

AN ACT

relating to academic achievement in public schools.

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

SECTION 1. Subchapter C, Chapter 12, Education Code, is amended by adding Section 12.0521 to read as follows:

Sec. 12.0521. ALTERNATIVE AUTHORIZATION. (a) Notwithstanding Section 12.052, in accordance with this subchapter and in the manner provided by this section, the board of trustees of a school district or the governing body of a home-rule school district may grant a charter for:

(1) a new district campus; or

(2) a program that is operated:

(A) by an entity that has entered into a contract with the district under Section 11.157 to provide educational services to the district through the campus or program; and

(B) at a facility located in the boundaries of the district.

(b) A student's parent or guardian may choose to enroll the student at a campus or in a program under this section. A school district may not assign a student to a campus or program under this section unless the student's parent or guardian has voluntarily enrolled the student at the campus or in the program. A student's parent or guardian may, at any time, remove the student from a campus or program under this section and enroll the student at the

1 campus to which the student would ordinarily be assigned.

2 (c) A school district may not assign to a campus or program
3 under this section a teacher who has signed a written statement that
4 the teacher does not agree to that assignment.

5 SECTION 2. Sections 12.057, 12.058, and 12.062, Education
6 Code, are amended to read as follows:

7 Sec. 12.057. STATUS. (a) With respect to the operation of
8 a campus or program granted a charter under this subchapter, the [A]
9 governing body of the campus or program provided for under the
10 charter is considered a governmental body for purposes of Chapters
11 551 and 552, Government Code.

12 (b) An employee of a campus or program granted a charter
13 under Section 12.052, 12.0521(a)(1), or 12.053 ~~[this subchapter]~~
14 who qualifies for membership in the Teacher Retirement System of
15 Texas shall be covered under the system in the same manner and to
16 the same extent as a qualified employee employed on a regularly
17 operating campus or in a regularly operating program is covered.

18 (c) A [The] campus or program granted a charter under
19 Section 12.052, 12.0521(a)(1), or 12.053 is immune from liability
20 to the same extent as a school district, and its employees and
21 volunteers are immune from liability to the same extent as school
22 district employees and volunteers.

23 Sec. 12.058. CHARTER POLICY. ~~[(a)]~~ Each school district
24 shall adopt a campus charter and ~~[campus]~~ program charter policy.
25 The policy must specify:

26 (1) the process to be followed for approval of a campus
27 charter or a ~~[campus]~~ program charter;

1 (2) the statutory requirements with which a campus
2 charter or ~~[campus]~~ program charter must comply; and

3 (3) the items that must be included in a charter
4 application.

5 ~~[(b) Each school district shall adopt a campus charter and~~
6 ~~campus program charter policy as required by this section not later~~
7 ~~than January 1, 1998.]~~

8 Sec. 12.062. REVISION. (a) A charter granted under
9 Section 12.052 or 12.053 ~~[this subchapter]~~ may be revised:

10 (1) with the approval of the board of trustees that
11 granted the charter; and

12 (2) on a petition signed by a majority of the parents
13 and a majority of the classroom teachers at the campus or in the
14 program, as applicable.

15 (b) A charter granted under Section 12.0521 may be revised
16 with the approval of the board of trustees that granted the charter.
17 A charter may be revised under this subsection only before the first
18 day of instruction of a school year or after the final day of
19 instruction of a school year.

20 SECTION 3. Subsection (b), Section 12.104, Education Code,
21 is amended to read as follows:

22 (b) An open-enrollment charter school is subject to:

23 (1) a provision of this title establishing a criminal
24 offense; and

25 (2) a prohibition, restriction, or requirement, as
26 applicable, imposed by this title or a rule adopted under this
27 title, relating to:

1 (A) the Public Education Information Management
2 System (PEIMS) to the extent necessary to monitor compliance with
3 this subchapter as determined by the commissioner;

4 (B) criminal history records under Subchapter C,
5 Chapter 22;

6 (C) reading instruments and accelerated reading
7 instruction programs under Section 28.006;

8 (D) satisfactory performance on assessment
9 instruments and to accelerated instruction under Section 28.0211;

10 (E) intensive programs of instruction under
11 Section 28.0213;

12 (F) high school graduation under Section 28.025;

13 (G) [~~(F)~~] special education programs under
14 Subchapter A, Chapter 29;

15 (H) [~~(G)~~] bilingual education under Subchapter
16 B, Chapter 29;

17 (I) [~~(H)~~] prekindergarten programs under
18 Subchapter E, Chapter 29;

19 (J) [~~(I)~~] extracurricular activities under
20 Section 33.081;

21 (K) [~~(J)~~] discipline management practices or
22 behavior management techniques under Section 37.0021;

23 (L) [~~(K)~~] health and safety under Chapter 38; and

24 (M) [~~(L)~~] public school accountability under
25 Subchapters B, C, D, and G, Chapter 39.

