

By: Gates, Harris of Anderson, Burrows,  
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H.B. No. 2615

Substitute the following for H.B. No. 2615:

By: Buckley

C.S.H.B. No. 2615

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the operation by a school district of a foundation and  
3 trade diploma program to provide eligible high school students with  
4 educational training under a plan for the issuance of a high school  
5 diploma and the application of certain student-based allotments  
6 under the public school finance system.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 ARTICLE 1. FOUNDATION AND TRADE DIPLOMA PROGRAMS

9 SECTION 1.01. Subtitle F, Title 2, Education Code, is  
10 amended by adding Chapter 30B to read as follows:

11 CHAPTER 30B. FOUNDATION AND TRADE DIPLOMA PROGRAMS

12 Sec. 30B.001. DEFINITION. In this chapter, "board" means  
13 the State Board of Education.

14 Sec. 30B.002. PURPOSE. The purpose of a foundation and  
15 trade diploma program operated under this chapter and authorized as  
16 a campus or campus program under Subchapter C, Chapter 12, is to  
17 provide public education to high school students:

18 (1) whose educational needs are better served by  
19 tailored education and training; and

20 (2) for whom a P-TECH program established under  
21 Subchapter N, Chapter 29, is not academically appropriate or would  
22 not provide adequate opportunities.

23 Sec. 30B.003. FOUNDATION AND TRADE DIPLOMA PROGRAM. (a)  
24 Each foundation and trade diploma program authorized under

1 Subchapter C, Chapter 12, and operating under this chapter shall  
2 offer students who reside in the district a program that is:

3 (1) aligned with mathematics, English language, and  
4 other skills and content adequate for the foundation and trade  
5 diploma program, including essential knowledge and skills in  
6 English language arts, mathematics, science, and social studies;

7 (2) designed to allow students to satisfy requirements  
8 related to:

9 (A) industry-recognized credentials and  
10 certificates included in the inventory required by Section 312.003,  
11 Labor Code; or

12 (B) industry-defined and industry-recognized  
13 skill standards developed under Section 2308.109, Government Code;  
14 and

15 (3) tailored to serve as an entry point to high-wage  
16 and high-growth jobs and industries as determined by the agency.

17 (a-1) In determining high-wage and high-growth jobs and  
18 industries under Subsection (a)(3), the agency shall consider:

19 (1) the average salary or wages and available work  
20 opportunities for the applicable career, based on valid and  
21 reliable data; and

22 (2) to the extent feasible, the variety of  
23 opportunities available to foundation and trade diploma students.

24 (b) The board shall require the successful completion of 24  
25 credits, as provided by Subsection (c), for graduation and the  
26 issuance of a foundation and trade diploma under Section 30B.004.

27 (c) Before the issuance to a student of a foundation and

1 trade diploma, the board shall require the successful completion  
2 of:

3 (1) one credit in English I;

4 (2) one credit in English II;

5 (3) one credit in Algebra I;

6 (4) one additional mathematics credit;

7 (5) one credit in biology;

8 (6) one additional science credit;

9 (7) one credit in United States history;

10 (8) one credit in a course providing instruction  
11 regarding the relationship between business and the federal  
12 government;

13 (9) one credit in physical education;

14 (10) one credit in a language course in a language  
15 other than English;

16 (11) one credit in fine arts;

17 (12) one credit in a course that provides instruction  
18 in basic knowledge and skills necessary to successfully run an  
19 independent business;

20 (13) one credit in a course that provides instruction  
21 in basic knowledge and skills necessary to develop  
22 entrepreneurship;

23 (14) one credit in a course that provides instruction  
24 regarding financial education;

25 (15) nine credits in career and technical education  
26 courses related to industry-defined and industry-recognized skill  
27 standards developed under Section 2308.109, Government Code; and

1           (16) one credit for an internship of no less than 120  
2 hours in a job or industry approved by the board.

