entity, such as the AP or CLEP testing window. Students that are homeless or in foster care that transfer to the district after the start of the year school are able to take CBE assessments at any time during the school year. Additionally, a student may only take the examination for a specific high school course one time during the testing window. A student may not attempt to earn credit by exam more than two times for the same course. 19 Tex. Admin. Code § 74.23(a), (c)(6), (c)(9).

In general, districts may not charge for a CBE assessment. However, the law allows parents to request and pay for an alternative exam from Texas Tech University or the University of Texas at Austin. A student who earns credit by exam for a subject is not required to take an EOC assessment for that same subject. Tex. Educ. Code § 28.023(c); 19 Tex. Admin. Code § 74.24(a)(3).

***Q. What do districts need to do to satisfy the new annual reporting requirements?***

- A. Effective in the 2018-19 school year, a district or assessment provider must make an annual public report regarding their developed CBE assessments for grades 6-12. This report must include the test development process, a statement certifying that the CBE exam meets the criteria specified by the SBOE, the number of students who took each exam, the number of students who scored 70% or above on each exam, the number of students who scored 80% or above on each exam, and the average score for all students who took each examination. 19 Tex. Admin. Code § 74.24(c)(3).

For CBE assessments for courses that have EOCs, a district or assessment provider must also make public all relevant test development specifications, a statement certifying that the exam meets the validation criteria required by the SBOE in 19 Texas Administrative Code section 74.24(c)(4)(B), and the results for all tested subgroups disaggregated by students who receive prior instruction and students with no prior instruction. The district or assessment provider must also make public descriptive data for small subgroups. 19 Tex. Admin. Code § 74.24(c)(6).

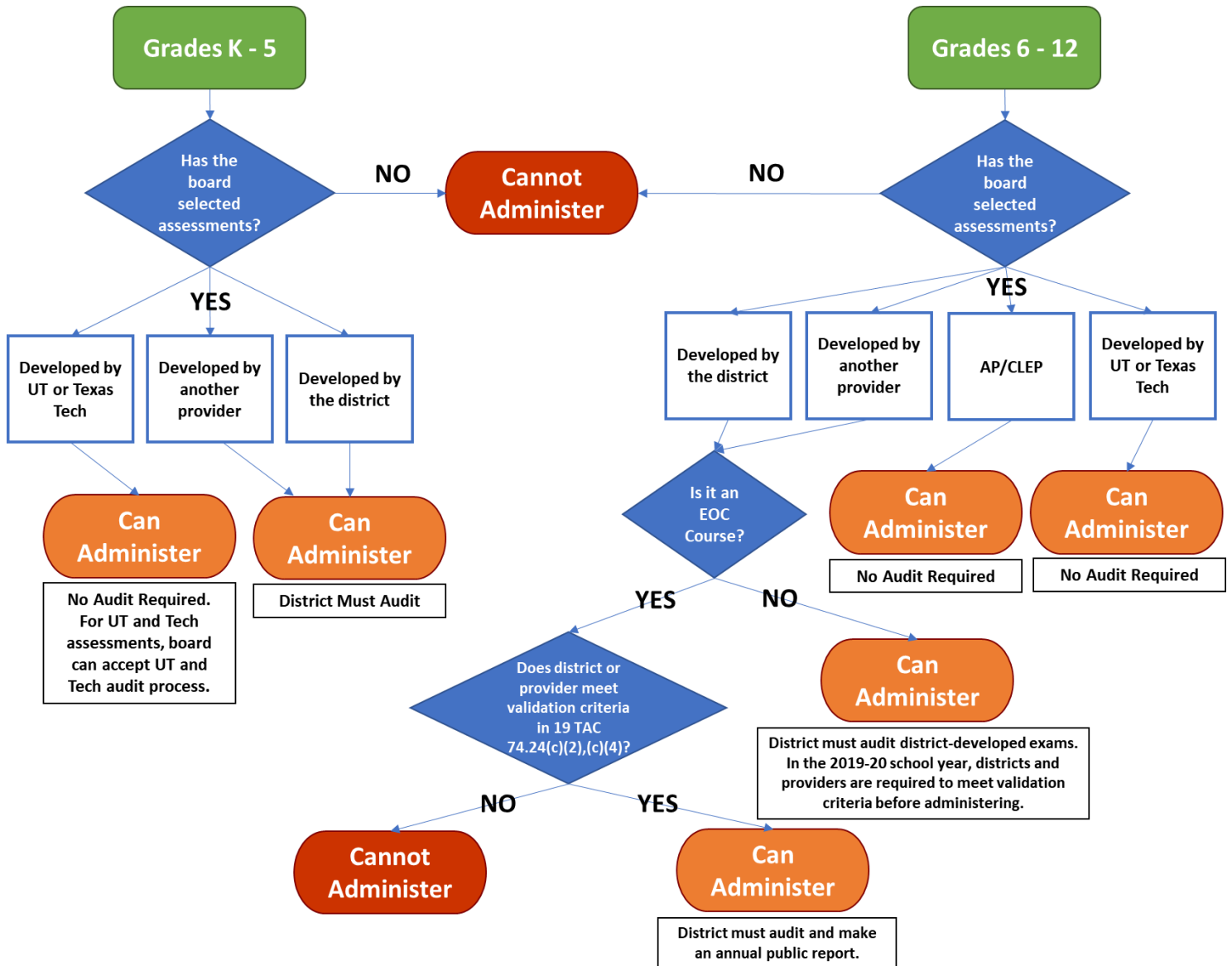
***Q. Where can a district go for more information?***

[Texas Education Agency Credit by Exam](#)

[The University of Texas Credit by Exam program](#)

[The Texas Tech Credit by Exam program](#)

For more information about earning credit, see our eSource article on [Texas Promotion, Graduation, and Credit Requirements](#)



For more information on this and other school law topics, visit TASB School Law eSource online at [schoolawesource.tasb.org](http://schoolawesource.tasb.org).

*This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.*

Updated August 2018