26 SECTION 4. Section 12.111, Education Code, is amended to
27 read as follows:

1 Sec. 12.111. CONTENT. (a) Each charter granted under this
2 subchapter must:

3 (1) describe the educational program to be offered,
4 which must include the required curriculum as provided by Section
5 28.002;

6 (2) specify the period for which the charter or any
7 charter renewal is valid;

8 (3) provide that continuation or renewal of the
9 charter is contingent on acceptable student performance on
10 assessment instruments adopted under Subchapter B, Chapter 39, and
11 on compliance with any accountability provision specified by the
12 charter, by a deadline or at intervals specified by the charter;

13 (4) establish the level of student performance that is
14 considered acceptable for purposes of Subdivision (3);

15 (5) specify any basis, in addition to a basis
16 specified by this subchapter, on which the charter may be placed on
17 probation or revoked or on which renewal of the charter may be
18 denied;

19 (6) prohibit discrimination in admission policy on the
20 basis of sex, national origin, ethnicity, religion, disability,
21 academic, artistic, or athletic ability, or the district the child
22 would otherwise attend in accordance with this code, although the
23 charter may provide for the exclusion of a student who has a
24 documented history of a criminal offense, a juvenile court
25 adjudication, or discipline problems under Subchapter A, Chapter
26 37;

27 (7) specify the grade levels to be offered;

1 (8) describe the governing structure of the program,
2 including:

3 (A) the officer positions designated;

4 (B) the manner in which officers are selected and
5 removed from office;

6 (C) the manner in which members of the governing
7 body of the school are selected and removed from office;

8 (D) the manner in which vacancies on that
9 governing body are filled;

10 (E) the term for which members of that governing
11 body serve; and

12 (F) whether the terms are to be staggered;

13 (9) specify the powers or duties of the governing body
14 of the school that the governing body may delegate to an officer;

15 (10) specify the manner in which the school will
16 distribute to parents information related to the qualifications of
17 each professional employee of the program, including any
18 professional or educational degree held by each employee, a
19 statement of any certification under Subchapter B, Chapter 21, held
20 by each employee, and any relevant experience of each employee;

21 (11) describe the process by which the person
22 providing the program will adopt an annual budget;

23 (12) describe the manner in which an annual audit of
24 the financial and programmatic operations of the program is to be
25 conducted, including the manner in which the person providing the
26 program will provide information necessary for the school district
27 in which the program is located to participate, as required by this

code or by State Board of Education rule, in the Public Education Information Management System (PEIMS);

(13) describe the facilities to be used;

(14) describe the geographical area served by the program; and

(15) specify any type of enrollment criteria to be used.

(b) A charter holder of an open-enrollment charter school shall consider including in the school's charter a requirement that the school develop and administer personal graduation plans under Section 28.0212.

SECTION 5. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.005 to read as follows:

Sec. 21.005. HIGH-QUALITY TEACHERS. The commissioner may by rule establish a statewide standard to be used to certify each school district that is preparing, training, and recruiting high-quality teachers in a manner consistent with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110).

SECTION 6. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.456 to read as follows:

Sec. 21.456. TRAINING FOR TEACHERS OF STUDENTS OF LIMITED ENGLISH PROFICIENCY. The commissioner shall develop and make available training materials and other teacher training resources to assist teachers in developing the expertise required to enable students of limited English proficiency to meet state performance expectations.

SECTION 7. Subchapter B, Chapter 28, Education Code, is

amended by adding Sections 28.0212 and 28.0213 to read as follows:

Sec. 28.0212. PERSONAL GRADUATION PLAN. (a) A principal shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in a junior high, middle, or high school who:

(1) does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or

(2) is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.