3           (d) In providing curriculum requirements described by  
4 Subsection (c)(15) the board may only require career and technical  
5 education courses in:

6           (1) computer programming and software development;

7           (2) cybersecurity;

8           (3) plumbing and pipefitting;

9           (4) electricity;

10          (5) welding;

11          (6) diesel and heavy equipment;

12          (7) aviation maintenance;

13          (8) applied agricultural engineering;

14          (9) heating, ventilation, and air conditioning;

15          (10) property management; and

16          (11) residential construction.

17          (e) In providing the curriculum requirements under  
18 Subsection (c), the board may not require curriculum based on  
19 essential knowledge and skills identified for a course of  
20 instruction intended for students enrolled in a P-TECH program  
21 established under Subchapter N, Chapter 29. The curriculum  
22 requirements under Subsection (c) may only be based on essential  
23 knowledge and skills identified by the board and described by  
24 Subsection (a)(1).

25          (f) The board by rule shall provide curriculum standards for  
26 the courses described by Subsection (c). The agency shall provide  
27 support to the board in establishing curriculum requirements under

1 that subsection.

2 (g) In offering a foundation and trade diploma program under  
3 this chapter, a school district may form partnerships between the  
4 district and public junior colleges, public technical institutes,  
5 public state colleges, and any other public postsecondary  
6 institutions in this state offering academic or technical education  
7 or training under a certificate program or an associate degree  
8 program.

9 (h) A school district may use state funding received under  
10 Chapter 48 that is available for the purpose to pay tuition costs  
11 for district students enrolled in the district's foundation and  
12 trade diploma program and receiving academic or technical education  
13 or training from a college or institution under a partnership  
14 entered into under Subsection (g).

15 Sec. 30B.004. FOUNDATION AND TRADE HIGH SCHOOL DIPLOMA.  
16 Notwithstanding any other law, agency rule, or school district  
17 policy, a student enrolled in a district's foundation and trade  
18 diploma program is entitled to receive a high school diploma from  
19 the district if the student:

20 (1) successfully completes the required curriculum  
21 established by the board under Section 30B.003;

22 (2) satisfies any other high school graduation  
23 requirements provided by commissioner rule for students obtaining a  
24 high school diploma under the district's foundation and trade  
25 diploma program; and

26 (3) either:

27 (A) achieves satisfactory performance on each

1 end-of-course assessment instrument administered to the student  
2 under Section 39.023(c); or

3 (B) is determined to be qualified to graduate by  
4 the student's individual graduation committee established under  
5 Section 28.0258 for the student by the district operating the  
6 foundation and trade diploma program.

7 Sec. 30B.005. ENROLLMENT ELIGIBILITY. A student is  
8 eligible to enroll in a school district's foundation and trade  
9 diploma program if:

10 (1) the district has received the form indicating  
11 informed consent for the student under Section 30B.006; and

12 (2) the student attends a high school campus of the  
13 district and has completed the student's 10th grade year.

14 Sec. 30B.006. INFORMED CONSENT. (a) Before a student may  
15 enroll in a school district's foundation and trade diploma program,  
16 the student and the student's parent, guardian, or other person  
17 standing in parental relation to the student must be advised by a  
18 school counselor concerning:

19 (1) specific benefits of graduating under the  
20 foundation high school program established under Section 28.025;

21 (2) specific benefits of graduating under a foundation  
22 and trade diploma program with a diploma and earning  
23 industry-recognized credentials through the program;

24 (3) the differences between the curriculum  
25 requirements for obtaining a diploma under a foundation and trade  
26 diploma program and the curriculum requirements for obtaining a  
27 diploma under the foundation high school program, including

1 specific foundation high school program courses that will be  
2 replaced by foundation and trade diploma program courses; and

3 (4) the number of additional credits that may be  
4 required to graduate under the foundation high school program if  
5 the student chooses to cease participation in a foundation and  
6 trade diploma program and resume participation in the foundation  
7 high school program.

8 (b) After receiving the required counseling described by  
9 Subsection (a), the student's parent, guardian, or other person  
10 standing in parental relation to the student may provide written  
11 permission for the student to enroll in the school district's  
12 foundation and trade diploma program, on a form adopted by the  
13 agency, to the school counselor.

