

Amend CSSB 1031 (House committee printing) as follows:

(1) Immediately preceding SECTION 1 of the bill (page 1, between lines 4 and 5), insert the following appropriately numbered SECTION:

SECTION _____. Section 12.104(b), Education Code, is amended to read as follows:

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

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

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

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

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

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

(D) requirements for promotion [~~satisfactory performance on assessment instruments~~] and [~~to~~] accelerated instruction under Section 28.0211;

(E) high school graduation under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E, Chapter 29;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) public school accountability under Subchapters B, C, D, and G, Chapter 39;

(M) the requirement under Section 21.006 to

report an educator's misconduct; and

(N) intensive programs of instruction under Section 28.0213.

(2) Immediately following SECTION 3 of the bill (page 3, between lines 13 and 14), insert the following appropriately numbered SECTION:

SECTION _____. Section 28.0211, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (b) or (e), a student may not be promoted to:

(1) the fourth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the third grade reading assessment instrument under Section 39.023;

(2) the sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments under Section 39.023; or

(3) the ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily in the eighth grade reading and mathematics courses in which the student is enrolled, including a failure to perform satisfactorily in the courses due to the student's failure to perform satisfactorily on the eighth grade mathematics and reading assessment instruments under Section 39.023.

(a-1) For purposes of this section, a student is entitled to retake an assessment instrument specified under Subsection (a)(3) and receive accelerated instruction in the manner provided by this section if the student's failure to perform satisfactorily in the eighth grade reading and mathematics courses in which the student is enrolled is due to the student's failure to perform satisfactorily on the eighth grade mathematics and reading assessment instruments under Section 39.023.

(3) In the recital to SECTION 7 of the bill (page 5, line 1), between "Subsections" and "(c-1)", insert "(a-1), (a-2),".

(4) In SECTION 7 of the bill, in amended Section 39.023,

Education Code (page 5, between lines 23 and 24), insert the following:

(a-1) The State Board of Education by rule shall require each assessment instrument administered under Subsection (a) to students in grade six, seven, or eight to be an end-of-course assessment instrument. A school district shall comply with State Board of Education rules regarding administration of the end-of-course assessment instruments to students in grade six, seven, or eight and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument to account for 15 percent of the student's final grade for the course in which the assessment instrument is administered. The end-of-course assessment instruments must be designed to assess the student's essential knowledge and skills in the designated course, the student's mastery of minimum skills necessary for promotion to the next grade level, and the student's readiness for advanced coursework.

(a-2) The State Board of Education shall adopt rules requiring each assessment instrument administered under Subsection (a) to students in grade six, seven, or eight to be an end-of-course assessment instrument beginning with the 2011-2012 school year. This subsection expires August 1, 2012.

(5) In SECTION 14 of the bill, in amended Section 39.051(b), Education Code (page 21, line 2), between "on which" and "each student", insert "or the subject in which".

(6) Renumber the subsequent SECTIONS of the bill accordingly.