(b) A personal graduation plan must:

(1) identify educational goals for the student;

(2) include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;

(3) include an intensive instruction program described by Section 28.0213;

(4) address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and

(5) provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, on-line instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

(c) Notwithstanding Subsection (b), a student's individualized education program developed under Section 29.005

1 may be used as the student's personal graduation plan under this
2 section.

3 Sec. 28.0213. INTENSIVE PROGRAM OF INSTRUCTION. (a) A
4 school district shall offer an intensive program of instruction to
5 a student who does not perform satisfactorily on an assessment
6 instrument administered under Subchapter B, Chapter 39.

7 (b) A school district shall design the intensive program of
8 instruction described by Subsection (a) to:

9 (1) enable the student to:

10 (A) to the extent practicable, perform at the
11 student's grade level at the conclusion of the next regular school
12 term; or

13 (B) attain a standard of annual growth specified
14 by the school district and reported by the district to the agency;
15 and

16 (2) if applicable, carry out the purposes of Section
17 28.0211.

18 (c) A school district shall use funds appropriated by the
19 legislature for an intensive program of instruction to plan and
20 implement intensive instruction and other activities aimed at
21 helping a student satisfy state and local high school graduation
22 requirements. The commissioner shall distribute funds to districts
23 that implement a program under this section based on the number of
24 students identified by the district who:

25 (1) do not perform satisfactorily on an assessment
26 instrument administered under Subchapter B, Chapter 39; or

27 (2) are not likely to receive a high school diploma

1 before the fifth school year following the student's enrollment in
2 grade nine, as determined by the district.

3 (d) A school district's determination of the
4 appropriateness of a program for a student under this section is
5 final and does not create a cause of action.

6 (e) For a student in a special education program under
7 Subchapter A, Chapter 29, who does not perform satisfactorily on an
8 assessment instrument administered under Section 39.023(a), (b),
9 or (c), the student's admission, review, and dismissal committee
10 shall design the program to:

11 (1) enable the student to attain a standard of annual
12 growth on the basis of the student's individualized education
13 program; and

14 (2) if applicable, carry out the purposes of Section
15 28.0211.

16 SECTION 8. Subsection (a), Section 29.082, Education Code,
17 is amended to read as follows:

18 (a) A school district may set aside an amount from the
19 district's allotment under Section 42.152 or may apply to the
20 agency for funding of an extended year program for a period not to
21 exceed 30 instructional days for students in:

22 (1) kindergarten through grade 11 [8] who are
23 identified as likely not to be promoted to the next grade level for
24 the succeeding school year; or

25 (2) grade 12 who are identified as likely not to
26 graduate from high school before the beginning of the succeeding
27 school year.

1 SECTION 9. Section 29.903, Education Code, as added by
2 Chapter 944, Acts of the 77th Legislature, Regular Session, 2001,
3 is renumbered as Section 29.909, Education Code, and amended to
4 read as follows:

5 Sec. 29.909 [~~29.903~~]. ELECTRONIC COURSES. (a) In this
6 section, "electronic course" means an educational program or
7 course:

8 (1) that includes use of [~~available to students~~
9 ~~primarily through~~] the Internet or other electronic media; and

10 (2) in which a student and a teacher are in different
11 locations for a majority of the student's instructional period
12 [~~enrolled in the course is not physically present in the classroom~~
13 ~~for all or part of the course~~].

14 (b) The commissioner shall implement a program under which a
15 school district may offer [~~an~~] electronic courses [~~course~~] to
16 students enrolled in the district or to students enrolled in
17 another district, as provided by an agreement between the
18 districts. A district may not require a student to enroll in an
19 electronic course. The district may offer the electronic courses
20 through a designated campus or through a full-time program serving
21 students throughout the district.

22 (c) The commissioner shall select school districts to
23 participate in the program based on applications submitted by the
24 districts. The commissioner may not require a district to
25 participate in the program. The commissioner may determine the
26 number of districts permitted to participate in the program,
27 provided that the commissioner shall to the extent possible permit

1 the participation of rural and urban districts with a higher than
2 average:

3 (1) number of at-risk students, as determined by the
4 commissioner;

5 (2) dropout rate; or

6 (3) population of underserved gifted and talented
7 students, as determined by the commissioner.