14 Sec. 30B.007. ASSESSMENT INSTRUMENTS. (a) A school  
15 district may adopt and administer assessment instruments necessary  
16 for a student enrolled in the district's foundation and trade  
17 diploma program to earn an industry-recognized license,  
18 credential, or certificate.

19 (b) A student enrolled in a district's foundation and trade  
20 diploma program shall be administered the end-of-course assessment  
21 for each secondary level course in which the student enrolls that is  
22 listed in Section 39.023(c), as provided by that section.

23 (c) The commissioner may not waive the application of  
24 Subsection (b) under Section 7.056 or any other law. This  
25 subsection does not prohibit the commissioner from waiving the  
26 administration of assessment instruments otherwise required to be  
27 administered to students under federal law in accordance with

1 waiver authority granted to the commissioner by the United States  
2 Department of Education.

3 Sec. 30B.008. REIMBURSEMENT FOR CERTAIN EXAMS. (a)  
4 Subject to Subsection (b), a student enrolled in a school  
5 district's foundation and trade diploma program is entitled to  
6 reimbursement from the district for the cost paid by the student for  
7 an exam administered under Section 30B.007 that qualifies the  
8 student for an industry-recognized license, credential, or  
9 certificate.

10 (b) A student may receive reimbursement under this section  
11 for the cost paid for one examination in each school year.

12 Sec. 30B.009. ACHIEVEMENT INDICATORS. (a) The  
13 commissioner shall adopt a set of achievement indicators for school  
14 district students enrolled in a district's foundation and trade  
15 diploma program based on recommendations provided by the Texas  
16 Workforce Investment Council.

17 (b) The achievement indicators adopted by the commissioner  
18 must measure outcomes for a school district's foundation and trade  
19 diploma program with respect to:

20 (1) preparing students for success in:

21 (A) achieving industry-recognized licenses,  
22 credentials, and certificates;

23 (B) training in postsecondary occupational  
24 programs; and

25 (C) entering the workforce;

26 (2) reducing outcome differentials among students  
27 from different racial and ethnic groups and socioeconomic



1 backgrounds; and

2 (3) informing parents and employers regarding the  
3 performance of school district foundation and trade diploma  
4 programs and students who enroll in those programs.

5 (c) Each school district that operates a foundation and  
6 trade diploma program under this chapter shall submit to the  
7 commissioner all relevant information the commissioner determines  
8 necessary to evaluate the district's foundation and trade diploma  
9 program based on the achievement indicators adopted under this  
10 section.

11 (c-1) Each year, the commissioner shall determine for each  
12 foundation and trade diploma program operated under this chapter a  
13 cohort to evaluate the implementation and effectiveness of the  
14 foundation and trade diploma program.

15 (d) The commissioner shall annually publish a report on the  
16 performance of foundation and trade diploma programs operated under  
17 this chapter based on the achievement indicators and the evaluation  
18 of the cohorts established under Subsection (c-1).

19 Sec. 30B.010. MINIMUM INSTRUCTOR QUALIFICATIONS. (a) A  
20 person employed by a school district as a foundation and trade  
21 diploma program instructor must have demonstrated subject matter  
22 expertise related to the subject taught, including:

23 (1) professional work experience;

24 (2) formal training and education;

25 (3) holding a relevant, active, industry-recognized  
26 license, credential, or certificate; or

27 (4) any combination of Subdivisions (1), (2), and (3).

1       (b) A person employed by a school district as a foundation  
2 and trade diploma program instructor must have received at least 20  
3 hours of classroom management training as determined by the board  
4 of trustees of the district.

5       Sec. 30B.011. MEMBERSHIP IN TEACHER RETIREMENT SYSTEM OF  
6 TEXAS. A school district employee who provides services under the  
7 district's foundation and trade diploma program and qualifies for  
8 membership in the Teacher Retirement System of Texas shall be  
9 covered under the system to the same extent another qualified  
10 employee of a school district is covered.

11       Sec. 30B.012. BUSINESS AND INDUSTRY PARTNERSHIPS. (a) To  
12 ensure students have sufficient opportunities to participate in  
13 apprenticeship training programs and other workplace-based  
14 education, a school district operating a foundation and trade  
15 diploma program under this chapter may partner with:

- 16               (1) private sector businesses; and  
17               (2) institutions of higher education that offer  
18 workforce development training programs that culminate in the  
19 attainment of an industry-recognized certification upon  
20 satisfactory completion, including Texas State Technical College.

21       (b) A partnership under Subsection (a) may allow for the use  
22 of the partnering entity's facilities for purposes of a foundation  
23 and trade diploma program operated under this chapter.

24       (c) A school district may sponsor apprenticeship training  
25 programs under Chapter 133 for students enrolled in the district's  
26 foundation and trade diploma program.

27       Sec. 30B.013. LIMITATION ON CAREER AND TECHNOLOGY EDUCATION

1 ALLOTMENT. For each student enrolled in a school district's  
2 foundation and trade diploma program, the district's entitlement to  
3 the career and technology education allotment under Section 48.106  
4 is limited to the amount determined by the commissioner for a campus  
5 designated as a P-TECH school, in accordance with Subsection (a-1)  
6 of that section.

7 Sec. 30B.0131. APPLICATION TO CERTAIN GRANT PROGRAM. (a) A  
8 school district operating a foundation and trade diploma program  
9 under this chapter may apply to the grant program established under  
10 Section 29.556 in the same manner a school district that implements  
11 or seeks to implement a P-TECH program may apply to the grant  
12 program under that section.

13 (b) Funds obtained under Subsection (a) may only be used for  
14 the purposes described by Section 30B.003(h).

15 Sec. 30B.014. STUDY ON IMPLEMENTATION AND EFFECTIVENESS OF  
16 FOUNDATION AND TRADE DIPLOMA PROGRAMS. (a) The board shall conduct  
17 an annual study on the implementation and effectiveness of  
18 foundation and trade diploma programs operated under this chapter.

19 (b) Not later than December 31 of each year, the board shall  
20 submit to the legislature and the special committee established  
21 under Section 30B.015 a report on the results of the study and any  
22 recommendations for legislative or other action.

23 (c) The agency shall provide support to the board in  
24 conducting the study under Subsection (a).

25 Sec. 30B.015. LEGISLATIVE OVERSIGHT COMMITTEE. (a) The  
26 legislative oversight committee on foundation and trade diploma  
27 programs is composed of six members as follows:

1           (1) three members of the senate appointed by the  
2 lieutenant governor; and

3           (2) three members of the house of representatives  
4 appointed by the speaker of the house of representatives.

5           (b) The committee shall:

6                 (1) meet at least twice a year; and

7                 (2) receive the report issued under Section 30B.014  
8 and any other information regarding the implementation and  
9 effectiveness of the foundation and trade diploma programs operated  
10 under this chapter, including information regarding rules relating  
11 to foundation and trade diploma programs adopted or proposed for  
12 adoption by the board.

13           (c) The committee may request reports and other information  
14 from the agency, the board, or a school district relating to the  
15 operation of foundation and trade diploma programs under this  
16 chapter.

17           (d) The committee shall review specific recommendations for  
18 legislation related to this chapter that are contained in the  
19 report submitted under Section 30B.014 or that are otherwise  
20 proposed by the agency, the board, a school district, or relevant  
21 stakeholders.

22           (e) The committee shall monitor the operation of the  
23 foundation and trade diploma programs under this chapter with  
24 emphasis on the manner of implementation and effectiveness of the  
25 programs to achieve the purpose described by Section 30B.002.

26           (f) Not later than December 31 of each even-numbered year,  
27 the committee shall file a report with the governor, lieutenant

1 governor, and speaker of the house of representatives.

2 (g) The report under Subsection (f) must include a  
3 description of any problems identified by the committee with  
4 respect to the implementation and effectiveness of foundation and  
5 trade diploma programs operated under this chapter and the  
6 committee's recommendations regarding proposed legislative actions  
7 to address those problems.