8 (d) A school district seeking to participate in the program
9 must submit a written application to the commissioner not later
10 than July 1 preceding the school year the district proposes to begin
11 participation [~~participate~~] in the program, or an earlier date set
12 by the commissioner. The application must include:

13 (1) a proposed budget for the program;

14 (2) a method to be used to verify student attendance;

15 (3) [~~an accountability plan,~~

16 [~~(4) a description of each electronic course to be~~
17 ~~offered by the district,~~

18 [~~(5) a description of the students expected to be~~
19 ~~enrolled in each electronic course,~~

20 [~~(6)~~] any requested waiver of a requirement,
21 restriction, or prohibition imposed by this code or by a rule of the
22 State Board of Education or the commissioner, + and

23 [~~(7)~~] the period for which any requested waiver [~~under~~
24 ~~Subdivision (6)~~] is proposed to be in effect; and

25 (4) the information required under Subsection (f).

26 (e) The commissioner may collect from each district that
27 submits an application under Subsection (d) a reasonable fee

1 sufficient to pay the costs of administering this section.

2 (f) Not later than a date determined by the commissioner,
3 each school district participating in the program shall create and
4 maintain on the district's Internet website an "informed choice"
5 report in a format determined by the commissioner. The agency shall
6 maintain on its Internet website a link to each district report
7 under this subsection. Each report must include a description of:

8 (1) each course of instruction offered to students in
9 the program, including the number of lessons, the expected duration
10 of each lesson, and a description of each lesson that requires use
11 of a computer;

12 (2) all materials required for each course offered in
13 the program;

14 (3) the process used to ensure that each course meets
15 the essential knowledge and skills requirements under Subchapter A,
16 Chapter 28, including any consultation with a district curriculum
17 specialist;

18 (4) the process used to place students in the
19 appropriate academic levels of the program, including:

20 (A) sample placement evaluations;

21 (B) information related to each person
22 responsible for placement of a student;

23 (C) the circumstances in which a student may be
24 placed in different academic levels for different course subjects
25 during a school year; and

26 (D) the circumstances in which a student may
27 complete more than one course level during a school year;

1 (5) any technology provided by the program to each
2 student enrolled in the program, including any computer, computer
3 software, or Internet access;

4 (6) the method used to report attendance in the
5 program;

6 (7) the method used to authenticate student course
7 work and attendance;

8 (8) the location and content of each scheduled meeting
9 between parents or guardians of students enrolled in the program
10 and teachers or other school officials, and the method used to
11 notify parents and guardians of the time and location of each
12 meeting;

13 (9) the program policies relating to:

14 (A) computer security and privacy; and

15 (B) truancy, absences, discipline, withdrawal,
16 and expulsion of students;

17 (10) any extracurricular activities provided by the
18 program, including activities held on a campus in the school
19 district;

20 (11) the teaching model used by the program,
21 including:

22 (A) each teacher's responsibilities;

23 (B) minimum teacher qualifications;

24 (C) minimum hours of training provided to
25 teachers;

26 (D) average and maximum student/teacher ratios;

27 (E) hours of teacher availability; and

1 (F) for each grade level, minimum and expected
2 amounts of contact between teachers and parents and between
3 teachers and students;

4 (12) any academic services that the program expects a
5 student's parent or guardian to provide to the student;

6 (13) each standardized assessment instrument, in
7 addition to any assessment instrument required under Chapter 39,
8 that the student is required to complete during the school year and,
9 if available, the location for administration of the instrument;

10 (14) a summary of the results of each assessment
11 instrument administered to students in the program during the
12 school year preceding the year the report is submitted; and

13 (15) the school year calendar for the program,
14 including any options for continued participation outside of the
15 standard school district calendar.

16 (g) A school district is entitled to receive federal, state,
17 and local funding for a student enrolled in an electronic course in
18 an amount equal to the funding the district is otherwise entitled to
19 receive for a student enrolled in the district. A school district
20 may calculate the average daily attendance of a student enrolled in
21 an electronic course based on:

22 (1) hours of contact with the student;

23 (2) the student's successful completion of a course;

24 or

25 (3) a method approved by the commissioner.

26 (h) The commissioner may waive any requirement,
27 restriction, or prohibition imposed by this code [~~relating to the~~

1 ~~computation of daily attendance]~~ to the extent necessary to
2 implement a program under this section.

3 (i) ~~[(f)]~~ The commissioner may cooperate with the
4 comptroller, the Department of Information Resources, or any other
5 state agency or commission in adopting technical standards for
6 auditing or verifying student attendance in an electronic course.

7 (j) ~~[(g)]~~ Not later than December 1, 2006 ~~[2002]~~, the
8 commissioner shall submit a report to the lieutenant governor and
9 the speaker of the house of representatives. The report must
10 include:

11 (1) ~~[proposed]~~ methods proposed by school districts
12 for funding electronic courses, including an evaluation of the
13 fiscal costs or benefits of each method;

14 (2) available methods of verifying student attendance
15 in an electronic course, including biometric attendance methods;

16 (3) any security or privacy issues involved in
17 providing an electronic course;

18 (4) the educational benefits of an electronic course;

19 (5) a list of any waiver requests submitted to the
20 commissioner by school districts under Subsection (d)(3) ~~[(d)(6)]~~;
21 and

22 (6) a list of any provisions waived by the
23 commissioner in the implementation of a program under this section.

24 (k) ~~[(h)]~~ This subsection and Subsection (j) expire January
25 ~~[section expires September]~~ 1, 2007 ~~[2003]~~.

26 SECTION 10. Subchapter Z, Chapter 29, Education Code, is
27 amended by adding Section 29.910 to read as follows:

1 Sec. 29.910. PROGRAMS OF MUTUAL BENEFIT. (a) The
2 commissioner, in coordination with appropriate representatives of
3 institutions of higher education and school districts, shall
4 develop:

5 (1) a diagnostic and assistance program for each
6 subject assessed by an assessment instrument under Section
7 39.023(c); and

8 (2) other academic programs of mutual benefit to
9 school districts and institutions of higher education.

10 (b) The commissioner shall seek private funding to make
11 available and maintain on the Internet each diagnostic and
12 assistance program developed under Subsection (a)(1).

13 SECTION 11. Subsection (a), Section 39.023, Education Code,
14 is amended to read as follows:

15 (a) The agency shall adopt or develop appropriate
16 criterion-referenced assessment instruments designed to assess
17 essential knowledge and skills in reading, writing, mathematics,
18 social studies, and science. All students, except students
19 assessed under Subsection (b) or (1) or exempted under Section
20 39.027, shall be assessed in:

21 (1) mathematics, annually in grades three through
22 seven without the aid of technology and in grades eight through 11
23 with the aid of technology on any assessment instruments that
24 include algebra;

25 (2) reading, annually in grades three through nine;

26 (3) writing, including spelling and grammar, in grades
27 four and seven;

- 1 (4) English language arts, in grade 10;
2 (5) social studies, in grades eight and 10; and
3 (6) science, in grades five, eight, and 10.

4 SECTION 12. Section 39.024, Education Code, is amended by
5 amending Subsection (c) and adding Subsections (d) and (e) to read
6 as follows:

7 (c) The agency shall develop study guides for the assessment
8 instruments administered under Sections 39.023(a) and (c). To
9 assist parents in providing assistance during the period that
10 school is recessed for summer, each school district shall
11 distribute the study guides to parents of students who do not
12 perform satisfactorily on one or more parts of an assessment
13 instrument administered under this subchapter.

14 (d) The agency shall develop and make available teacher
15 training materials and other teacher training resources to assist
16 teachers in enabling students of limited English proficiency to
17 meet state performance expectations. The teacher training
18 resources shall be designed to support intensive, individualized,
19 and accelerated instructional programs developed by school
20 districts for students of limited English proficiency.

21 (e) The commissioner shall retain a portion of the total
22 amount of funds allotted under Section 42.152(a) that the
23 commissioner considers appropriate to finance activities under
24 Subsections (c) and may retain a portion for activities under
25 Subsection (d) and for intensive programs of instruction for
26 students of limited English proficiency offered by school districts
27 [the development and distribution of the study guides] and shall

1 reduce each district's allotment proportionately.