8 ARTICLE 2. OPERATION OF FOUNDATION AND TRADE DIPLOMA PROGRAM AS  
9 CAMPUS OR CAMPUS PROGRAM

10 SECTION 2.01. Section 12.056, Education Code, is amended by  
11 adding Subsection (c) to read as follows:

12 (c) Notwithstanding Subsection (b), requirements related to  
13 high school graduation under Section 28.025 do not apply to the  
14 issuance of a diploma under a foundation and trade diploma program  
15 under Chapter 30B operated as a campus or campus program under this  
16 subchapter if the program is administered in accordance with  
17 Chapter 30B and any applicable rules adopted by the agency or the  
18 State Board of Education under that chapter.

19 SECTION 2.02. Section 28.016(b), Education Code, is amended  
20 to read as follows:

21 (b) The instruction must include information regarding:  
22 (1) the creation of a high school personal graduation  
23 plan under Section 28.02121;  
24 (2) the distinguished level of achievement described  
25 by Section 28.025(b-15);  
26 (3) each endorsement described by Section  
27 28.025(c-1);

- 1           (4) college readiness standards; ~~and~~  
2           (5) potential career choices and the education needed  
3 to enter those careers; and  
4           (6) programs of study offered through a foundation and  
5 trade diploma program under Chapter 30B operated as a campus or  
6 campus program under Subchapter C, Chapter 12.

7           SECTION 2.03. Section 29.182(b), Education Code, is amended  
8 to read as follows:

9           (b) The state plan must include procedures designed to  
10 ensure that:

11           (1) all secondary and postsecondary students have the  
12 opportunity to participate in career and technology education  
13 programs;

14           (2) the state complies with requirements for  
15 supplemental federal career and technology education funding;

16           (3) career and technology education is established as  
17 a part of the total education system of this state and constitutes  
18 an option for student learning that provides a rigorous course of  
19 study consistent with the required curriculum under Section 28.002  
20 and under which a student may receive specific education in a career  
21 and technology program that:

22                   (A) incorporates competencies leading to  
23 academic and technical skill attainment;

24                   (B) leads to:

25                           (i) an industry-recognized license,  
26 credential, or certificate; or

27                           (ii) at the postsecondary level, an

1 associate or baccalaureate degree;

2 (C) includes opportunities for students to earn  
3 college credit for coursework; ~~and~~

4 (D) includes, as an integral part of the program,  
5 participation by students and teachers in activities of career and  
6 technical student organizations supported by the agency and the  
7 State Board of Education; and

8 (E) includes the opportunity for students to  
9 participate in a foundation and trade diploma program under Chapter  
10 30B operated as a campus or campus program under Subchapter C,  
11 Chapter 12; and

12 (4) a school district provides, to the greatest extent  
13 possible, to a student participating in a career and technology  
14 education program opportunities to enroll in dual credit courses  
15 designed to lead to a degree, license, or certification as part of  
16 the program.

17 ARTICLE 3. APPLICATION OF CERTAIN STUDENT-BASED ALLOTMENTS  
18 REGARDING FOUNDATION AND TRADE DIPLOMA PROGRAM STUDENTS

19 SECTION 3.01. Section 48.106, Education Code, is amended by  
20 amending Subsections (a) and (c) and adding Subsection (a-2) to  
21 read as follows:

22 (a) Subject to Subsection (a-2), for ~~For~~ each full-time  
23 equivalent student in average daily attendance in an approved  
24 career and technology education program in grades 7 through 12, a  
25 district is entitled to an annual allotment equal to the basic  
26 allotment, or, if applicable, the sum of the basic allotment and the  
27 allotment under Section 48.101 to which the district is entitled,

1 multiplied by:

2 (1) 1.1 for a full-time equivalent student in career  
3 and technology education courses not in an approved program of  
4 study;

5 (2) 1.28 for a full-time equivalent student in levels  
6 one and two career and technology education courses in an approved  
7 program of study, as identified by the agency; and

8 (3) 1.47 for a full-time equivalent student in levels  
9 three and four career and technology education courses in an  
10 approved program of study, as identified by the agency.

11 (a-2) For each full-time equivalent student in average  
12 daily attendance in a foundation and trade diploma program operated  
13 under Chapter 30B and authorized under Subchapter C, Chapter 12,  
14 only the first 10 hours of instructional hours provided to those  
15 students under the program each week qualify toward the district's  
16 entitlement to the allotment under Subsection (a)(1), and the  
17 commissioner shall proportionately reduce the amount of the  
18 entitlement accordingly to an amount that reflects the limitation  
19 on qualified instructional hours per week using a method adopted by  
20 the commissioner.

21 (c) At least 65 [~~55~~] percent of the funds allocated under  
22 this section must be used in providing career and technology  
23 education programs in grades 7 through 12.

24 SECTION 3.02. Sections 48.110(b), (f), and (h), Education  
25 Code, are amended to read as follows:

26 (b) For purposes of the outcomes bonus under this section,  
27 the commissioner shall determine the threshold percentage as



1 provided by Subsection (g) for college, career, or military  
2 readiness as described by Subsection (f) for each of the following  
3 cohorts:

4 (1) annual graduates who are educationally  
5 disadvantaged;

6 (2) annual graduates who are not educationally  
7 disadvantaged; ~~and~~

8 (3) annual graduates who are enrolled in a special  
9 education program under Subchapter A, Chapter 29, regardless of  
10 whether the annual graduates are educationally disadvantaged; and

11 (4) annual graduates who are enrolled in a foundation  
12 and trade diploma program under Chapter 30B.

13 (f) For purposes of this section, an annual graduate  
14 demonstrates:

15 (1) college readiness if the annual graduate:

16 (A) both:

17 (i) achieves college readiness standards  
18 used for accountability purposes under Chapter 39 on the ACT, the  
19 SAT, or an assessment instrument designated by the Texas Higher  
20 Education Coordinating Board under Section 51.334; and

21 (ii) during a time period established by  
22 commissioner rule, enrolls at a postsecondary educational  
23 institution; or

24 (B) earns an associate degree from a  
25 postsecondary educational institution approved by the Texas Higher  
26 Education Coordinating Board while attending high school or during  
27 a time period established by commissioner rule;

1 (2) career readiness if:

2 (A) the annual graduate:

3 (i) [~~(A)~~] achieves college readiness  
4 standards used for accountability purposes under Chapter 39 on the  
5 ACT, the SAT, or an assessment instrument designated by the Texas  
6 Higher Education Coordinating Board under Section 51.334; and

7 (ii) [~~(B)~~] during a time period established  
8 by commissioner rule, earns an industry-accepted certificate; or

9 (B) the annual graduate earns an  
10 industry-recognized license, credential, or certificate under a  
11 foundation and trade diploma program under Chapter 30B; and

12 (3) military readiness if the annual graduate:

13 (A) achieves a passing score set by the  
14 applicable military branch on the Armed Services Vocational  
15 Aptitude Battery; and

16 (B) during a time period established by  
17 commissioner rule, enlists in the armed forces of the United States  
18 or the Texas National Guard.

19 (h) On application by a school district, the commissioner  
20 may allow annual graduates from the district to satisfy the  
21 requirement for demonstrating career readiness under Subsection

22 (f)(2)(A)(ii) [~~(f)(2)(B)~~] by successfully completing a coherent  
23 sequence of courses required to obtain an industry-accepted  
24 certificate. The district must demonstrate in the application that  
25 the district is unable to provide sufficient courses or programs to  
26 enable students enrolled at the district to earn an  
27 industry-accepted certificate within the time period established

1 by the commissioner under Subsection (f)(2)(A)(ii) [~~(f)(2)(B)~~].  
2 The commissioner by rule shall provide the criteria required for an  
3 application under this subsection.

4 ARTICLE 4. TRANSITION; EFFECTIVE DATE

5 SECTION 4.01. Not later than December 1, 2024, the  
6 appropriate appointing authority shall appoint the members to the  
7 legislative oversight committee on foundation and trade diploma  
8 programs as required by Section 30B.015, Education Code, as added  
9 by this Act.

10 SECTION 4.02. This Act applies beginning with the 2023-2024  
11 school year.

12 SECTION 4.03. This Act takes effect immediately if it  
13 receives a vote of two-thirds of all the members elected to each  
14 house, as provided by Section 39, Article III, Texas Constitution.  
15 If this Act does not receive the vote necessary for immediate  
16 effect, this Act takes effect September 1, 2023.