2 SECTION 13. Subsection (b), Section 39.131, Education Code,
3 is amended to read as follows:

4 (b) If a campus performance is below any standard under
5 Section 39.073(b), the campus is considered a low-performing
6 campus. The [and the] commissioner may permit the campus to
7 participate in an innovative redesign of the campus to improve
8 campus performance or may take any of the other following actions,
9 listed in order of severity, to the extent the commissioner
10 determines necessary:

11 (1) issue public notice of the deficiency to the board
12 of trustees;

13 (2) order a hearing conducted by the board of trustees
14 at the campus for the purpose of notifying the public of the
15 unacceptable performance, the improvements in performance expected
16 by the agency, and the sanctions that may be imposed under this
17 section if the performance does not improve within a designated
18 period of time and of soliciting public comment on the initial steps
19 being taken to improve performance;

20 (3) order the preparation of a report regarding the
21 parental involvement program at the campus and a plan describing
22 strategies for improving parental involvement at the campus;

23 (4) order the preparation of a report regarding the
24 effectiveness of the district- and campus-level planning and
25 decision-making committees established under Subchapter F, Chapter
26 11, and a plan describing strategies for improving the
27 effectiveness of those committees;

1 (5) order the preparation of a student achievement
2 improvement plan that addresses each academic excellence indicator
3 for which the campus's performance is unacceptable, the submission
4 of the plan to the commissioner for approval, and implementation of
5 the plan;

6 (6) order a hearing to be held before the commissioner
7 or the commissioner's designee at which the president of the board
8 of trustees, the superintendent, and the campus principal shall
9 appear and explain the campus's low performance, lack of
10 improvement, and plans for improvement;

11 (7) appoint a special campus intervention team to:

12 (A) conduct a comprehensive on-site evaluation
13 of each low-performing campus to determine the cause for the
14 campus's low performance and lack of progress;

15 (B) recommend actions, including reallocation of
16 resources and technical assistance, changes in school procedures or
17 operations, staff development for instructional and administrative
18 staff, intervention for individual administrators or teachers,
19 waivers from state statute or rule, or other actions the team
20 considers appropriate;

21 (C) assist in the development of a campus plan
22 for student achievement; and

23 (D) assist the commissioner in monitoring the
24 progress of the campus in implementing the campus plan for
25 improvement of student achievement;

26 (8) if a campus has been a low-performing campus for a
27 period of one year or more, appoint a board of managers composed of

1 residents of the district to exercise the powers and duties of the
2 board of trustees of the district in relation to the campus; or

3 (9) if a campus has been a low-performing campus for a
4 period of two years or more, order closure of the school program on
5 the campus.

6 SECTION 14. Subsection (b), Section 39.024, Education Code,
7 is repealed.

8 SECTION 15. Subsection (e), Section 29.909, Education Code,
9 as added by this Act, applies only to a district that applies for
10 participation in the electronic course program under Section
11 29.909, Education Code, as renumbered by this Act, on or after the
12 effective date of this Act.

13 SECTION 16. The commissioner of education shall adopt rules
14 for the implementation of Subdivision (6), Subsection (a), Section
15 39.023, Education Code, as amended by this Act. The commissioner's
16 rules must provide that:

17 (1) not later than the 2006-2007 school year, the
18 State Board of Education shall administer a science assessment
19 instrument to students in the eighth grade as provided by
20 Subdivision (6), Subsection (a), Section 39.023, Education Code, as
21 amended by this Act; and

22 (2) not later than the 2008-2009 school year, the
23 Texas Education Agency, in evaluating the performance of school
24 districts, campuses, and open-enrollment charter schools under
25 Subchapter D, Chapter 39, Education Code, shall include the results
26 of student performance on the eighth grade science assessment
27 instrument required by Subdivision (6), Subsection (a), Section

1 39.023, Education Code, as amended by this Act.

2 SECTION 17. This Act applies beginning with the 2003-2004
3 school year, except that the commissioner of education shall make
4 available not later than the beginning of the 2004-2005 school year
5 the programs developed under Subdivision (1), Subsection (a),
6 Section 29.910, Education Code, as added by this Act.

7 SECTION 18. This Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas Constitution.
10 If this Act does not receive the vote necessary for immediate
11 effect, this Act takes effect September 1, 2003.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 1108 passed the Senate on April 7, 2003, by the following vote: Yeas 31, Nays 0; May 30, 2003, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 31, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1108 passed the House, with amendments, on May 28, 2003, by the following vote: Yeas 137, Nays 0, one present not voting; May 31, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by the following vote: Yeas 146, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor