

By: Brown

H.B. No. 104

A BILL TO BE ENTITLED

AN ACT

1
2 relating to abolishing the Texas Higher Education Coordinating
3 Board and transferring the coordinating board's functions and
4 activities and the State Board of Education's statutorily assigned
5 functions and activities to the Texas Education Agency.

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

7 SECTION 1. Sections 1.005(a), (b), (c), (d), (f), (g), (h),
8 and (j), Education Code, are amended to read as follows:

9 (a) In this section, "center" [~~+~~

10 [~~(1) "Center"~~] means a center for education research
11 authorized by this section.

12 [~~(2) "Coordinating board" means the Texas Higher
13 Education Coordinating Board.~~]

14 (b) The commissioner of education [~~and the coordinating
15 board~~] may establish not more than three centers for education
16 research for conducting research described by Subsections (e) and
17 (f).

18 (c) A center may be established as part of:

19 (1) the Texas Education Agency; or

20 (2) [~~the coordinating board, or~~

21 [~~(3)~~] a public junior college, public senior college
22 or university, or public state college, as those terms are defined
23 by Section 61.003.

24 (d) A center may be operated under a memorandum of

1 understanding between the commissioner of education [~~the~~
2 ~~coordinating board,~~] and the governing board of an educational
3 institution described by Subsection (c)(2) [~~(c)(3)~~]. The
4 memorandum of understanding must require the commissioner of
5 education, or a person designated by the commissioner, [~~and the~~
6 ~~coordinating board, or a person designated by the coordinating~~
7 ~~board,~~] to provide direct [~~joint~~] supervision of the center under
8 this section.

9 (f) The commissioner of education [~~and the coordinating~~
10 ~~board~~]:

11 (1) under the memorandum of understanding described by
12 Subsection (d), may require a center to conduct certain research
13 projects considered of particular importance to the state, as
14 determined by the commissioner [~~and the coordinating board~~];

15 (2) not later than the 45th day before the date a
16 research project required to be conducted under this subsection is
17 scheduled to begin, shall notify the governor, the Legislative
18 Budget Board, and the governing body of the educational institution
19 in which the center is established that the research project is
20 required; and

21 (3) shall provide sufficient funds to finance the
22 project.

23 (g) In conducting research under this section, a center:

24 (1) may use data on student performance, including
25 data that is confidential under the Family Educational Rights and
26 Privacy Act of 1974 (20 U.S.C. Section 1232g), the center has
27 collected from the Texas Education Agency, [~~the coordinating~~

1 ~~board,~~] any public or private institution of higher education, and
2 any school district; and

3 (2) shall comply with rules adopted by the
4 commissioner of education [~~and the coordinating board~~] to protect
5 the confidentiality of student information, including rules
6 establishing procedures to ensure that confidential student
7 information is not duplicated or removed from a center in an
8 unauthorized manner.

9 (h) The commissioner of education [~~and the coordinating~~
10 ~~board~~] may:

11 (1) accept gifts and grants to be used in operating one
12 or more centers; and

13 (2) by rule impose reasonable fees, as appropriate,
14 for the use of a center's research, resources, or facilities.

15 (j) The commissioner of education [~~and the coordinating~~
16 ~~board~~] shall adopt rules as necessary to implement this section.

17 SECTION 2. Sections 7.005 and 7.006, Education Code, are
18 amended to read as follows:

19 Sec. 7.005. LONG-RANGE PLANS AND EDUCATIONAL PROGRAMS
20 [~~COOPERATION BETWEEN STATE AGENCIES OF EDUCATION~~]. The agency
21 [~~State Board of Education and the Texas Higher Education~~
22 ~~Coordinating Board~~], in conjunction with other appropriate
23 agencies, shall ensure that long-range plans and educational
24 programs established by the agency [~~each board~~] provide a
25 comprehensive education for the students of this state [~~under the~~
26 ~~jurisdiction of that board~~], extending from early childhood
27 education through postgraduate study. In ensuring [~~assuring~~] that

1 early childhood, primary, secondary, and higher education programs
2 are coordinated, the agency [~~boards~~] shall use the P-16 Council
3 established under Section 61.076.

4 Sec. 7.006. STANDARDIZATION [~~COORDINATION~~] OF RECORDS. The
5 commissioner [~~of education and the commissioner of higher~~
6 ~~education~~] shall ensure that records relating to student
7 performance held by the agency [~~Texas Education Agency and the~~
8 ~~Texas Higher Education Coordinating Board~~] are [~~coordinated and~~
9 maintained in standardized[~~, compatible~~] formats that permit[~~+~~

10 [~~(1) the exchange of information between the agencies,~~
11 ~~and~~

12 [~~(2)~~] the matching of individual student records so
13 that a student's academic performance may be assessed throughout
14 the student's educational career.

15 SECTION 3. Sections 7.010(b) and (d), Education Code, are
16 amended to read as follows:

17 (b) Each school district, open-enrollment charter school,
18 and institution of higher education shall participate in an
19 electronic student records system that satisfies standards
20 approved by the commissioner [~~of education and the commissioner of~~
21 ~~higher education~~].

22 (d) The commissioner [~~of education or the commissioner of~~
23 ~~higher education~~] may solicit and accept grant funds to maintain
24 the electronic student records system and to make the system
25 available to school districts, open-enrollment charter schools,
26 and institutions of higher education.

27 SECTION 4. Sections 7.055(b)(9) and (24), Education Code,

1 are amended to read as follows:

2 (9) The commissioner shall have a manual published at
3 least once every two years that contains Title 1 and this title, any
4 other provisions of this code relating specifically to public
5 primary or secondary education, and an appendix of all other state
6 laws relating to public primary or secondary education and shall
7 provide for the distribution of the manual [~~as determined by the~~
8 ~~board~~].

9 (24) The commissioner [~~, with the approval of the~~
10 ~~board,~~] shall develop and implement a plan for the coordination of
11 services to children with disabilities as required under Section
12 30.001.

13 SECTION 5. Sections 7.102(a) and (d), Education Code, are
14 amended to read as follows:

15 (a) The board may perform, as provided by this code, only
16 those duties [~~relating to school districts or regional education~~
17 ~~service centers~~] assigned to the board by the constitution of this
18 state [~~or by this subchapter or another provision of this code~~].

19 (d) The board may adopt rules [~~relating to school districts~~
20 ~~or regional education service centers~~] only as required to carry
21 out the specific duties assigned to the board by the constitution
22 [~~or under Subsection (c)~~].

23 SECTION 6. Sections 7.108(a) and (c), Education Code, are
24 amended to read as follows:

25 (a) A person interested in selling bonds of any type [~~or a~~
26 ~~person engaged in manufacturing, shipping, selling, or advertising~~
27 ~~textbooks or otherwise connected with the textbook business~~]

1 commits an offense if the person makes or authorizes a political
2 contribution to or takes part in, directly or indirectly, the
3 campaign of any person seeking election to or serving on the board.

4 (c) In this section, "political[+
5 ~~[(1) "Political]~~ contribution" has the meaning
6 assigned by Section 251.001, Election Code.

7 ~~[(2) "Textbook" has the meaning assigned by Section~~
8 ~~31.002.]~~

9 SECTION 7. Section 7.109, Education Code, is transferred to
10 Subchapter B, Chapter 7, Education Code, renumbered as Section
11 7.032, Education Code, and amended to read as follows:

12 Sec. 7.032 [~~7.109~~]. DESIGNATION AS STATE BOARD FOR CAREER
13 AND TECHNOLOGY EDUCATION. (a) The agency [~~board~~] is also the State
14 Board for Career and Technology Education.

15 (b) The commissioner is the executive officer through whom
16 the State Board for Career and Technology Education shall carry out
17 its policies and enforce its rules.

18 (c) The State Board for Career and Technology Education may
19 contract with [~~the Texas Higher Education Coordinating Board or~~]
20 any other state agency to assume the leadership role and
21 administrative responsibility of the State Board for Career and
22 Technology Education for state level administration of
23 technical-vocational education programs in public community
24 colleges, public technical institutes, and other eligible public
25 postsecondary institutions in this state.

26 (d) The State Board for Career and Technology Education may
27 allocate funds appropriated to the board by the legislature or

1 federal funds received by the board under the Carl D. Perkins Career
2 and Technical [~~Vocational~~] Education Act of 2006 (20 U.S.C. Section
3 2301 et seq.) or other federal law to an institution or program
4 approved by the agency [~~State Board of Education, the Texas Higher~~
5 ~~Education Coordinating Board,~~] or another state agency specified by
6 law.

7 SECTION 8. Section 7.111, Education Code, is transferred to
8 Subchapter B, Chapter 7, Education Code, renumbered as Section
9 7.033, Education Code, and amended to read as follows:

10 Sec. 7.033 [~~7.111~~]. HIGH SCHOOL EQUIVALENCY EXAMINATIONS.

11 (a) The agency [~~board~~] shall provide for the administration of high
12 school equivalency examinations, including administration by the
13 adjutant general's department for students described by
14 Subdivision (2)(C). A person who does not have a high school
15 diploma may take the examination in accordance with rules adopted
16 by the commissioner [~~board~~] if the person is:

17 (1) over 17 years of age;

18 (2) 16 years of age or older and:

19 (A) is enrolled in a Job Corps training program
20 under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801
21 et seq.) [~~, and its subsequent amendment~~];

22 (B) a public agency providing supervision of the
23 person or having custody of the person under a court order
24 recommends that the person take the examination; or

25 (C) is enrolled in the adjutant general's
26 department's Texas [~~Seaborn~~] ChalleNGe Academy [~~Corps~~]; or

27 (3) required to take the examination under a justice

1 or municipal court order issued under Article 45.054(a)(1)(C), Code
2 of Criminal Procedure.

3 (b) The commissioner [~~board~~] by rule shall establish and
4 require payment of a fee as a condition to the issuance of a high
5 school equivalency certificate and a copy of the scores of the
6 examinations. The fee must be reasonable and designed to cover the
7 administrative costs of issuing the certificate and a copy of the
8 scores. The agency [~~board~~] may not require a waiting period between
9 the date a person withdraws from school and the date the person
10 takes the examination unless the period relates to the time between
11 administrations of the examination.

12 SECTION 9. Section 7.112, Education Code, is amended by
13 adding Subsection (d) to read as follows:

14 (d) This section expires January 31, 2014.

15 SECTION 10. Section 7.113, Education Code, is transferred
16 to Subchapter B, Chapter 7, Education Code, renumbered as Section
17 7.034, Education Code, and amended to read as follows:

18 Sec. 7.034 [~~7.113~~]. EMPLOYERS FOR EDUCATION EXCELLENCE
19 AWARD. (a) The agency [~~board~~] shall create the Employers for
20 Education Excellence Award to honor employers that implement a
21 policy to encourage and support employees who actively participate
22 in activities of schools.

23 (b) An employer that meets the criteria described by this
24 section may apply for consideration to receive the award.

25 (c) The agency [~~board~~] shall establish the following levels
26 of recognition for employers:

27 (1) bronze for an employer that implements a policy to

1 encourage and support employees who attend parent-teacher
2 conferences;

3 (2) silver for an employer that:

4 (A) meets the requirements of bronze; and

5 (B) implements a policy to encourage and support
6 employees who volunteer in school activities; and

7 (3) gold for an employer that:

8 (A) meets the requirements of silver; and

9 (B) implements a policy to encourage and support
10 employees who participate in student mentoring programs in schools.

11 (d) The commissioner [~~board~~] shall establish criteria to
12 certify businesses to receive the Employers for Education
13 Excellence Award at the appropriate level of recognition. The
14 commissioner shall review the applications submitted by employers
15 under Subsection (b) and select [~~make recommendations to the board~~
16 ~~regarding~~] businesses that should be recognized and the level at
17 which a business should be recognized. [~~The board may approve or~~
18 ~~modify the commissioner's recommendation.~~]

19 (e) The agency [~~board~~] shall honor the recipient of an
20 Employers for Education Excellence Award by presenting the
21 recipient with a suitable certificate that includes the business's
22 level of recognition and other appropriate information.

23 SECTION 11. Section 11.351, Education Code, is amended to
24 read as follows:

25 Sec. 11.351. AUTHORITY TO ESTABLISH SPECIAL-PURPOSE SCHOOL
26 DISTRICT. (a) On the recommendation of the commissioner and after
27 consulting with the school districts involved and obtaining the

1 approval of a majority of those districts in each affected county in
2 which a proposed school district is located, the agency [~~State~~
3 ~~Board of Education~~] may establish a special-purpose school district
4 for the education of students in special situations whose
5 educational needs are not adequately met by regular school
6 districts. The agency [~~board~~] may impose duties or limitations on
7 the school district as necessary for the special purpose of the
8 district. The agency [~~board~~] shall exercise the powers as provided
9 by this section relating to the districts established under this
10 section.

11 (b) The agency [~~State Board of Education~~] shall grant to the
12 districts the right to share in the available school fund
13 apportionment and other privileges as are granted to independent
14 and common school districts.

15 SECTION 12. Section 12.012(a), Education Code, is amended
16 to read as follows:

17 (a) A home-rule school district is subject to federal and
18 state laws and rules governing school districts, except that a
19 home-rule school district is subject to:

20 (1) this code only to the extent that the
21 applicability to a home-rule school district of a provision of this
22 code is specifically provided;

23 (2) a rule adopted under this code by the [~~State Board~~
24 ~~of Education or the~~] commissioner only if the code provision
25 authorizing the rule specifically applies to a home-rule school
26 district; and

27 (3) all requirements of federal law and applicable

1 court orders relating to eligibility for and the provision of
2 special education and bilingual programs.

3 SECTION 13. Section 12.112, Education Code, is amended to
4 read as follows:

5 Sec. 12.112. FORM. A charter for an open-enrollment
6 charter school shall be in the form of a written contract signed by
7 the commissioner [~~chair of the State Board of Education~~] and the
8 chief operating officer of the school.

9 SECTION 14. Section 21.033(a), Education Code, is amended
10 to read as follows:

11 (a) The State Board for Educator Certification is composed
12 of 14 members. The commissioner [~~of education~~] shall appoint two
13 employees [~~an employee~~] of the agency, one of whom has expertise in
14 primary and secondary education and one of whom has expertise in
15 higher education, to represent the commissioner as [~~a~~] nonvoting
16 members [~~member~~]. [~~The commissioner of higher education shall~~
17 ~~appoint an employee of the Texas Higher Education Coordinating~~
18 ~~Board to represent the commissioner as a nonvoting member.~~] The
19 governor shall appoint a dean of a college of education in this
20 state as a nonvoting member. The remaining 11 members are appointed
21 by the governor with the advice and consent of the senate, as
22 follows:

23 (1) four members must be teachers employed in public
24 schools;

25 (2) two members must be public school administrators;

26 (3) one member must be a public school counselor; and

27 (4) four members must be citizens, three of whom are

1 not and have not, in the five years preceding appointment, been
2 employed by a [~~public~~] school district or by an educator
3 preparation program in an institution of higher education and one
4 of whom is not and has not been employed by a [~~public~~] school
5 district or by an educator preparation program in an institution of
6 higher education.

7 SECTION 15. Section 21.034(a), Education Code, is amended
8 to read as follows:

9 (a) The board members appointed by the governor hold office
10 for staggered terms of six years with the terms of one-third of the
11 members expiring on February 1 of each odd-numbered year. A member
12 appointed by the commissioner [~~of education or the commissioner of~~
13 ~~higher education~~] serves at the will of the [~~appointing~~]
14 commissioner.

15 SECTION 16. Section 21.042, Education Code, is amended to
16 read as follows:

17 Sec. 21.042. APPROVAL OF RULES. The State Board for
18 Educator Certification must submit a written copy of each rule it
19 proposes to adopt to the commissioner [~~State Board of Education for~~
20 ~~review~~]. The commissioner [~~State Board of Education~~] may reject a
21 proposed rule [~~by a vote of at least two-thirds of the members of~~
22 ~~the board present and voting~~]. If the commissioner [~~State Board of~~
23 ~~Education~~] fails to reject a proposal before the 90th day after the
24 date on which the commissioner [~~it~~] receives the proposal, the
25 proposal takes effect as a rule of the State Board for Educator
26 Certification as provided by Chapter 2001, Government Code. The
27 commissioner [~~State Board of Education~~] may not modify a rule

1 proposed by the State Board for Educator Certification.

2 SECTION 17. Section 28.002(d), Education Code, as added by
3 Chapter 895 (H.B. 3), Acts of the 81st Legislature, Regular
4 Session, 2009, is amended to read as follows:

5 (d) Each time the agency [~~Texas Higher Education~~
6 ~~Coordinating Board~~] revises the Internet database of the agency's
7 [~~coordinating board's~~] official statewide inventory of workforce
8 education courses, [~~the State Board of Education shall by rule~~
9 ~~revise~~] the essential knowledge and skills of any corresponding
10 career and technology education curriculum shall be revised by rule
11 as provided by Subsection (c).

12 SECTION 18. Sections 28.008(a), (b), (c), and (d),
13 Education Code, are amended to read as follows:

14 (a) To ensure that students are able to perform
15 college-level course work at institutions of higher education, the
16 commissioner [~~of education and the commissioner of higher~~
17 ~~education~~] shall establish vertical teams composed of public school
18 educators and institution of higher education faculty.

19 (b) The vertical teams shall:

20 (1) recommend for approval by the commissioner [~~of~~
21 ~~education and the Texas Higher Education Coordinating Board~~]
22 college readiness standards and expectations that address what
23 students must know and be able to do to succeed in entry-level
24 courses offered at institutions of higher education;

25 (2) evaluate whether the high school curriculum
26 requirements under Section 28.002 and other instructional
27 requirements serve to prepare students to successfully perform

1 college-level course work;

2 (3) recommend how the public school curriculum
3 requirements can be aligned with college readiness standards and
4 expectations;

5 (4) develop instructional strategies for teaching
6 courses to prepare students to successfully perform college-level
7 course work; and

8 (5) develop or establish minimum standards for
9 curricula, professional development materials, and online support
10 materials in English language arts, mathematics, science, and
11 social studies, designed for students who need additional
12 assistance in preparing to successfully perform college-level
13 course work.

14 (c) The commissioner [~~of education and the Texas Higher~~
15 ~~Education Coordinating Board~~] by rule shall establish the
16 composition and duties of the vertical teams established under this
17 section.

18 (d) The commissioner [~~State Board of Education~~] shall
19 incorporate college readiness standards and expectations approved
20 by the commissioner [~~of education and the Texas Higher Education~~
21 ~~Coordinating Board~~] under Subsection (b) into the essential
22 knowledge and skills identified [~~by the board~~] under Section
23 28.002(c).

24 SECTION 19. Sections 28.014(a), (c), (d), (e), and (f),
25 Education Code, are amended to read as follows:

26 (a) The commissioner [~~of education and the commissioner of~~
27 ~~higher education~~] shall develop [~~and recommend to the State Board~~

1 ~~of Education~~] for adoption under Section 28.002 the essential
2 knowledge and skills of courses in college preparatory mathematics,
3 science, social studies, and English language arts. The courses
4 must be designed:

5 (1) for students at the 12th grade level who do not
6 meet college readiness standards on an end-of-course assessment
7 instrument required under Section 39.023(c); and

8 (2) to prepare students for success in entry-level
9 college courses.

10 (c) The agency [~~, in consultation with the Texas Higher~~
11 ~~Education Coordinating Board,~~] shall adopt an end-of-course
12 assessment instrument for each course developed under this section
13 to ensure the rigor of the course. A school district shall, in
14 accordance with commissioner [~~State Board of Education~~] rules,
15 administer the end-of-course assessment instrument to a student
16 enrolled in a course developed under this section. Each school
17 district shall adopt a policy that requires a student's performance
18 on the end-of-course assessment instrument to account for 15
19 percent of the student's final grade for the course. A student's
20 performance on an end-of-course assessment instrument administered
21 under this subsection may be used, on a scale of 0-40, in
22 calculating whether the student satisfies the graduation
23 requirements established under Section 39.025.

24 (d) The agency [~~, in coordination with the Texas Higher~~
25 ~~Education Coordinating Board,~~] shall adopt a series of questions to
26 be included in an end-of-course assessment instrument administered
27 under Subsection (c) to be used for purposes of Section 51.3062.

1 The questions must be developed in a manner consistent with any
2 college readiness standards adopted under Sections 39.233 and
3 51.3062.

4 (e) The commissioner [~~State Board of Education~~] shall adopt
5 instructional materials for a course developed under this section
6 in accordance with Chapter 31. The instructional materials must
7 include technology resources that enhance the effectiveness of the
8 course and draw on established best practices.

9 (f) To the extent applicable, the commissioner shall draw
10 from curricula and instructional materials developed under Section
11 [~~Sections~~] 28.008 [~~and 61.0763~~] in developing a course and related
12 instructional materials under this section. The agency [~~Not later~~
13 ~~than September 1, 2010, the State Board of Education shall adopt~~
14 ~~essential knowledge and skills for each course developed under this~~
15 ~~section. The State Board of Education~~] shall make each course
16 developed under this section and the related instructional
17 materials available to school districts not later than the
18 2014-2015 school year. As required by Subsection (c), a school
19 district shall adopt a policy requiring a student's performance on
20 an end-of-course assessment instrument administered under that
21 subsection to account for 15 percent of the student's grade for a
22 course developed under this section not later than the 2014-2015
23 school year. This subsection expires September 1, 2015.

24 SECTION 20. Sections 28.025(a), (b), (b-1), (b-2), (b-3),
25 (b-7), (c), (d), and (e), Education Code, are amended to read as
26 follows:

27 (a) The commissioner [~~State Board of Education~~] by rule

1 shall determine curriculum requirements for the minimum,
2 recommended, and advanced high school programs that are consistent
3 with the required curriculum under Section 28.002. Subject to
4 Subsection (b-1), the commissioner [~~State Board of Education~~] shall
5 designate the specific courses in the foundation curriculum
6 required for a student participating in the minimum, recommended,
7 or advanced high school program. Except as provided by Subsection
8 (b-1), the commissioner [~~State Board of Education~~] may not
9 designate a specific course or a specific number of credits in the
10 enrichment curriculum as requirements for the recommended program.

11 (b) A school district shall ensure that each student enrolls
12 in the courses necessary to complete the curriculum requirements
13 identified by the commissioner [~~State Board of Education~~] under
14 Subsection (a) for the recommended or advanced high school program
15 unless the student, the student's parent or other person standing
16 in parental relation to the student, and a school counselor or
17 school administrator agree in writing signed by each party that the
18 student should be permitted to take courses under the minimum high
19 school program and the student:

- 20 (1) is at least 16 years of age;
- 21 (2) has completed two credits required for graduation
22 in each subject of the foundation curriculum under Section
23 28.002(a)(1); or
- 24 (3) has failed to be promoted to the tenth grade one or
25 more times as determined by the school district.

26 (b-1) The commissioner [~~State Board of Education~~] by rule
27 shall require that:

1 (1) except as provided by Subsection (b-2), the
2 curriculum requirements for the recommended and advanced high
3 school programs under Subsection (a) include a requirement that
4 students successfully complete:

5 (A) four credits in each subject of the
6 foundation curriculum under Section 28.002(a)(1), including at
7 least one-half credit in government and at least one-half credit in
8 economics to meet the social studies requirement;

9 (B) for the recommended high school program, two
10 credits in the same language in a language other than English under
11 Section 28.002(a)(2)(A) and, for the advanced high school program,
12 three credits in the same language in a language other than English
13 under Section 28.002(a)(2)(A); and

14 (C) for the recommended high school program, six
15 elective credits and, for the advanced high school program, five
16 elective credits;

17 (2) one or more credits offered in the required
18 curriculum for the recommended and advanced high school programs
19 include a research writing component; and

20 (3) the curriculum requirements for the minimum,
21 recommended, and advanced high school programs under Subsection (a)
22 include a requirement that students successfully complete:

23 (A) one credit in fine arts under Section
24 28.002(a)(2)(D); and

25 (B) one credit in physical education under
26 Section 28.002(a)(2)(C).

27 (b-2) In adopting rules under Subsection (b-1), the

1 commissioner [~~State Board of Education~~] shall allow a student to
2 comply with the curriculum requirements for a mathematics course
3 under Subsection (b-1)(1)(A) [~~(b-1)(1)~~] taken after the successful
4 completion of an Algebra II course or science course under
5 Subsection (b-1)(1)(A) [~~(b-1)(1)~~] taken after the successful
6 completion of a physics course by successfully completing an
7 advanced career and technical course designated by the commissioner
8 [~~State Board of Education~~] as containing substantively similar and
9 rigorous academic content. A student may use the option provided by
10 this subsection for not more than two courses.

11 (b-3) In adopting rules to provide students with the option
12 described by Subsection (b-1)(1)(A), the commissioner [~~State Board~~
13 ~~of Education~~] must approve a variety of mathematics and science
14 courses that may be taken after the completion of Algebra II and
15 physics to comply with the recommended program requirements.

16 (b-7) The commissioner [~~State Board of Education, in~~
17 ~~coordination with the Texas Higher Education Coordinating Board,~~]
18 shall adopt rules to ensure that a student may comply with the
19 curriculum requirements under the minimum, recommended, or
20 advanced high school program for each subject of the foundation
21 curriculum under Section 28.002(a)(1) and for languages other than
22 English under Section 28.002(a)(2)(A) by successfully completing
23 appropriate courses in the core curriculum of an institution of
24 higher education under Section 61.822.

25 (c) A person may receive a diploma if the person is eligible
26 for a diploma under Section 28.0251. In other cases, a student may
27 graduate and receive a diploma only if:

1 (1) the student successfully completes the curriculum
2 requirements identified by the commissioner [~~State Board of~~
3 ~~Education~~] under Subsection (a) and complies with Section 39.025;
4 or

5 (2) the student successfully completes an
6 individualized education program developed under Section 29.005.

7 (d) A school district may issue a certificate of coursework
8 completion to a student who successfully completes the curriculum
9 requirements identified by the commissioner [~~State Board of~~
10 ~~Education~~] under Subsection (a) but who fails to comply with
11 Section 39.025. A school district may allow a student who receives
12 a certificate to participate in a graduation ceremony with students
13 receiving high school diplomas.

14 (e) Each school district shall report the academic
15 achievement record of students who have completed a minimum,
16 recommended, or advanced high school program on transcript forms
17 adopted by the commissioner [~~State Board of Education~~]. The
18 transcript forms adopted by the commissioner [~~board~~] must be
19 designed to clearly differentiate between each of the high school
20 programs and identify whether a student received a diploma or a
21 certificate of coursework completion.

22 SECTION 21. Section 29.182(b), Education Code, is amended
23 to read as follows:

24 (b) The state plan must include procedures designed to
25 ensure that:

26 (1) all secondary and postsecondary students have the
27 opportunity to participate in career and technology education

1 programs;

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

4 (3) career and technology education is established as
5 a part of the total education system of this state and constitutes
6 an option for student learning that provides a rigorous course of
7 study consistent with the required curriculum under Section 28.002
8 and under which a student may receive specific education in a career
9 and technology program that:

10 (A) incorporates competencies leading to
11 academic and technical skill attainment;

12 (B) leads to:

13 (i) an industry-recognized license,
14 credential, or certificate; or

15 (ii) at the postsecondary level, an
16 associate or baccalaureate degree;

17 (C) includes opportunities for students to earn
18 college credit for coursework; and

19 (D) includes, as an integral part of the program,
20 participation by students and teachers in activities of career and
21 technical student organizations supported by the agency [~~and the~~
22 ~~State Board of Education~~].

23 SECTION 22. Section 29.190(e), Education Code, is amended
24 to read as follows:

25 (e) The commissioner, in collaboration with [~~the~~
26 ~~commissioner of higher education and~~] the Texas Workforce
27 Commission, shall determine as necessary the occupations that

1 qualify for purposes of this section.

2 SECTION 23. Sections 29.904(b) and (e), Education Code, are
3 amended to read as follows:

4 (b) The agency [~~and the Texas Higher Education Coordinating~~
5 ~~Board~~] shall identify [~~collaborate in identifying~~] each school
6 district to which this section applies. Not later than May 1 of
7 each year, ~~+~~ [÷

8 [~~(1)~~] the agency shall notify:

9 (1) a district to which this section applies of the
10 applicability of this section to the district unless the district
11 is operating under a plan required by this section; and

12 (2) [~~the coordinating board shall notify~~] each public
13 institution of higher education in this state in closest geographic
14 proximity to a district to which this section applies of the
15 applicability of this section to the district unless the district
16 is operating under a plan required by this section.

17 (e) A school district shall file the plan with the
18 commissioner [~~of education and the commissioner of higher~~
19 ~~education~~].

20 SECTION 24. Section 31.003, Education Code, is amended to
21 read as follows:

22 Sec. 31.003. RULES. The commissioner [~~State Board of~~
23 ~~Education~~] may adopt rules, consistent with this chapter, for the
24 adoption, requisition, distribution, care, use, and disposal of
25 textbooks.

26 SECTION 25. Section 31.004, Education Code, is amended to
27 read as follows:

1 Sec. 31.004. CERTIFICATION OF PROVISION OF TEXTBOOKS,
2 ELECTRONIC TEXTBOOKS, AND INSTRUCTIONAL MATERIALS. Each school
3 district and open-enrollment charter school shall annually certify
4 to [~~the State Board of Education and~~] the commissioner that, for
5 each subject in the required curriculum and each grade level, the
6 district provides each student with textbooks, electronic
7 textbooks, or instructional materials that cover all elements of
8 the essential knowledge and skills adopted [~~by the State Board of~~
9 ~~Education~~] for that subject and grade level.

10 SECTION 26. Sections 31.021(b) and (f), Education Code, are
11 amended to read as follows:

12 (b) The State Board of Education shall annually set aside
13 out of the available school fund of the state an amount sufficient
14 for the agency [~~board~~], school districts, and open-enrollment
15 charter schools to purchase and distribute the necessary textbooks
16 for the use of the students of this state for the following school
17 year. The board shall determine the amount of the available school
18 fund to set aside for the state textbook fund based on:

19 (1) a report by the commissioner issued on July 1 or,
20 if that date is a Saturday or Sunday, on the following Monday,
21 stating the amount of unobligated money in the fund;

22 (2) the commissioner's estimate, based on textbooks
23 selected under Section 31.101 and on attendance reports submitted
24 under Section 31.103 by school districts and open-enrollment
25 charter schools, of the amount of funds, in addition to funds
26 reported under Subdivision (1), that will be necessary for purchase
27 and distribution of textbooks for the following school year; and

1 (3) any amount the board determines should be set
2 aside for emergency purposes caused by unexpected increases in
3 attendance.

4 (f) The state textbook fund may be used to purchase
5 technological equipment necessary to support the use of electronic
6 textbooks or instructional material included on the list adopted
7 under Section 31.0231 or any textbook or material approved by the
8 agency [~~State Board of Education~~].

9 SECTION 27. Section 31.022, Education Code, is amended to
10 read as follows:

11 Sec. 31.022. TEXTBOOK REVIEW AND ADOPTION. (a) The agency
12 [~~State Board of Education~~] shall adopt a review and adoption cycle
13 for textbooks for elementary grade levels, including
14 prekindergarten, and secondary grade levels, for each subject in
15 the required curriculum under Section 28.002.

16 (b) The agency [~~board~~] shall organize the cycle for subjects
17 in the foundation curriculum so that not more than one-sixth of the
18 textbooks for subjects in the foundation curriculum are reviewed
19 each year. The commissioner [~~board~~] shall adopt rules to provide
20 for a full and complete investigation of textbooks for each subject
21 in the foundation curriculum at least every six years. The adoption
22 of textbooks for a subject in the foundation curriculum may be
23 extended beyond the six-year period only if the content of
24 textbooks for a subject is sufficiently current.

25 (c) The commissioner [~~board~~] shall adopt rules to provide
26 for a full and complete investigation of textbooks for each subject
27 in the enrichment curriculum on a cycle the agency [~~board~~]

1 considers appropriate.

2 (d) At least 24 months before the beginning of the school
3 year for which textbooks for a particular subject and grade level
4 will be purchased under the review and adoption cycle adopted by the
5 agency [~~board~~], the agency [~~board~~] shall publish notice of the
6 review and adoption cycle for those textbooks.

7 (e) The agency [~~board~~] shall designate a request for
8 production of textbooks in a subject area and grade level by the
9 school year in which the textbooks are intended to be made available
10 in classrooms and not by the school year in which the agency [~~board~~]
11 makes the request for production.

12 (f) The agency [~~board~~] shall amend any request for
13 production issued for the purchase of textbooks to conform to the
14 textbook funding levels provided by the General Appropriations Act
15 for the year of implementation.

16 SECTION 28. Section 31.0221(a), Education Code, is amended
17 to read as follows:

18 (a) The commissioner [~~State Board of Education~~] shall adopt
19 rules for the midcycle review and adoption of a textbook for a
20 subject for which textbooks are not currently under review by the
21 agency [~~board~~] under Section 31.022. The rules must require:

22 (1) the publisher of the textbook to pay a fee to the
23 agency [~~board~~] to cover the cost of the midcycle review and adoption
24 of the textbook;

25 (2) the publisher of the textbook to enter into a
26 contract with the agency [~~board~~] concerning the textbook for a term
27 that ends at the same time as any contract entered into by the

1 agency [~~board~~] for another textbook for the same subject and grade
2 level; and

3 (3) a commitment from the publisher to provide the
4 textbook to school districts in the manner specified by the
5 publisher, which may include:

6 (A) providing the textbook to any district in a
7 regional education service center area identified by the publisher;
8 or

9 (B) providing a certain maximum number of
10 textbooks specified by the publisher.

11 SECTION 29. Section 31.0222, Education Code, is amended to
12 read as follows:

13 Sec. 31.0222. BUDGET-BALANCED CYCLE. In determining the
14 review and adoption cycle of textbooks under Section 31.022, the
15 agency [~~State Board of Education~~] shall:

16 (1) consult with the Legislative Budget Board and the
17 governor's office of budget, planning, and policy before approving
18 and publishing any notice or amendment of a cycle;

19 (2) review and consider:

20 (A) historic average funding levels for
21 textbooks purchased in previous bienniums;

22 (B) expected average costs of future textbook
23 purchases;

24 (C) anticipated student enrollment in future
25 years;

26 (D) scheduled revisions to curriculum; and

27 (E) the impact on the state budget of the

1 adoption of textbooks in all or some grade levels in a subject area;
2 and

3 (3) limit the cycle to subject areas for which
4 textbooks can be purchased with the funding anticipated to be
5 available in the state textbook fund for the school year in which
6 the textbooks are to be adopted.

7 SECTION 30. Section 31.023(a), Education Code, is amended
8 to read as follows:

9 (a) For each subject and grade level, the agency [~~State~~
10 ~~Board of Education~~] shall adopt two lists of textbooks. The
11 conforming list includes each textbook submitted for the subject
12 and grade level that meets applicable physical specifications
13 adopted by the agency [~~State Board of Education~~] and contains
14 material covering each element of the essential knowledge and
15 skills of the subject and grade level in the student version of the
16 textbook, as well as in the teacher version of the textbook, as
17 determined by the agency [~~State Board of Education~~] under Section
18 28.002 and adopted under Section 31.024. The nonconforming list
19 includes each textbook submitted for the subject and grade level
20 that:

21 (1) meets applicable physical specifications adopted
22 by the agency [~~State Board of Education~~];

23 (2) contains material covering at least half, but not
24 all, of the elements of the essential knowledge and skills of the
25 subject and grade level in the student version of the textbook, as
26 well as in the teacher version of the textbook; and

27 (3) is adopted under Section 31.024.

1 SECTION 31. Section 31.0231(c), Education Code, is amended
2 to read as follows:

3 (c) [~~Before the commissioner places an electronic textbook~~
4 ~~or instructional material on the list adopted under Subsection (a),~~
5 ~~the State Board of Education must be given an opportunity to comment~~
6 ~~on the electronic textbook or instructional material.] An
7 electronic textbook or instructional material placed on the list
8 adopted under Subsection (a):~~

9 (1) must be reviewed and recommended to the
10 commissioner by a panel of recognized experts in the subject area of
11 the electronic textbook or instructional material and experts in
12 education technology;

13 (2) must satisfy criteria adopted for the purpose by
14 commissioner rule; and

15 (3) must meet the National Instructional Materials
16 Accessibility Standard, to the extent practicable as determined by
17 the commissioner.

18 SECTION 32. Section 31.024, Education Code, is amended to
19 read as follows:

20 Sec. 31.024. ADOPTION BY AGENCY [~~STATE BOARD OF EDUCATION~~].

21 (a) The agency [~~By majority vote, the State Board of Education~~]
22 shall:

23 (1) place each submitted textbook on a conforming or
24 nonconforming list; or

25 (2) reject a textbook submitted for placement on a
26 conforming or nonconforming list.

27 (b) Not later than December 1 of the year preceding the

1 school year for which the textbooks for a particular subject and
2 grade level will be purchased under the cycle adopted by the agency
3 [~~board~~] under Section 31.022, the agency [~~board~~] shall provide the
4 lists of adopted textbooks to each school district. Each
5 nonconforming list must include the reasons an adopted textbook is
6 not eligible for the conforming list.

7 SECTION 33. Sections 31.0241(a) and (b), Education Code,
8 are amended to read as follows:

9 (a) In this section, "eligible institution" means:

10 (1) a public institution of higher education that is
11 designated as a research university or emerging research university
12 under the agency's [~~higher education coordinating board's~~]
13 accountability system, or a private university located in this
14 state that is a member of the Association of American Universities;
15 or

16 (2) a public technical institute, as defined by
17 Section 61.003.

18 (b) The agency [~~State Board of Education~~] shall place an
19 open-source textbook for a secondary-level course submitted for
20 adoption by an eligible institution on a conforming or
21 nonconforming list if:

22 (1) the textbook is written, compiled, or edited
23 primarily by faculty of the eligible institution who specialize in
24 the subject area of the textbook;

25 (2) the eligible institution identifies each
26 contributing author;

27 (3) the appropriate department of the eligible

1 institution certifies the textbook for accuracy; and

2 (4) the eligible institution determines that the
3 textbook qualifies for placement on the conforming or nonconforming
4 list based on the extent to which the textbook covers the essential
5 knowledge and skills identified under Section 28.002 for the
6 subject for which the textbook is written and certifies that:

7 (A) for a textbook for a senior-level course, a
8 student who successfully completes a course based on the textbook
9 will be prepared, without remediation, for entry into the eligible
10 institution's freshman-level course in that subject; or

11 (B) for a textbook for a junior-level and
12 senior-level course, a student who successfully completes the
13 junior-level course based on the textbook will be prepared for
14 entry into the senior-level course.

15 SECTION 34. Section 31.025(a), Education Code, is amended
16 to read as follows:

17 (a) The agency [~~State Board of Education~~] shall set a limit
18 on the cost that may be paid from the state textbook fund for a
19 textbook placed on the conforming or nonconforming list for a
20 particular subject and grade level. The agency [~~board~~] may not
21 reject a textbook for placement on the conforming or nonconforming
22 list because the textbook's price exceeds the limit established
23 under this subsection.

24 SECTION 35. Sections 31.026(a) and (b), Education Code, are
25 amended to read as follows:

26 (a) The agency [~~State Board of Education~~] shall execute a
27 contract:

1 (1) for the purchase of each adopted textbook other
2 than an electronic textbook; and

3 (2) for the purchase or licensing of each adopted
4 electronic textbook.

5 (b) A contract must require the publisher to provide the
6 number of textbooks required by school districts in this state for
7 the term of the contract, which must coincide with the agency's
8 [~~board's~~] adoption cycle.

9 SECTION 36. Section 31.0261, Education Code, is amended to
10 read as follows:

11 Sec. 31.0261. CONTRACTS FOR PRINTING OF OPEN-SOURCE
12 TEXTBOOKS. The agency [~~State Board of Education~~] may execute a
13 contract for the printing of an open-source textbook listed on the
14 conforming or nonconforming list. The contract must allow a school
15 district to requisition printed copies of an open-source textbook
16 as provided by Section 31.103.

17 SECTION 37. Sections 31.028(a), (b), and (c), Education
18 Code, are amended to read as follows:

19 (a) The agency [~~State Board of Education~~] may purchase
20 special textbooks for the education of blind and visually impaired
21 students in public schools. In addition, for a teacher who is blind
22 or visually impaired, the agency [~~board~~] shall provide a teacher's
23 edition in Braille or large type, as requested by the teacher, for
24 each textbook the teacher uses in the instruction of students. The
25 teacher edition must be available at the same time the student
26 textbooks become available.

27 (b) The publisher of an adopted textbook shall provide the

1 agency with computerized textbook files for the production of
2 Braille textbooks or other versions of textbooks to be used by
3 students with disabilities, on request of the agency [~~State Board~~
4 ~~of Education~~]. A publisher shall arrange computerized textbook
5 files in one of several optional formats specified by the agency
6 [~~State Board of Education~~].

7 (c) The agency [~~board~~] may also enter into agreements
8 providing for the acceptance, requisition, and distribution of
9 special textbooks and instructional aids pursuant to 20 U.S.C.
10 Section 101 et seq. for use by students enrolled in:

- 11 (1) public schools; or
12 (2) private nonprofit schools, if state funds, other
13 than for administrative costs, are not involved.

14 SECTION 38. Section 31.029, Education Code, is amended to
15 read as follows:

16 Sec. 31.029. BILINGUAL TEXTBOOKS. The agency [~~board~~] shall
17 purchase or otherwise acquire textbooks for use in bilingual
18 education classes.

19 SECTION 39. Section 31.030, Education Code, is amended to
20 read as follows:

21 Sec. 31.030. USED TEXTBOOKS. The commissioner [~~State Board~~
22 ~~of Education~~] shall adopt rules to ensure that used textbooks sold
23 to school districts and open-enrollment charter schools are not
24 sample copies that contain factual errors. The rules may provide
25 for the imposition of an administrative penalty in accordance with
26 Section 31.151 against a seller of used textbooks who knowingly
27 violates this section.

1 SECTION 40. Sections 31.035(a), (b), and (f), Education
2 Code, are amended to read as follows:

3 (a) Notwithstanding any other provision of this subchapter,
4 the agency [~~State Board of Education~~] may adopt supplemental
5 textbooks that are not on the conforming or nonconforming list
6 under Section 31.023. The agency [~~State Board of Education~~] may
7 adopt a supplemental textbook under this section only if the
8 textbook:

9 (1) contains material covering one or more primary
10 focal points or primary topics of a subject in the required
11 curriculum under Section 28.002, as determined by the agency [~~State
12 Board of Education~~];

13 (2) is not designed to serve as the sole textbook for a
14 full course;

15 (3) meets applicable physical specifications adopted
16 by the agency [~~State Board of Education~~]; and

17 (4) is free from factual errors.

18 (b) The agency [~~State Board of Education~~] shall identify the
19 essential knowledge and skills identified under Section 28.002 that
20 are covered by a supplemental textbook adopted by the agency
21 [~~board~~] under this section.

22 (f) A school district or open-enrollment charter school
23 that requisitions supplemental textbooks under Subsection (d)(2)
24 shall certify to the agency that the supplemental textbooks, in
25 combination with any other textbooks or supplemental textbooks used
26 by the district or school, cover the essential knowledge and skills
27 identified under Section 28.002 by the agency [~~State Board of~~

1 ~~Education~~] for the subject and grade level for which the district or
2 school is requisitioning the supplemental textbooks.

3 SECTION 41. Section 31.072(b), Education Code, is amended
4 to read as follows:

5 (b) Following a curriculum revision by the agency [~~State~~
6 ~~Board of Education~~], the commissioner shall require the revision of
7 a state-developed open-source textbook relating to that
8 curriculum. The commissioner may, at any time, require an
9 additional revision of a state-developed open-source textbook or
10 contract for ongoing revisions of a textbook for a period not to
11 exceed the period under Section 31.022 for which a textbook for that
12 subject and grade level may be adopted. The commissioner shall use
13 a competitive process to request proposals to revise a
14 state-developed open-source textbook under this subsection.

15 SECTION 42. Section 31.073(b), Education Code, is amended
16 to read as follows:

17 (b) If a school district or open-enrollment charter school
18 selects a state-developed open-source textbook instead of another
19 textbook adopted under Subchapter B, the difference between the
20 cost determined by the commissioner under Subsection (a) and the
21 maximum price for a textbook in the same subject area, as determined
22 [~~by the State Board of Education~~] under Section 31.025, shall be
23 allocated as follows:

24 (1) 50 percent of the amount shall be credited to the
25 state textbook fund under Section 31.021 to be used for purposes of
26 this subchapter; and

27 (2) 50 percent of the amount shall be credited to the

1 school district or open-enrollment charter school for use as
2 provided by Section 31.1011(c).

3 SECTION 43. Sections 31.101(a), (c-1), and (d), Education
4 Code, are amended to read as follows:

5 (a) Each year, during a period established by the agency
6 [~~State Board of Education~~], the board of trustees of each school
7 district and the governing body of each open-enrollment charter
8 school shall:

9 (1) for a subject in the foundation curriculum, notify
10 the agency [~~State Board of Education~~] of the textbooks selected by
11 the board of trustees or governing body for the following school
12 year from among the textbooks on the appropriate conforming or
13 nonconforming list, including the list adopted under Section
14 31.0231; or

15 (2) for a subject in the enrichment curriculum:

16 (A) notify the agency [~~State Board of Education~~]
17 of each textbook selected by the board of trustees or governing body
18 for the following school year from among the textbooks on the
19 appropriate conforming or nonconforming list, including the list
20 adopted under Section 31.0231; or

21 (B) notify the agency [~~State Board of Education~~]
22 that the board of trustees or governing body has selected a textbook
23 that is not on the conforming or nonconforming list.

24 (c-1) Notwithstanding any other provision of this chapter,
25 a school district or open-enrollment charter school must purchase a
26 classroom set of textbooks adopted by the agency [~~State Board of~~
27 ~~Education~~] under Section 31.023 or 31.035 for each subject and

1 grade level in the foundation and enrichment curriculum.

2 (d) For a textbook that is not on the conforming or
3 nonconforming list, a school district or open-enrollment charter
4 school must use the textbook for the period of the review and
5 adoption cycle the agency [~~State Board of Education~~] has
6 established for the subject and grade level for which the textbook
7 is used.

8 SECTION 44. Section 31.103(b), Education Code, is amended
9 to read as follows:

10 (b) A requisition for textbooks for the following school
11 year shall be based on the maximum attendance reports under
12 Subsection (a), plus an additional 10 percent, except as otherwise
13 provided. A school district or open-enrollment charter school
14 shall make a requisition for a textbook on the conforming or
15 nonconforming list through the commissioner to the state depository
16 designated by the publisher or as provided by commissioner [~~State
17 Board of Education~~] rule, as applicable, not later than June 1 of
18 each year. The designated state depository or, if the publisher or
19 manufacturer does not have a designated textbook depository in this
20 state under Section 31.151(a)(6)(B), the publisher or manufacturer
21 shall fill a requisition approved by the agency at any other time in
22 the case of an emergency. As made necessary by available funds, the
23 commissioner shall reduce the additional percentage of attendance
24 for which a district or school may requisition textbooks. The
25 commissioner may, on application of a district or school that is
26 experiencing high enrollment growth, increase the additional
27 percentage of attendance for which the district or school may

1 requisition textbooks.

2 SECTION 45. Section 31.1031, Education Code, is amended to
3 read as follows:

4 Sec. 31.1031. SHORTAGE OF REQUISITIONED TEXTBOOKS. If a
5 school district or open-enrollment charter school does not have a
6 sufficient number of copies of a textbook used by the district or
7 school for use during the following school year, and a sufficient
8 number of additional copies will not be available from the
9 depository or the publisher within the time specified by Section
10 31.151(a)(8), the district or school is entitled to:

11 (1) be reimbursed from the state textbook fund, at a
12 rate and in the manner provided by commissioner [~~State Board of~~
13 ~~Education~~] rule, for the purchase of a sufficient number of used
14 adopted textbooks; or

15 (2) return currently used textbooks to the
16 commissioner in exchange for sufficient copies, if available, of
17 other textbooks on the conforming or nonconforming list to be used
18 during the following school year.

19 SECTION 46. Sections 31.151(a), (b), and (c), Education
20 Code, are amended to read as follows:

21 (a) A publisher or manufacturer of textbooks:

22 (1) shall furnish any textbook the publisher or
23 manufacturer offers in this state, at a price that does not exceed
24 the lowest price at which the publisher offers that textbook for
25 adoption or sale to any state, public school, or school district in
26 the United States;

27 (2) shall automatically reduce the price of a textbook

1 sold for use in a school district or open-enrollment charter school
2 to the extent that the price is reduced elsewhere in the United
3 States;

4 (3) shall provide any textbook or ancillary item free
5 of charge in this state to the same extent that the publisher or
6 manufacturer provides the textbook or ancillary item free of charge
7 to any state, public school, or school district in the United
8 States;

9 (4) shall guarantee that each copy of a textbook sold
10 in this state is at least equal in quality to copies of that
11 textbook sold elsewhere in the United States and is free from
12 factual error;

13 (5) may not become associated or connected with,
14 directly or indirectly, any combination in restraint of trade in
15 textbooks or enter into any understanding or combination to control
16 prices or restrict competition in the sale of textbooks for use in
17 this state;

18 (6) shall:

19 (A) maintain a depository in this state or
20 arrange with a depository in this state to receive and fill orders
21 for textbooks, other than open-source textbooks, on-line
22 textbooks, or on-line textbook components, consistent with
23 commissioner [~~State Board of Education~~] rules; or

24 (B) deliver textbooks to a school district or
25 open-enrollment charter school without a delivery charge to the
26 school district, open-enrollment charter school, or state, if:

27 (i) the publisher or manufacturer does not

1 maintain or arrange with a depository in this state under Paragraph
2 (A) and the publisher's or manufacturer's textbooks and related
3 products are warehoused or otherwise stored less than 300 miles
4 from a border of this state; or

5 (ii) the textbooks are open-source
6 textbooks, on-line textbooks, or on-line textbook components;

7 (7) shall, at the time an order for textbooks is
8 acknowledged, provide to school districts or open-enrollment
9 charter schools an accurate shipping date for textbooks that are
10 back-ordered;

11 (8) shall guarantee delivery of textbooks at least 10
12 business days before the opening day of school of the year for which
13 the textbooks are ordered if the textbooks are ordered by a date
14 specified in the sales contract; and

15 (9) shall submit to the agency [~~State Board of~~
16 ~~Education~~] an affidavit certifying any textbook the publisher or
17 manufacturer offers in this state to be free of factual errors at
18 the time the publisher executes the contract required by Section
19 31.026.

20 (b) The commissioner [~~State Board of Education~~] may impose a
21 reasonable administrative penalty against a publisher or
22 manufacturer who knowingly violates Subsection (a). The
23 commissioner [~~board~~] shall provide for a hearing to be held to
24 determine whether a penalty is to be imposed and, if so, the amount
25 of the penalty. The commissioner [~~board~~] shall base the amount of
26 the penalty on:

27 (1) the seriousness of the violation;

- 1 (2) any history of a previous violation;
- 2 (3) the amount necessary to deter a future violation;
- 3 (4) any effort to correct the violation; and
- 4 (5) any other matter justice requires.

5 (c) A hearing under Subsection (b) shall be held according
6 to rules adopted by the commissioner [~~State Board of Education~~].

7 SECTION 47. Section 31.201, Education Code, is amended to
8 read as follows:

9 Sec. 31.201. DISPOSITION OF TEXTBOOKS. (a) The
10 commissioner [~~, with the approval of the State Board of Education,~~]
11 may provide for the disposition of:

12 (1) textbooks, other than electronic textbooks, that
13 are no longer in acceptable condition to be used for instructional
14 purposes; or

15 (2) discontinued textbooks, other than electronic
16 textbooks.

17 (b) The commissioner, as provided by rules adopted by the
18 commissioner [~~State Board of Education~~], shall make available on
19 request copies of discontinued textbooks, other than electronic
20 textbooks, for use in libraries maintained in municipal and county
21 jails, facilities operated by the Texas Department of Criminal
22 Justice for the imprisonment of individuals convicted of felonies
23 other than state jail felonies, and other state agencies.

24 (c) The commissioner [~~State Board of Education~~] shall adopt
25 rules under which a school district or open-enrollment charter
26 school may donate discontinued textbooks, other than electronic
27 textbooks, to a student, to an adult education program, or to a

1 nonprofit organization.

2 SECTION 48. Section 32.001, Education Code, is amended to
3 read as follows:

4 Sec. 32.001. DEVELOPMENT OF LONG-RANGE PLAN. (a) The
5 agency [~~State Board of Education~~] shall develop a long-range plan
6 for:

7 (1) acquiring and using technology in the public
8 school system;

9 (2) fostering professional development related to the
10 use of technology for educators and others associated with child
11 development;

12 (3) fostering computer literacy among public school
13 students so that [~~by the year 2000~~] each high school graduate in
14 this state has computer-related skills that meet standards adopted
15 by the commissioner [~~board~~]; and

16 (4) identifying and, through regional education
17 service centers, distributing information on emerging technology
18 for use in the public schools.

19 (b) The agency [~~State Board of Education~~] shall update as
20 necessary the plan developed under Subsection (a).

21 (c) The agency [~~State Board of Education~~], in coordination
22 with [~~the Texas Higher Education Coordinating Board and~~] other
23 public agencies and institutions the agency [~~State Board of
24 Education~~] considers appropriate, shall propose legislation and
25 funding necessary to implement the plan developed under Subsection
26 (a).

27 (d) In developing the plan, the agency shall [~~State Board of~~

1 ~~Education must~~] consider accessibility of technology to students
2 with disabilities.

3 SECTION 49. Sections 32.034(a), (c), (d), and (e),
4 Education Code, are amended to read as follows:

5 (a) The commissioner [~~, as provided by State Board of~~
6 ~~Education policy,~~] may enter into an interagency contract with a
7 public institution of higher education or a consortium of public
8 institutions of higher education in this state to sponsor a center
9 for educational technology under this section.

10 (c) The membership of the center shall consist of public
11 school educators, regional education service centers, institutions
12 of higher education, nonprofit organizations, and private sector
13 representatives. The commissioner [~~State Board of Education~~] shall
14 establish membership policies for the center.

15 (d) The board of directors of the center is composed of the
16 commissioner or the commissioner's representative and other
17 persons [~~shall be~~] appointed by the commissioner, as follows [~~State~~
18 ~~Board of Education and shall consist of~~]:

19 (1) representatives of the center, including members
20 of the public education system; and

21 (2) a representative of each sponsoring institution of
22 higher education [~~, and~~

23 [~~(3) the commissioner or the commissioner's~~
24 ~~representative~~].

25 (e) The board of directors shall:

26 (1) employ a director for the center;

27 (2) establish priorities for the center's activities;

1 and

2 (3) report annually on the operation, projects, and
3 fiscal affairs of the center to the commissioner if the
4 commissioner does not serve on the board and to [~~State Board of~~
5 ~~Education and~~] the membership of the center.

6 SECTION 50. Sections 33.084(a) and (e), Education Code, are
7 amended to read as follows:

8 (a) The interscholastic league advisory council is composed
9 of:

10 (1) the commissioner [~~two members of the State Board~~
11 ~~of Education appointed by the chair of the board~~];

12 (2) a member of the house of representatives appointed
13 by the speaker of the house;

14 (3) a member of the senate appointed by the lieutenant
15 governor;

16 (4) two members of the legislative council of the
17 University Interscholastic League appointed by the chairman of the
18 council;

19 (5) two public school board members appointed by the
20 commissioner; and

21 (6) four [~~three~~] members of the public appointed by
22 the commissioner.

23 (e) The advisory council shall review the rules of the
24 University Interscholastic League and shall make recommendations
25 relating to the rules to the governor, the legislature, the
26 legislative council of the University Interscholastic League, and
27 the commissioner [~~State Board of Education~~].

1 SECTION 51. Section 37.108(a), Education Code, is amended
2 to read as follows:

3 (a) Each school district or public junior college district
4 shall adopt and implement a multihazard emergency operations plan
5 for use in the district's facilities. The plan must address
6 mitigation, preparedness, response, and recovery as defined by the
7 commissioner [~~of education or commissioner of higher education~~] in
8 conjunction with the governor's office of homeland security. The
9 plan must provide for:

10 (1) district employee training in responding to an
11 emergency;

12 (2) if the plan applies to a school district,
13 mandatory school drills and exercises to prepare district students
14 and employees for responding to an emergency;

15 (3) measures to ensure coordination with the
16 Department of State Health Services and local emergency management
17 agencies, law enforcement, health departments, and fire
18 departments in the event of an emergency; and

19 (4) the implementation of a safety and security audit
20 as required by Subsection (b).

21 SECTION 52. Sections 37.203(a) and (b), Education Code, are
22 amended to read as follows:

23 (a) The center is advised by a board of directors composed
24 of:

25 (1) the attorney general, or the attorney general's
26 designee;

27 (2) the commissioner, or the commissioner's designee;

1 (3) the executive director of the Texas Juvenile
2 Probation Commission, or the executive director's designee;

3 (4) the executive commissioner of the Texas Youth
4 Commission, or the executive commissioner's designee;

5 (5) the commissioner of the Department of State Health
6 Services, or the commissioner's designee; and

7 (6) ~~[the commissioner of higher education, or the~~
8 ~~commissioner's designee; and~~

9 ~~[(7)]~~ the following members appointed by the governor
10 with the advice and consent of the senate:

11 (A) a juvenile court judge;

12 (B) a member of a school district's board of
13 trustees;

14 (C) an administrator of a public primary school;

15 (D) an administrator of a public secondary
16 school;

17 (E) a member of the state parent-teacher
18 association;

19 (F) a teacher from a public primary or secondary
20 school;

21 (G) a public school superintendent who is a
22 member of the Texas Association of School Administrators;

23 (H) a school district police officer or a peace
24 officer whose primary duty consists of working in a public school;

25 [~~and~~]

26 (I) an administrator of a public institution of
27 higher education; and

1 (J) two members of the public.

2 (b) Members of the board appointed under Subsection (a)(6)
3 ~~[(a)(7)]~~ serve staggered two-year terms, with the terms of the
4 members described by Subsections (a)(6)(A)-(E) ~~[(a)(7)(A)-(E)]~~
5 expiring on February 1 of each odd-numbered year and the terms of
6 the members described by Subsections (a)(6)(F)-(J) ~~[(a)(7)(F)-(I)]~~
7 expiring on February 1 of each even-numbered year. A member may
8 serve more than one term.

9 SECTION 53. Section 37.216(a), Education Code, is amended
10 to read as follows:

11 (a) Not later than January 1 of each odd-numbered year, the
12 board shall provide a report to the governor, the legislature, ~~[the~~
13 ~~State Board of Education,~~] and the agency.

14 SECTION 54. Section 37.2161(a), Education Code, is amended
15 to read as follows:

16 (a) The center shall periodically provide a school safety
17 and security progress report to the governor, the legislature, ~~[the~~
18 ~~State Board of Education,~~] and the agency that contains current
19 information regarding school safety and security in the school
20 districts and public junior college districts of this state based
21 on:

22 (1) elements of each district's multihazard emergency
23 operations plan required by Section 37.108(a);

24 (2) elements of each district's safety and security
25 audit required by Section 37.108(b); and

26 (3) any other report required to be submitted to the
27 center.

1 SECTION 55. Sections 39.023(c), (c-3), (e), (g), (h), and
2 (l), Education Code, are amended to read as follows:

3 (c) The agency shall also adopt end-of-course assessment
4 instruments for secondary-level courses in Algebra I, Algebra II,
5 geometry, biology, chemistry, physics, English I, English II,
6 English III, world geography, world history, and United States
7 history. The Algebra I, Algebra II, and geometry end-of-course
8 assessment instruments must be administered with the aid of
9 technology. A school district shall comply with commissioner
10 [~~State Board of Education~~] rules regarding administration of the
11 assessment instruments listed in this subsection and shall adopt a
12 policy that requires a student's performance on an end-of-course
13 assessment instrument for a course listed in this subsection in
14 which the student is enrolled to account for 15 percent of the
15 student's final grade for the course. If a student retakes an
16 end-of-course assessment instrument for a course listed in this
17 subsection, as provided by Section 39.025, a school district is not
18 required to use the student's performance on the subsequent
19 administration or administrations of the assessment instrument to
20 determine the student's final grade for the course. If a student is
21 in a special education program under Subchapter A, Chapter 29, the
22 student's admission, review, and dismissal committee shall
23 determine whether any allowable modification is necessary in
24 administering to the student an assessment instrument required
25 under this subsection. The agency [~~State Board of Education~~] shall
26 administer the assessment instruments. The agency [~~State Board of~~
27 ~~Education~~] shall adopt a schedule for the administration of

1 end-of-course assessment instruments that complies with the
2 requirements of Subsection (c-3).

3 (c-3) In adopting a schedule for the administration of
4 assessment instruments under this section, the agency [~~State Board~~
5 ~~of Education~~] shall require:

6 (1) assessment instruments administered under
7 Subsection (a) to be administered on a schedule so that the first
8 assessment instrument is administered at least two weeks later than
9 the date on which the first assessment instrument was administered
10 under Subsection (a) during the 2006-2007 school year; and

11 (2) the spring administration of end-of-course
12 assessment instruments under Subsection (c) to occur in each school
13 district not earlier than the first full week in May, except that
14 the spring administration of the end-of-course assessment
15 instruments in English I, English II, and English III must be
16 permitted to occur at an earlier date.

17 (e) Under rules adopted by the commissioner [~~State Board of~~
18 ~~Education~~], every third year, the agency shall release the
19 questions and answer keys to each assessment instrument
20 administered under Subsection (a), (b), (c), (d), or (l), excluding
21 any assessment instrument administered to a student for the purpose
22 of retaking the assessment instrument, after the last time the
23 instrument is administered for that school year. To ensure a valid
24 bank of questions for use each year, the agency is not required to
25 release a question that is being field-tested and was not used to
26 compute the student's score on the instrument. The agency shall
27 also release, under commissioner [~~board~~] rule, each question that

1 is no longer being field-tested and that was not used to compute a
2 student's score.

3 (g) The agency [~~State Board of Education~~] may adopt one
4 appropriate, nationally recognized, norm-referenced assessment
5 instrument in reading and mathematics to be administered to a
6 selected sample of students in the spring. If adopted, a
7 norm-referenced assessment instrument must be a secured test. The
8 state may pay the costs of purchasing and scoring the adopted
9 assessment instrument and of distributing the results of the
10 adopted instrument to the school districts. A district that
11 administers the norm-referenced test adopted under this subsection
12 shall report the results to the agency in a manner prescribed by the
13 commissioner.

14 (h) The agency shall notify school districts and campuses of
15 the results of assessment instruments administered under this
16 section at the earliest possible date [~~determined by the State~~
17 ~~Board of Education~~] but not later than the beginning of the
18 subsequent school year.

19 (l) The commissioner [~~State Board of Education~~] shall adopt
20 rules for the administration of the assessment instruments adopted
21 under Subsection (a) in Spanish to students in grades three through
22 five who are of limited English proficiency, as defined by Section
23 29.052, whose primary language is Spanish, and who are not
24 otherwise exempt from the administration of an assessment
25 instrument under Section 39.027(a)(1) or (2). Each student of
26 limited English proficiency whose primary language is Spanish,
27 other than a student to whom Subsection (b) applies, may be assessed

1 using assessment instruments in Spanish under this subsection for
2 up to three years or assessment instruments in English under
3 Subsection (a). The language proficiency assessment committee
4 established under Section 29.063 shall determine which students are
5 administered assessment instruments in Spanish under this
6 subsection.

7 SECTION 56. Sections 39.0233(a) and (c), Education Code,
8 are amended to read as follows:

9 (a) The agency [~~, in coordination with the Texas Higher~~
10 ~~Education Coordinating Board,~~] shall adopt a series of questions to
11 be included in an end-of-course assessment instrument administered
12 under Section 39.023(c) to be used for purposes of Section 51.3062.
13 The questions adopted under this subsection must be developed in a
14 manner consistent with any college readiness standards adopted
15 under Sections 39.233 [~~39.113~~] and 51.3062.

16 (c) The commissioner [~~State Board of Education~~] shall
17 establish a level of performance on the questions adopted under
18 this section that indicates a student's college readiness. A
19 student's performance on the questions adopted under this section
20 must be evaluated separately from the student's performance on the
21 remainder of the assessment instrument. A student's performance on
22 a question adopted under this section may not be used to determine
23 the student's performance on the assessment instrument for purposes
24 of Section 39.023 or 39.025. The commissioner shall adopt rules
25 concerning the reporting of a student's performance on the
26 questions adopted under this section.

27 SECTION 57. Sections 39.024(a), (b), (c), (e), (f), (g),

1 and (h), Education Code, are amended to read as follows:

2 (a) In this section, "college readiness" means the level of
3 preparation a student must attain in English language arts and
4 mathematics courses to enroll and succeed, without remediation, in
5 an entry-level general education course for credit in that same
6 content area for a baccalaureate degree or associate degree program
7 at:

8 (1) a general academic teaching institution, as
9 defined by Section 61.003, other than a research institution, as
10 categorized under the agency's [~~Texas Higher Education~~
11 ~~Coordinating Board's~~] accountability system; or

12 (2) a postsecondary educational institution that
13 primarily offers associate degrees or certificates or credentials
14 other than baccalaureate or advanced degrees.

15 (b) The agency [~~and the Texas Higher Education Coordinating~~
16 ~~Board~~] shall ensure that the Algebra II and English III
17 end-of-course assessment instruments required under Section
18 39.023(c) are developed to be capable of, beginning with the
19 2011-2012 school year, measuring college readiness.

20 (c) The [~~Before the beginning of the 2011-2012 school year,~~
21 ~~the~~] agency [~~, in collaboration with the Texas Higher Education~~
22 ~~Coordinating Board,~~] shall gather data and conduct research studies
23 to substantiate the correlation between a certain level of
24 performance by students on the Algebra II and English III
25 end-of-course assessment instruments and college readiness.

26 (e) Based on the results of the studies conducted under
27 Subsection (c), the commissioner [~~of education and the commissioner~~

1 ~~of higher education]~~ shall establish student performance standards
2 for the Algebra II and English III end-of-course assessment
3 instruments indicating that students have attained college
4 readiness.

5 (f) The agency [~~, in collaboration with the Texas Higher~~
6 ~~Education Coordinating Board,~~] shall conduct research studies
7 similar to the studies conducted under Subsection (c) for the
8 appropriate science and social studies end-of-course assessment
9 instruments. If the commissioner [~~of education, in collaboration~~
10 ~~with the commissioner of higher education,~~] determines that the
11 research studies conducted under this subsection substantiate a
12 correlation between a certain level of performance by students on
13 science and social studies end-of-course assessment instruments
14 and college readiness, the commissioner [~~of education, in~~
15 ~~collaboration with the commissioner of higher education], as soon
16 as practicable, may establish student performance standards for the
17 science and social studies end-of-course assessment instruments
18 indicating that students have attained college readiness.~~

19 (g) The agency [~~, in collaboration with the Texas Higher~~
20 ~~Education Coordinating Board,~~] shall continue to gather data to
21 perform studies as provided under Subsections (c) and (f) at least
22 once every three years.

23 (h) The agency [~~and the Texas Higher Education Coordinating~~
24 ~~Board]~~ shall periodically review the college readiness performance
25 standards established under this section and compare the
26 performance standards to performance standards established
27 nationally and internationally for comparable assessment

1 instruments. Following each review, the agency [~~and the Texas~~
2 ~~Higher Education Coordinating Board~~] shall deliver to the
3 lieutenant governor, the speaker of the house of representatives,
4 and the clerks of the standing committees of the senate and the
5 house of representatives with primary jurisdiction over public
6 education and higher education a report on the results of the review
7 indicating whether the college readiness performance standards
8 established under this section are sufficiently rigorous to prepare
9 students in this state to compete academically with students
10 nationally and internationally. If the agency determines [~~and the~~
11 ~~Texas Higher Education Coordinating Board determine~~] that the
12 college readiness performance standards established under this
13 section are not sufficiently rigorous, the agency [~~and the Texas~~
14 ~~Higher Education Coordinating Board~~] shall recommend changes to the
15 college readiness performance standards.

16 SECTION 58. Section 39.0241(a-1), Education Code, is
17 amended to read as follows:

18 (a-1) The commissioner [~~of education, in collaboration with~~
19 ~~the commissioner of higher education,~~] shall determine the level of
20 performance necessary to indicate college readiness, as defined by
21 Section 39.024(a).

22 SECTION 59. Section 39.0242(d), Education Code, is amended
23 to read as follows:

24 (d) The agency shall continue to gather data and perform
25 studies as provided under this section at least once every three
26 years. If the data do not support the correlation between student
27 performance standards and college readiness, the commissioner [~~of~~

1 ~~education, in collaboration with the commissioner of higher~~
2 ~~education,~~] shall revise the standard of performance considered to
3 be satisfactory.

4 SECTION 60. Section 39.026, Education Code, is amended to
5 read as follows:

6 Sec. 39.026. LOCAL OPTION. In addition to the assessment
7 instruments adopted and administered by the agency [~~and~~
8 ~~administered by the State Board of Education~~], a school district
9 may adopt and administer criterion-referenced or norm-referenced
10 assessment instruments, or both, at any grade level. A
11 norm-referenced assessment instrument adopted under this section
12 must be economical, nationally recognized, and state-approved.

13 SECTION 61. Section 39.052(b), Education Code, is amended
14 to read as follows:

15 (b) In determining the accreditation status of a school
16 district, the commissioner:

17 (1) shall evaluate and consider:

18 (A) performance on student achievement
19 indicators described by Section 39.053(c); and

20 (B) performance under the financial
21 accountability rating system developed under Subchapter D; and

22 (2) may evaluate and consider:

23 (A) the district's compliance with statutory
24 requirements and requirements imposed by rule of the commissioner
25 [~~or State Board of Education~~] under specific statutory authority
26 that relate to:

27 (i) reporting data through the Public

1 Education Information Management System (PEIMS) or other reports
2 required by state or federal law or court order;

3 (ii) the high school graduation
4 requirements under Section 28.025; or

5 (iii) an item listed under Sections
6 7.056(e)(3)(C)-(I) that applies to the district;

7 (B) the effectiveness of the district's programs
8 for special populations; and

9 (C) the effectiveness of the district's career
10 and technology program.

11 SECTION 62. Section 39.263(c), Education Code, is amended
12 to read as follows:

13 (c) The commissioner shall select annually schools and
14 districts qualified to receive successful school awards for their
15 performance and report the selections to the governor [~~and the~~
16 ~~State Board of Education~~].

17 SECTION 63. Section 39.307, Education Code, is amended to
18 read as follows:

19 Sec. 39.307. USES OF PERFORMANCE REPORT. The information
20 required to be reported under Section 39.306 shall be:

21 (1) the subject of public hearings or meetings
22 required under Sections 11.252, 11.253, and 39.306;

23 (2) a primary consideration in school district and
24 campus planning; and

25 (3) a primary consideration of:

26 (A) [~~the State Board of Education in the~~
27 ~~evaluation of the performance of the commissioner,~~

1 [~~(B)~~] the commissioner in the evaluation of the
2 performance of the directors of the regional education service
3 centers;

4 (B) [~~(C)~~] the board of trustees of a school
5 district in the evaluation of the performance of the superintendent
6 of the district; and

7 (C) [~~(D)~~] the superintendent in the evaluation
8 of the performance of the district's campus principals.

9 SECTION 64. Sections 39.331(d) and (e), Education Code, are
10 amended to read as follows:

11 (d) Subsections (a) and (b) apply to any report required by
12 statute that the agency [~~or the State Board of Education~~] must
13 prepare and deliver to the governor, lieutenant governor, speaker
14 of the house of representatives, or legislature.

15 (e) Unless otherwise provided by law, any report required by
16 statute that the agency [~~or the State Board of Education~~] must
17 prepare and deliver to the governor, lieutenant governor, speaker
18 of the house of representatives, or legislature may be combined, at
19 the discretion of the commissioner, with a report required by this
20 subchapter.

21 SECTION 65. Section 39.332(b)(23), Education Code, is
22 amended to read as follows:

23 (23) The report must contain any additional
24 information considered important by the commissioner [~~or the State
25 Board of Education~~].

26 SECTION 66. Section 39.402(b), Education Code, is amended
27 to read as follows:

1 (b) The council is composed of:

2 (1) the commissioner [~~of education~~]; and

3 (2) [~~the commissioner of higher education, and~~

4 [~~3~~] seven members appointed by the commissioner [~~of~~
5 ~~education~~].

6 SECTION 67. Section 39.404, Education Code, is amended to
7 read as follows:

8 Sec. 39.404. PRESIDING OFFICER. The commissioner [~~of~~
9 ~~education~~] serves as the presiding officer of the council.

10 SECTION 68. Section 39.406(a), Education Code, is amended
11 to read as follows:

12 (a) Except as otherwise provided, staff members of the
13 agency[~~, with the assistance of the Texas Higher Education~~
14 ~~Coordinating Board,~~] shall provide administrative support for the
15 council.

16 SECTION 69. Sections 39.407(b) and (c), Education Code, are
17 amended to read as follows:

18 (b) The commissioner [~~of education and the commissioner of~~
19 ~~higher education~~] shall adopt rules as necessary to administer the
20 strategic plan adopted by the council under this section.

21 (c) The commissioner [~~of education or the commissioner of~~
22 ~~higher education~~] may not, in a manner inconsistent with the
23 strategic plan, spend money, award a grant, or enter into a contract
24 in connection with a program relating to high school success and
25 completion.

26 SECTION 70. Section 39.409, Education Code, is amended to
27 read as follows:

1 Sec. 39.409. PRIVATE FOUNDATION PARTNERSHIPS. (a) The
2 commissioner [~~of education or the commissioner of higher education,~~
3 ~~as appropriate,~~] and the council may coordinate with private
4 foundations that have made a substantial investment in the
5 improvement of high schools in this state to maximize the impact of
6 public and private investments.

7 (b) A private foundation is not required to obtain the
8 approval of the [~~appropriate~~] commissioner or the council under
9 Subsection (a) before allocating resources to a school in this
10 state.

11 SECTION 71. Sections 39.411(a), (c), and (d), Education
12 Code, are amended to read as follows:

13 (a) Based on the strategic plan adopted under this
14 subchapter, the council shall make recommendations to the
15 commissioner [~~of education or the commissioner of higher education,~~
16 ~~as applicable,~~] for the use of federal and state funds appropriated
17 or received for high school reform, college readiness, and dropout
18 prevention, including grants awarded under Sections 21.4511,
19 21.4541, 29.095, 29.096, 29.097, 29.098 [~~29.095-29.098~~], 29.917,
20 [~~29.919,~~] and 39.235.

21 (c) The commissioner [~~of education or the commissioner of~~
22 ~~higher education, as applicable,~~] shall consider the council's
23 recommendations and based on those recommendations may award grants
24 to school districts, open-enrollment charter schools, institutions
25 of higher education, regional education service centers, and
26 nonprofit organizations to meet the goals of the council's
27 strategic plan.

1 (d) The commissioner [~~of education or the commissioner of~~
2 ~~higher education, as applicable~~]:

3 (1) is not required under this section to allocate
4 funds to a program or initiative recommended by the council; and

5 (2) may not initiate a program funded under this
6 section that does not conform to the recommended use of funds as
7 provided under Subsections (a) and (b).

8 SECTION 72. Sections 39.413, 39.414, and 39.416, Education
9 Code, are amended to read as follows:

10 Sec. 39.413. FUNDING FOR CERTAIN PROGRAMS. (a) From funds
11 appropriated, the commissioner [~~Texas Higher Education~~
12 ~~Coordinating Board~~] shall allocate \$8.75 million each year to
13 establish mathematics, science, and technology teacher preparation
14 academies under Section 61.0766, [~~provide funding to the~~
15 ~~commissioner of education to~~] implement and administer the program
16 under Section 29.098, and award grants under Section 61.0762(a)(3).

17 (b) The agency [~~Texas Higher Education Coordinating Board~~]
18 shall establish mathematics, science, and technology teacher
19 preparation academies under Section 61.0766, [~~provide funding to~~
20 ~~the commissioner of education to~~] implement and administer the
21 program under Section 29.098, and award grants under Section
22 61.0762(a)(3) in a manner consistent with the goals of this
23 subchapter and the goals in "Closing the Gaps," the state's master
24 plan for higher education.

25 Sec. 39.414. PRIVATE FUNDING. The commissioner [~~of~~
26 ~~education or the commissioner of higher education, as appropriate,~~]
27 may accept gifts, grants, or donations to fund a grant administered

1 under this subchapter.

2 Sec. 39.416. RULES. The commissioner [~~of education and the~~
3 ~~commissioner of higher education~~] shall adopt rules as necessary to
4 administer this subchapter and any programs under the authority of
5 the commissioner [~~of education or the commissioner of higher~~
6 ~~education~~] and the council under this subchapter.

7 SECTION 73. Section 42.004, Education Code, is amended to
8 read as follows:

9 Sec. 42.004. ADMINISTRATION OF THE PROGRAM. The
10 commissioner, in accordance with the rules of the commissioner
11 [~~State Board of Education~~], shall take such action and require such
12 reports consistent with this chapter as may be necessary to
13 implement and administer the Foundation School Program.

14 SECTION 74. Sections 51.403(d) and (e), Education Code, are
15 amended to read as follows:

16 (d) Each institution shall file with its governing board and
17 the Texas Education Agency [~~coordinating board~~] a small class
18 report, excluding individual instruction courses, indicating
19 department, course number, title of course, and the name of the
20 instructor. "Small classes," for the purpose of this report, are
21 undergraduate-level courses with less than 10 registrations, and
22 graduate-level courses with less than 5 registrations. No small
23 classes shall be offered in any institution except as authorized by
24 the appropriate governing board, within the guidelines established
25 by the commissioner of education [~~Coordinating Board~~].

26 (e) Under guidelines established by the commissioner of
27 education [~~Coordinating Board, Texas College and University~~

1 ~~System, and the State Board of Education]~~, postsecondary
2 institutions shall report student performance during the first year
3 enrolled after graduation from high school to the high school or
4 junior college last attended. This report shall include~~[, but not~~
5 ~~be limited to,]~~ appropriate student test scores, a description of
6 developmental courses required, and the student's grade point
7 average. Appropriate safeguards for student privacy shall be
8 included in the rules for implementation of this subsection.

9 SECTION 75. Sections 51.605(a), (b), and (f), Education
10 Code, are amended to read as follows:

11 (a) The commissioner shall allocate the fund in accordance
12 with guidelines adopted by the commissioner [~~State Board of~~
13 ~~Education~~]. Funding shall be allocated in proportion to the
14 percentage of women and underrepresented minority group students
15 participating in eligible programs. The guidelines must ensure
16 that programs approved for funding:

17 (1) use professional volunteers at each level of
18 instruction;

19 (2) require parental involvement;

20 (3) coordinate with public school preparation for
21 scientific and mathematical careers;

22 (4) coordinate with postsecondary educational
23 institutions;

24 (5) involve organizations of women and minority group
25 members;

26 (6) provide demonstrated professional leadership in
27 educational activities for women and minority group members; and

1 (7) are compatible with state and federal laws
2 governing education.

3 (b) The commissioner shall allocate the fund as follows:

4 (1) the commissioner shall first allocate available
5 funds to provide to each eligible program an amount equal to, at
6 most, 50 percent of the amount of contributions the program
7 received during the preceding fiscal year, as certified by the
8 chief executive officer of the institution applying for the funds
9 and verified by the commissioner;

10 (2) after all grants have been made under Subdivision
11 (1) of this subsection for which applications have been received by
12 a date set by rule of the commissioner [~~board~~], the commissioner may
13 allocate funds for the establishment or continued operation of
14 eligible programs that have not received contributions; and

15 (3) the commissioner may allocate any amount remaining
16 in the fund on January 1 of each year among the institutions
17 receiving grants under Subdivision (1) of this subsection in
18 proportion to each program's share of the total amount allocated
19 under that subdivision.

20 (f) The commissioner [~~State Board of Education~~] shall adopt
21 rules establishing procedures by which an entity must apply for
22 funding and account for any funds received.

23 SECTION 76. Section 51.606(b), Education Code, is amended
24 to read as follows:

25 (b) The commissioner [~~coordinating board~~] shall determine
26 on an annual basis which groups meet the requirements set out in
27 Subsection (a)(2) [~~Subdivision (2) of Subsection (a) of this~~

1 ~~section and shall certify that determination to the commissioner of~~
2 ~~education].~~

3 SECTION 77. Section 51.752(g), Education Code, is amended
4 to read as follows:

5 (g) The committee shall report to the Legislative Budget
6 Board at least once a year. The committee shall also report to the
7 governor, the commissioner of education [~~State Board of Education,~~
8 ~~the Texas Higher Education Coordinating Board~~], and the legislature
9 before the convening of each regular session.

10 SECTION 78. Section 51.807, Education Code, is amended to
11 read as follows:

12 Sec. 51.807. RULEMAKING. (a) The commissioner of
13 education [~~Texas Higher Education Coordinating Board~~] may adopt
14 rules relating to the operation of admissions programs under this
15 subchapter, including rules relating to the identification of
16 eligible students.

17 (b) The commissioner of education [~~Texas Higher Education~~
18 ~~Coordinating Board, after consulting with the Texas Education~~
19 ~~Agency~~] by rule shall establish standards for determining for
20 purposes of this subchapter:

21 (1) whether a private high school is accredited by a
22 generally recognized accrediting organization; and

23 (2) whether a person completed a high school
24 curriculum that is equivalent in content and rigor to the
25 curriculum requirements established under Section 28.025 for the
26 recommended or advanced high school program.

27 SECTION 79. Sections 51.916(a) and (b), Education Code, are

1 amended to read as follows:

2 (a) From funds appropriated for that purpose, the Texas
3 Education Agency [~~Coordinating Board, Texas College and University~~
4 ~~System,~~] may make grants to institutions of higher education for
5 the purpose of supporting research in teaching, primary and
6 secondary curricula, learning, and early childhood education.

7 (b) Grants shall be awarded on a competitive basis according
8 to standards adopted by rule of the commissioner of education
9 [~~board~~]. In making grants, the agency [~~board~~] shall consider
10 encouraging the development of research centers at particular
11 institutions of higher education.

12 SECTION 80. Sections 51.968(d) and (f), Education Code, are
13 amended to read as follows:

14 (d) Each institution of higher education shall report to the
15 Texas Education Agency [~~coordinating board~~] the institution's
16 policy adopted under this section and shall include a copy of the
17 policy with the institution's undergraduate student application
18 materials, including application materials available on the
19 institution's Internet website.

20 (f) The [~~coordinating board, in consultation with the~~]
21 Texas Education Agency, shall:

22 (1) identify correlations between the subject matter
23 and content of courses offered by each institution of higher
24 education and the subject matter and content of courses and
25 examinations in the International Baccalaureate Diploma Program,
26 the Advanced Placement Program, and the College-Level Examination
27 Program; and

1 (2) make that information available to the public on
2 the agency's [~~coordinating board's~~] Internet website.

3 SECTION 81. Section 54.211(b), Education Code, as amended
4 by Chapters 45 (S.B. 43) and 1372 (S.B. 939), Acts of the 81st
5 Legislature, Regular Session, 2009, is reenacted and amended to
6 read as follows:

7 (b) The Texas Education Agency [~~and the Texas Higher
8 Education Coordinating Board~~] shall develop outreach programs to
9 ensure that students in the conservatorship of the Department of
10 Family and Protective Services and in grades 9-12 are aware of the
11 availability of the exemption from the payment of tuition and fees
12 provided by this section.

13 SECTION 82. Section 54.2111(b), Education Code, is amended
14 to read as follows:

15 (b) The Texas Education Agency [~~and the Texas Higher
16 Education Coordinating Board~~] shall develop outreach programs to
17 ensure that eligible [~~adopted~~] students in grades 9-12 [~~formerly in
18 foster or other residential care~~] are aware of the availability of
19 the exemption from the payment of tuition and fees provided by this
20 section.

21 SECTION 83. Section 56.207, Education Code, is amended to
22 read as follows:

23 Sec. 56.207. PAYMENT OF STATE CREDIT. (a) At least once
24 each year, the [~~the coordinating board shall submit a report to~~] the
25 commissioner of education shall prepare a report that includes:

26 (1) the name of each student who used the state credit
27 under this subchapter during the period covered by the report;

1 (2) the school district from which each student
2 graduated from high school; and

3 (3) the amount of the state credit used by each student
4 during the period covered by the report.

5 (b) The [~~On receipt of a report from the coordinating board~~
6 ~~under Subsection (a), the~~] commissioner of education shall
7 distribute to each eligible institution of higher education
8 [~~transfer to the coordinating board~~], from funds appropriated for
9 the Foundation School Program, an amount sufficient to pay each
10 eligible institution [~~of higher education~~] the amount of state
11 credit for tuition or tuition and mandatory fees, as applicable,
12 that is applied by the institution during the period covered by the
13 report.

14 [~~(c) The coordinating board shall distribute the~~
15 ~~appropriate amount of funds to each eligible institution when the~~
16 ~~board receives the funds under Subsection (b).~~]

17 SECTION 84. Sections 56.304(a), (e-2), and (h), Education
18 Code, are amended to read as follows:

19 (a) To be eligible initially for a TEXAS grant, a person
20 must:

21 (1) be a resident of this state as determined by
22 commissioner of education [~~coordinating board~~] rules;

23 (2) meet either of the following academic
24 requirements:

25 (A) be a graduate of a public or accredited
26 private high school in this state who graduated not earlier than the
27 1998-1999 school year and who completed the recommended or advanced

1 high school curriculum established under Section [~~28.002 or~~] 28.025
2 or its equivalent; or

3 (B) have received an associate degree from a
4 public or private institution of higher education not earlier than
5 May 1, 2001;

6 (3) meet financial need requirements as defined by the
7 commissioner of education [~~coordinating board~~];

8 (4) be enrolled in an undergraduate degree or
9 certificate program at an eligible institution;

10 (5) be enrolled as:

11 (A) an entering undergraduate student for at
12 least three-fourths of a full course load for an entering
13 undergraduate student, as determined by the commissioner of
14 education [~~coordinating board~~], not later than the 16th month after
15 the date of the person's graduation from high school; or

16 (B) an entering student for at least
17 three-fourths of a full course load for an undergraduate student as
18 determined by the commissioner of education [~~coordinating board~~],
19 not later than the 12th month after the month the person receives an
20 associate degree from a public or private institution of higher
21 education;

22 (6) have applied for any available financial aid or
23 assistance; and

24 (7) comply with any additional nonacademic
25 requirement adopted by the commissioner of education [~~coordinating~~
26 ~~board~~] under this subchapter.

27 (e-2) The commissioner of education [~~coordinating board~~]

1 shall adopt rules to provide a person who is otherwise eligible to
2 receive a TEXAS grant additional time during which the person may
3 receive a TEXAS grant in the event of a hardship or other good cause
4 shown that prevents the person from continuing the person's
5 enrollment during the period the person would otherwise have been
6 eligible to receive a TEXAS grant, including a showing of a severe
7 illness or other debilitating condition or that the person is or was
8 responsible for the care of a sick, injured, or needy person.

9 (h) The commissioner of education [~~coordinating board~~]
10 shall adopt rules to allow a person who is otherwise eligible to
11 receive a TEXAS grant, in the event of a hardship or for other good
12 cause shown, including a showing of a severe illness or other
13 debilitating condition that may affect the person's academic
14 performance or that the person is responsible for the care of a
15 sick, injured, or needy person and that the person's provision of
16 care may affect the person's academic performance, to receive a
17 TEXAS grant while enrolled in a number of semester credit hours that
18 is less than the number of semester credit hours required under
19 Subsection (a)(5). The commissioner of education [~~coordinating~~
20 ~~board~~] may not allow a person to receive a TEXAS grant while
21 enrolled in fewer than six semester credit hours.

22 SECTION 85. Sections 56.353(b) and (c), Education Code, are
23 amended to read as follows:

24 (b) The commissioner of education [~~coordinating board~~] in
25 awarding repayment assistance shall give priority to applicants who
26 demonstrate financial need.

27 (c) If the money available for loan repayment assistance in

1 a period for which assistance is awarded is insufficient to provide
2 assistance to all eligible applicants described by Subsection (b),
3 the commissioner of education [~~coordinating board~~] shall establish
4 priorities for awarding repayment assistance to address the most
5 critical teacher shortages described by Subsection (a).

6 SECTION 86. Sections 56.357(a), (d), (e), (f), (g), (h),
7 and (j), Education Code, are amended to read as follows:

8 (a) The Texas Education Agency [~~coordinating board~~] shall
9 establish a program under which the agency [~~coordinating board~~]
10 awards grants to assist persons seeking educator certification
11 through alternative educator certification programs as provided by
12 this section.

13 (d) In selecting applicants to receive grants under the
14 program, the Texas Education Agency [~~coordinating board~~] shall
15 consider:

- 16 (1) the financial resources of an applicant;
17 (2) the efficient use of the money available for
18 grants;
19 (3) the opportunity of applicants from all regions of
20 this state to receive grants; and
21 (4) any other factor the agency [~~coordinating board~~]
22 considers appropriate to further the purposes of this subchapter.

23 (e) The amount of a grant under the program is equal to two
24 times the current amount of a TEXAS grant under Subchapter M for a
25 student enrolled in a general academic teaching institution. The
26 Texas Education Agency [~~coordinating board~~] may pay the amount of
27 the grant in installments during the period in which the person is

1 enrolled in the person's alternative educator certification
2 program.

3 (f) The person must begin fulfilling the person's teaching
4 obligation not later than the 18th month after the person completes
5 the alternative educator certification program, unless the Texas
6 Education Agency [~~coordinating board~~] for good cause grants the
7 person additional time to begin fulfilling the teaching obligation.
8 The person must complete the teaching obligation not later than the
9 sixth year after the date the person begins to fulfill the teaching
10 obligation. The agency [~~coordinating board~~] shall grant a person
11 additional time to complete the teaching obligation for good cause.

12 (g) The Texas Education Agency [~~coordinating board~~] shall
13 cancel a person's teaching obligation if the agency [~~coordinating~~
14 ~~board~~] determines that the person:

15 (1) has become permanently disabled so that the person
16 is not able to teach; or

17 (2) has died.

18 (h) The Texas Education Agency [~~coordinating board~~] shall
19 require a person who receives a grant to sign a promissory note
20 acknowledging the conditional nature of the grant and promising to
21 repay the amount of the grant plus applicable interest and
22 reasonable collection costs if the person does not satisfy the
23 applicable conditions of the grant. The agency [~~coordinating~~
24 ~~board~~] shall determine the terms of the promissory note.

25 (j) A person receiving a grant is considered to have failed
26 to satisfy the conditions of the grant, and the grant automatically
27 becomes a loan, if the person, without good cause as determined by

1 the Texas Education Agency [~~coordinating board~~], fails to:

2 (1) remain enrolled in or to make steady progress in
3 the alternative educator certification program for which the grant
4 was made or, with the approval of the agency [~~coordinating board~~],
5 in another alternative educator certification program; or

6 (2) become certified as a classroom teacher not later
7 than the 18th month after the date the person completes the
8 alternative educator certification program.

9 SECTION 87. Section 57.21(b), Education Code, is amended to
10 read as follows:

11 (b) The corporation shall coordinate its efforts under this
12 section with other entities, including [~~the Texas Higher Education~~
13 ~~Coordinating Board,~~] the Texas Education Agency, professional,
14 educational, and civic associations, postsecondary educational
15 institutions that participate in the corporation's programs, and
16 lender advisory committees established under Section 57.461.

17 SECTION 88. Sections 61.076(b), (c), (d), and (g),
18 Education Code, are amended to read as follows:

19 (b) The P-16 Council is composed of the commissioner of
20 education, [~~the commissioner of higher education,~~] the executive
21 director of the Texas Workforce Commission, [~~the executive director~~
22 ~~of the State Board for Educator Certification,~~] and the
23 commissioner of assistive and rehabilitative services. The
24 [~~commissioner of higher education and the~~] commissioner of
25 education serves [~~shall serve~~] as chair [~~co-chairs~~] of the council.

26 (c) The chair [~~co-chairs~~] may appoint four [~~three~~]
27 additional members who are education professionals, agency

1 representatives, business representatives, or other members of the
2 community. Members appointed to the council under this subsection
3 serve two-year terms expiring February 1 of each odd-numbered year.

4 (d) The council shall meet at least once each calendar
5 quarter and may hold other meetings as necessary at the call of the
6 chair [~~co-chairs~~]. Each member of the council or the member's
7 designee shall make a report of the council's activities at least
8 twice annually to the governing body of the member's agency, except
9 that [~~the commissioner of education or that commissioner's designee~~
10 ~~shall report to the State Board of Education and~~] the commissioner
11 of assistive and rehabilitative services or that commissioner's
12 designee shall report to the executive commissioner of the Health
13 and Human Services Commission.

14 (g) The council shall advise the Texas Education Agency when
15 it acts as the State Board for Career and Technology Education
16 [~~board and the State Board of Education~~] on the coordination of
17 postsecondary career and technology activities, career and
18 technology teacher education programs offered or proposed to be
19 offered in the colleges and universities of this state, and other
20 relevant matters, including:

21 (1) coordinating postsecondary career and technology
22 education and the articulation between postsecondary career and
23 technology education and secondary career and technology
24 education;

25 (2) [~~facilitating the transfer of responsibilities~~
26 ~~for the administration of postsecondary career and technology~~
27 ~~education from the State Board of Education to the board in~~

1 ~~accordance with Section 111(a)(I) of the Carl D. Perkins Vocational~~
2 ~~Education Act (Pub. L. No. 98-524),~~

3 [~~3~~] advising the Texas Education Agency [~~State Board~~
4 ~~of Education~~], when it acts as the State Board for Career and
5 Technology Education, on the following:

6 (A) the transfer of federal funds [~~to the board~~]
7 for allotment to eligible public postsecondary institutions of
8 higher education;

9 (B) the career and technology education funding
10 for projects and institutions [~~as determined by the board~~] when the
11 State Board for Career and Technology Education is required by
12 federal law to endorse those determinations;

13 (C) the development and updating of the state
14 plan for career and technology education and the evaluation of
15 programs, services, and activities of postsecondary career and
16 technology education and amendments to the state plan for career
17 and technology education as may relate to postsecondary education;

18 (D) other matters related to postsecondary
19 career and technology education; and

20 (E) the coordination of curricula, instructional
21 programs, research, and other functions as appropriate, including
22 school-to-work and school-to-college transition programs and
23 professional development activities; and

24 (3) [~~4~~] advising the Texas Workforce Investment
25 Council on educational policy issues related to workforce
26 preparation.

27 SECTION 89. Sections 61.0761(a), (b), (d), and (e),

1 Education Code, are amended to read as follows:

2 (a) The P-16 Council established under Section 61.076 shall
3 recommend to the commissioner of education [~~and the board~~] a
4 college readiness and success strategic action plan to increase
5 student success and decrease the number of students enrolling in
6 developmental course work in institutions of higher education. The
7 plan must include:

8 (1) definitions [~~, as determined by the P-16 Council in~~
9 ~~coordination with the State Board of Education,~~] of the standards
10 and expectations for college readiness that address the knowledge
11 and skills expected of students to perform successfully in
12 entry-level courses offered at institutions of higher education;

13 (2) a description of the components of a P-16
14 individualized graduation plan sufficient to prepare students for
15 college success;

16 (3) the manner in which the Texas Education Agency
17 should provide model curricula for use as a reference tool by school
18 district employees;

19 (4) recommendations to the Texas Education Agency [~~,~~
20 ~~the State Board of Education, and the board~~] regarding strategies
21 for decreasing the number of students enrolling in developmental
22 course work at institutions of higher education;

23 (5) recommendations to the State Board for Educator
24 Certification regarding changes to educator certification and
25 professional development requirements that contribute to the
26 ability of public school teachers to prepare students for higher
27 education; and

1 (6) any other elements that the commissioner of
2 education suggests [~~and the board suggest~~] for inclusion in the
3 plan.

4 (b) The commissioner of education [~~and the board~~] shall
5 adopt the college readiness and success strategic action plan
6 recommended by the P-16 Council if the commissioner determines [~~of~~
7 ~~education and the board determine~~] that the plan meets the
8 requirements of this section.

9 (d) Not later than December 1 of each even-numbered year,
10 the commissioner of education [~~and the board~~] shall submit a report
11 to the governor, the lieutenant governor, the speaker of the house
12 of representatives, each member of the Legislative Budget Board,
13 and the members of the standing committees of the senate and house
14 of representatives with primary jurisdiction over the public school
15 system and higher education system describing progress in
16 implementing the college readiness and success strategic action
17 plan.

18 (e) The commissioner of education [~~and the board~~] shall
19 adopt rules necessary to implement this section.

20 SECTION 90. Sections 61.0776(a), (b), (c), and (f),
21 Education Code, are amended to read as follows:

22 (a) The Texas Education Agency [~~board~~], in cooperation with
23 public and private or independent institutions of higher education,
24 [~~the Texas Education Agency,~~] public school counselors,
25 representatives of student financial aid offices of any
26 institutions, regional education service centers, and the Texas
27 Guaranteed Student Loan Corporation, shall develop a center for

1 financial aid information. The center shall disseminate
2 information about financial aid opportunities and procedures,
3 including information about different types of financial aid
4 available, eligibility requirements, and procedures for applying
5 for financial aid. The center shall also provide information to
6 prospective students about the Teach for Texas grant program. The
7 information must emphasize the importance of teaching as a
8 profession.

9 (b) To assist the Texas Education Agency [~~board~~] in
10 developing information provided by the center, the commissioner of
11 education [~~board~~] shall create and appoint an advisory committee
12 that consists of experts in financial aid administration, public
13 school counselors, and other persons who can provide insight into
14 the informational needs of students.

15 (c) The commissioner of education [~~board~~] may designate an
16 institution of higher education or other entity with appropriate
17 facilities and resources to operate or house the center. If the
18 commissioner of education [~~board~~] designates a public nonprofit
19 entity created by the legislature to operate or house the center,
20 the commissioner [~~board~~] may reimburse the entity from money
21 appropriated for that purpose for the costs incurred by the entity
22 in carrying out the activities of the center under this section.

23 (f) The Texas Education Agency [~~board~~], in cooperation with
24 the entities specified by Subsection (a) and the advisory committee
25 established by Subsection (b), shall develop a comprehensive
26 financial aid training program for public school counselors,
27 employees of student financial aid offices of public and private or

1 independent institutions of higher education, members of
2 appropriate community-based organizations, and other appropriate
3 persons. The commissioner of education [~~board~~] may adopt rules as
4 necessary to administer the training program. The agency [~~board~~]
5 shall design the training program to:

6 (1) use the information required by Subsection (e) and
7 any other information necessary to carry out this subdivision:

8 (A) to inform persons receiving the training
9 concerning:

10 (i) the opportunities available to students
11 for obtaining financial aid, including eligibility requirements;
12 and

13 (ii) the procedures for obtaining financial
14 aid; and

15 (B) to provide sufficient and accessible detail
16 to enable the persons receiving the training to provide timely and
17 consistent answers to the questions of students and their parents,
18 conservators, or guardians concerning the opportunities and
19 procedures;

20 (2) teach methods to enable the persons receiving the
21 training to effectively communicate financial aid information to
22 students and their parents, conservators, or guardians;

23 (3) support and promote the dissemination of financial
24 aid information to students and their parents, conservators, or
25 guardians throughout local areas; and

26 (4) publicize the training and make the training
27 easily available to public school counselors and other appropriate

1 persons throughout this state.

2 SECTION 91. Sections 61.702(a) and (c), Education Code, are
3 amended to read as follows:

4 (a) To be eligible to receive repayment assistance for
5 classroom teachers, a person must apply to the Texas Education
6 Agency [~~board~~] and must:

7 (1) have completed at least one year of employment as a
8 full-time classroom teacher at the preschool, primary, or secondary
9 level in a public school in this state in an area or field of acute
10 teacher shortage as designated by the commissioner of education;
11 and

12 (2) be employed as a full-time classroom teacher at
13 the preschool, primary, or secondary level in a public school in
14 this state in an area or field described by Subdivision (1).

15 (c) The Texas Education Agency [~~board~~] shall give priority
16 in granting repayment assistance for classroom teachers to a person
17 who received repayment assistance for classroom teachers for the
18 preceding school year. The priority terminates if the person does
19 not apply for or is not eligible for that assistance. In
20 extraordinary circumstances, the agency [~~board~~] may allow a person
21 to maintain the priority after one or more years in which the person
22 is unable to teach as a classroom teacher.

23 SECTION 92. Section 61.784, Education Code, is amended to
24 read as follows:

25 Sec. 61.784. COORDINATION. The Texas Education Agency
26 [~~board~~] may establish an interagency task force on international
27 studies and cultural exchange, coordinated by the academy, to

1 develop long-range goals designed to enhance foreign language and
2 international studies and to expand educational and cultural
3 exchange. If the [~~board establishes the~~] task force is
4 established, then in addition to other persons chosen for the task
5 force by the academy, the academy shall invite the governor, the
6 commissioner of education, [~~the commissioner of higher education,~~]
7 the executive director of the Texas Economic Development and
8 Tourism Office [~~Texas Department of Commerce~~], and the executive
9 director of [~~the Texas Committee for the~~] Humanities Texas to serve
10 on the task force or to designate a representative to serve on the
11 task force. The academy also shall invite the lieutenant governor
12 to designate a member of the senate to serve on the task force and
13 shall invite the speaker of the house of representatives to
14 designate a member of the house of representatives to serve on the
15 task force.

16 SECTION 93. Sections 61.810(a), (f), and (g), Education
17 Code, are amended to read as follows:

18 (a) The Texas partnership and scholarship program advisory
19 council consists of:

20 (1) [~~the commissioner of higher education and~~] the
21 commissioner of education, who serves [~~serve~~] as an ex officio
22 member [~~members~~];

23 (2) three members of the public appointed by the
24 governor;

25 (3) two members of the public appointed by the
26 lieutenant governor; and

27 (4) two members of the public appointed by the speaker

1 of the house of representatives.

2 (f) The advisory council shall:

3 (1) review a summary of each application from an
4 eligible entity for a grant to establish a partnership program and
5 provide its recommendations to the Texas Education Agency [~~board~~]
6 concerning those applications;

7 (2) assist the agency [~~board~~] in evaluating each
8 partnership program established under this subchapter;

9 (3) advise the agency [~~board~~] concerning any rules
10 adopted by the commissioner of education [~~board~~] under this
11 subchapter; and

12 (4) provide any other assistance to the agency [~~board~~]
13 that the agency [~~board~~] considers necessary to administer this
14 subchapter.

15 (g) The Texas Education Agency [~~board~~] shall provide the
16 advisory council with technical and clerical assistance at the
17 request of the council.

18 SECTION 94. Section 61.812, Education Code, is amended to
19 read as follows:

20 Sec. 61.812. ADOPTION AND DISTRIBUTION OF RULES. (a) The
21 commissioner of education [~~board~~] may adopt reasonable rules,
22 consistent with the purposes of this subchapter, to carry out and
23 enforce the requirements expressed by this subchapter.

24 (b) The [~~board shall distribute to the~~] Texas Education
25 Agency shall distribute to[7] each public or private institution of
26 higher education, each school district, and any other appropriate
27 entity copies of all rules adopted under this subchapter.

1 SECTION 95. Section 61.852(a), Education Code, is amended
2 to read as follows:

3 (a) A tech-prep program is a program of study that:

4 (1) combines at least two years of secondary education
5 with at least two years of postsecondary education in a
6 nonduplicative, sequential course of study based on the recommended
7 high school program adopted [~~by the State Board of Education~~] under
8 Section 28.025(a);

9 (2) integrates academic instruction and vocational
10 and technical instruction;

11 (3) uses work-based and worksite learning where
12 available and appropriate;

13 (4) provides technical preparation in a career field
14 such as engineering technology, applied science, a mechanical,
15 industrial, or practical art or trade, agriculture, health
16 occupations, business, or applied economics;

17 (5) builds student competence in mathematics,
18 science, reading, writing, communications, economics, and
19 workplace skills through applied, contextual academics and
20 integrated instruction in a coherent sequence of courses;

21 (6) leads to an associate degree, two-year
22 postsecondary certificate, or postsecondary two-year
23 apprenticeship with provisions, to the extent applicable, for
24 students to continue toward completion of a baccalaureate degree;
25 and

26 (7) leads to placement in appropriate employment or to
27 further education.

1 SECTION 96. Section 61.854, Education Code, is amended to
2 read as follows:

3 Sec. 61.854. TECH-PREP CONSORTIUM ALLOTMENT. (a) In each
4 fiscal year, ~~[the board, as the agent of]~~ the Texas Education
5 Agency, or another state agency as required by federal law, shall
6 allot the federal tech-prep implementation money this state
7 receives to the regional tech-prep consortia for regional
8 administration according to regionally developed plans designed to
9 meet federal, state, and regional goals. The agency ~~[board]~~ shall
10 allot the money to tech-prep consortia in accordance with a formula
11 adopted by the commissioner of education ~~[board]~~, after a public
12 hearing and in consultation with interested state entities and
13 local consortia, that addresses the differing needs of the
14 consortia due to urban or rural populations, special populations,
15 number of tech-prep programs and students, and other factors
16 determined by the board.

17 (b) An eligible tech-prep consortium that desires
18 assistance under this section must submit an application to the
19 Texas Education Agency ~~[board]~~ on a form prescribed by the
20 commissioner of education ~~[board]~~ for that purpose. The form must
21 address the formula adopted by the commissioner ~~[board]~~ under
22 Subsection (a).

23 (c) If a tech-prep consortium has a completed application on
24 file under Subsection (b), the Texas Education Agency or other
25 appropriate agency ~~[board]~~ shall make a payment in the amount of the
26 consortium's allotment under Subsection (a) to the consortium's
27 fiscal agent.

1 SECTION 97. Sections 61.855(a) and (d), Education Code, are
2 amended to read as follows:

3 (a) From amounts made available under Section 61.854, the
4 Texas Education Agency, or other state agency as required by
5 federal law [~~board~~], in accordance with this subchapter and with a
6 formula adopted by the commissioner of education [~~board~~], shall
7 award grants to tech-prep consortia for tech-prep programs
8 described by Subsection (d).

9 (d) A tech-prep program must:

10 (1) be implemented under an articulation agreement
11 between the participants in the consortium;

12 (2) consist of two to four years of secondary school
13 preceding graduation and:

14 (A) two or more years of higher education; or

15 (B) two or more years of apprenticeship following
16 secondary instruction;

17 (3) have a common core of required proficiency based
18 on the recommended high school program adopted [~~by the State Board~~
19 ~~of Education~~] under Section 28.025 [~~28.025(a)~~], with proficiencies
20 in mathematics, science, reading, writing, communications, and
21 technologies designed to lead to an associate's degree or
22 postsecondary certificate in a specific career field;

23 (4) include the development of tech-prep program
24 curricula for both secondary and postsecondary participants in the
25 consortium that:

26 (A) meets academic standards developed by the
27 state;

1 (B) links secondary schools and two-year
2 postsecondary institutions, and, if practicable, four-year
3 institutions of higher education through nonduplicative sequences
4 of courses in career fields, including the investigation of
5 opportunities for tech-prep students to enroll concurrently in
6 secondary and postsecondary course work;

7 (C) uses, if appropriate and available,
8 work-based or worksite learning in conjunction with business and
9 all aspects of an industry; and

10 (D) uses educational technology and distance
11 learning, as appropriate, to involve each consortium participant
12 more fully in the development and operation of programs;

13 (5) include in-service training for teachers that:

14 (A) is designed to train career [~~vocational~~] and
15 technical teachers to effectively implement tech-prep programs;

16 (B) provides for joint training for teachers in
17 the tech-prep consortium;

18 (C) is designed to ensure that teachers and
19 administrators stay current with the needs, expectations, and
20 methods of business and of all aspects of an industry;

21 (D) focuses on training postsecondary education
22 faculty in the use of contextual and applied curricula and
23 instruction; and

24 (E) provides training in the use and application
25 of technology;

26 (6) include training programs for counselors designed
27 to enable counselors to more effectively:

1 (A) provide information to students regarding
2 tech-prep programs;

3 (B) support student progress in completing
4 tech-prep programs;

5 (C) provide information on related employment
6 opportunities;

7 (D) ensure that tech-prep students are placed in
8 appropriate employment; and

9 (E) stay current with the needs, expectations,
10 and methods of business and of all aspects of an industry;

11 (7) provide equal access to the full range of
12 tech-prep programs for individuals who are members of special
13 populations, including by the development of tech-prep program
14 services appropriate to the needs of special populations; and

15 (8) provide for preparatory services that assist
16 participants in tech-prep programs.

17 SECTION 98. Section 61.861(a), Education Code, is amended
18 to read as follows:

19 (a) The [~~commissioner of higher education and the~~]
20 commissioner of education, in consultation with the comptroller and
21 the Texas Workforce Commission, may award a grant in an amount not
22 to exceed \$1 million to an institution of higher education to
23 develop advanced mathematics and science courses to prepare high
24 school students for employment in a high-demand occupation. The
25 [~~commissioner of higher education, the~~] commissioner of education,
26 the comptroller, and the Texas Workforce Commission shall jointly
27 determine what is considered a high-demand occupation for purposes

1 of this subchapter.

2 SECTION 99. Section 61.862, Education Code, is amended to
3 read as follows:

4 Sec. 61.862. GRANT APPLICATION CRITERIA. The [~~commissioner~~
5 ~~of higher education and the~~] commissioner of education, in
6 consultation with the comptroller and the Texas Workforce
7 Commission, shall establish application criteria for a grant under
8 this subchapter and in making an award shall give priority to
9 courses that:

10 (1) will prepare students for high-demand, high-wage,
11 and high-skill occupations and further postsecondary study;

12 (2) may be transferred as college credit to multiple
13 institutions of higher education; and

14 (3) are developed as part of a sequence of courses that
15 includes statewide availability of the instructional materials and
16 training for the courses at a nominal cost to public educational
17 institutions in this state.

18 SECTION 100. Section 61.864, Education Code, is amended to
19 read as follows:

20 Sec. 61.864. REVIEW OF COURSES. Courses for which a grant
21 is awarded under this subchapter shall be reviewed by [~~the~~
22 ~~commissioner of higher education and~~] the commissioner of
23 education, in consultation with the comptroller and the Texas
24 Workforce Commission, once every four years to determine whether
25 the course:

26 (1) is being used by public educational institutions
27 in this state;

1 (2) prepares high school students with the skills
2 necessary for employment in the high-demand occupation and further
3 postsecondary study; and

4 (3) satisfies a mathematics or science requirement for
5 the recommended or advanced high school program as determined under
6 Section 28.025.

7 SECTION 101. Section 105.302(b), Education Code, is amended
8 to read as follows:

9 (b) Each of the following shall appoint one member to serve
10 on the advisory board:

11 (1) the commissioner of education [~~chairman of the~~
12 ~~State Board of Education~~];

13 (2) [~~the commissioner of higher education,~~

14 [~~3~~] the president of the Texas Association of School
15 Administrators;

16 (3) [~~4~~] the president of the Texas Association for
17 the Gifted and Talented;

18 (4) [~~5~~] the governor;

19 (5) [~~6~~] the lieutenant governor; and

20 (6) [~~7~~] the speaker of the Texas House of
21 Representatives.

22 SECTION 102. Section 130.090(d), Education Code, is amended
23 to read as follows:

24 (d) For instances when state funding is provided to both a
25 school district and a public junior college for a student enrolled
26 in courses offered by a junior college under Subsection (a), the
27 commissioner of education [~~and the commissioner of higher~~

1 ~~education~~] shall [~~jointly~~] develop a mechanism to identify and
2 eliminate duplication of state funding.

3 SECTION 103. Section 161.02, Education Code, is amended to
4 read as follows:

5 Sec. 161.02. TEXAS REPRESENTATIVES. The Texas membership
6 to the Educational Commission of the States shall be the governor or
7 the governor's [~~his~~] designated representative and six citizens of
8 the state, including the state commissioner of education [~~and the~~
9 ~~state commissioner of higher education~~], who shall be appointed and
10 serve at the pleasure of the governor. These seven members shall
11 officially represent Texas on the Education Commission of the
12 States.

13 SECTION 104. Article VII, Section 162.002, Education Code,
14 is amended to read as follows:

15 ARTICLE VII. GRADUATION

16 In order to facilitate the on-time graduation of children of
17 military families, states and local education agencies shall
18 incorporate the following procedures:

19 A. Waiver requirements--Local education agency
20 administrative officials shall waive specific courses required for
21 graduation if similar coursework has been satisfactorily completed
22 in another local education agency or shall provide reasonable
23 justification for denial. Should a waiver not be granted to a
24 student who would qualify to graduate from the sending school, the
25 local education agency shall provide an alternative means of
26 acquiring required coursework so that graduation may occur on time.

27 B. Exit exams--States shall accept: (1) exit or

1 end-of-course exams required for graduation from the sending state;
2 or (2) national norm-referenced achievement tests; or (3)
3 alternative testing, in lieu of testing requirements for graduation
4 in the receiving state. In the event the above alternatives cannot
5 be accommodated by the receiving state for a student transferring
6 in his or her senior year, then the provisions of Article VII,
7 Section C, shall apply.

8 C. Transfers during senior year--Should a military student
9 transferring at the beginning or during his or her senior year be
10 ineligible to graduate from the receiving local education agency
11 after all alternatives have been considered, the sending and
12 receiving local education agencies shall ensure the receipt of a
13 diploma from the sending local education agency, if the student
14 meets the graduation requirements of the sending local education
15 agency. In the event that one of the states in question is not a
16 member of this compact, the member state shall use best efforts to
17 facilitate the on-time graduation of the student in accordance with
18 Sections A and B of this article.

19 The Texas commissioner of education shall adopt a passing
20 standard on one or more national norm-referenced achievement tests
21 for purposes of permitting a student to whom this compact applies to
22 meet that standard as a substitute for completing a specific course
23 or achieving a score on an assessment instrument otherwise required
24 by this state for graduation. Each passing standard must be at
25 least as rigorous as the applicable requirement otherwise imposed
26 by this state for graduation, and be consistent with college
27 readiness standards adopted under Section 28.008, Texas Education

1 Code. [~~Before adopting or revising a passing standard, the~~
2 ~~commissioner of education must consider any comments submitted by~~
3 ~~the Texas Higher Education Coordinating Board or the State Board of~~
4 ~~Education.~~]

5 A passing standard adopted by the commissioner of education
6 is available only for a student who enrolls in a public school in
7 this state for the first time after completing the ninth grade or
8 who reenrolls in a public school in this state at or above the 10th
9 grade level after an absence of at least two years from the public
10 schools of this state. Each passing standard in effect when a
11 student first enrolls in a public high school in this state remains
12 applicable to the student for the duration of the student's high
13 school enrollment, regardless of any subsequent revision of the
14 standard.

15 The commissioner of education may adopt rules as necessary to
16 implement the commissioner's duties and authority under this
17 article of the compact.

18 The Texas Education Agency [~~Higher Education Coordinating~~
19 ~~Board~~] shall monitor the postsecondary educational performance in
20 this state of students permitted to graduate in accordance with
21 passing standards adopted by the commissioner of education for
22 purposes of this compact. Based on the educational performance of
23 those students in private and public institutions, the agency
24 [~~coordinating board~~] shall make recommendations to the
25 commissioner of education regarding appropriate revisions of the
26 passing standards.

27 SECTION 105. Section 449.052(b), Government Code, is

1 amended to read as follows:

2 (b) In implementing Subsection (a)(3), the commission may
3 contact and cooperate with:

4 (1) existing public or private Holocaust or other
5 genocide resource organizations, including the United States
6 Holocaust Memorial Museum;

7 (2) other museums, centers, and organizations based in
8 this state;

9 (3) state agencies that carry out the educational
10 functions of the state delegated under the Education Code[~~7~~
11 ~~including the Texas Education Agency and the Texas Higher Education~~
12 ~~Coordinating Board~~]; and

13 (4) members of the United States Congress and of the
14 legislature of this state.

15 SECTION 106. Section 661.031(2), Government Code, is
16 amended to read as follows:

17 (2) "State employee" means an individual who is an
18 appointed officer or employee of a state agency and who normally
19 works 900 hours or more a year. The term includes:

20 (A) an hourly employee;

21 (B) a temporary employee;

22 (C) a person employed by:

23 (i) the Teacher Retirement System of Texas;

24 (ii) the Texas Education Agency;

25 (iii) [~~the Texas Higher Education~~
26 ~~Coordinating Board~~];

27 [~~(iv)~~] the Texas School for the Blind and

1 Visually Impaired;

2 (iv) [~~(v)~~] the Texas School for the Deaf;

3 (v) [~~(vi)~~] the Texas Youth Commission;

4 (vi) [~~(vii)~~] the Windham School District;

5 or

6 (vii) [~~(viii)~~] the Department of Assistive

7 and Rehabilitative Services; and

8 (D) a classified, administrative, faculty, or
9 professional employee of a state institution or agency of higher
10 education who has accumulated vacation leave, sick leave, or both,
11 during the employment.

12 SECTION 107. Section 661.061(2), Government Code, is
13 amended to read as follows:

14 (2) "State employee" means an employee or appointed
15 officer of a state agency. The term includes:

16 (A) a full-time employee or officer;

17 (B) a part-time employee or officer;

18 (C) an hourly employee;

19 (D) a temporary employee;

20 (E) a person employed by:

21 (i) the Teacher Retirement System of Texas;

22 (ii) the Texas Education Agency;

23 (iii) [~~the Texas Higher Education~~

24 ~~Coordinating Board,~~

25 [~~(iv)~~] the Texas School for the Blind and

26 Visually Impaired;

27 (iv) [~~(v)~~] the Texas School for the Deaf;

1 (v) [~~(vi)~~] the Texas Youth Commission;
2 (vi) [~~(vii)~~] the Windham School District;
3 or
4 (vii) [~~(viii)~~] the Department of Assistive
5 and Rehabilitative Services; or

6 (F) a classified, administrative, faculty, or
7 professional employee of a state institution or agency of higher
8 education who has accumulated vacation leave during the employment.

9 SECTION 108. Sections 830.101(a) and (b), Government Code,
10 are amended to read as follows:

11 (a) The governing board of each institution of higher
12 education shall provide an opportunity to participate in the
13 optional retirement program to all faculty members in the component
14 institutions governed by the board. The [~~State Board of Education~~
15 ~~shall provide an opportunity to participate in the optional~~
16 ~~retirement program to the]~~ commissioner of education may, as
17 determined by the commissioner, participate in the optional
18 retirement program.

19 (b) Eligibility to participate in the optional retirement
20 program is subject to rules adopted by the commissioner of
21 education [~~Texas Higher Education Coordinating Board~~].

22 SECTION 109. Section 312.003(a), Labor Code, is amended to
23 read as follows:

24 (a) The commission shall establish the Interagency Literacy
25 Council. The council is composed of nine members as follows:

26 (1) a representative of the commission, appointed by
27 the executive director;

1 (2) two representatives [~~a representative~~] of the
2 Texas Education Agency, appointed by the commissioner of education;
3 and

4 (3) [~~a representative of the Texas Higher Education~~
5 ~~Coordinating Board, appointed by the commissioner of higher~~
6 ~~education, and~~

7 [~~(4)~~] six public members who are leaders of the
8 business or nonprofit community engaged in literacy promotion
9 efforts, appointed by the executive director of the commission.

10 SECTION 110. Article 45.054(a), Code of Criminal Procedure,
11 is amended to read as follows:

12 (a) On a finding by a county, justice, or municipal court
13 that an individual has committed an offense under Section 25.094,
14 Education Code, the court has jurisdiction to enter an order that
15 includes one or more of the following provisions requiring that:

16 (1) the individual:

17 (A) attend school without unexcused absences;

18 (B) attend a preparatory class for the high
19 school equivalency examination administered under Section 7.033
20 [~~7.111~~], Education Code, if the court determines that the
21 individual is too old to do well in a formal classroom environment;
22 or

23 (C) if the individual is at least 16 years of age,
24 take the high school equivalency examination administered under
25 Section 7.033 [~~7.111~~], Education Code;

26 (2) the individual attend a special program that the
27 court determines to be in the best interest of the individual,

1 including:

2 (A) an alcohol and drug abuse program;

3 (B) a rehabilitation program;

4 (C) a counseling program, including
5 self-improvement counseling;

6 (D) a program that provides training in
7 self-esteem and leadership;

8 (E) a work and job skills training program;

9 (F) a program that provides training in
10 parenting, including parental responsibility;

11 (G) a program that provides training in manners;

12 (H) a program that provides training in violence
13 avoidance;

14 (I) a program that provides sensitivity
15 training; and

16 (J) a program that provides training in advocacy
17 and mentoring;

18 (3) the individual and the individual's parent attend
19 a class for students at risk of dropping out of school designed for
20 both the individual and the individual's parent;

21 (4) the individual complete reasonable community
22 service requirements; or

23 (5) for the total number of hours ordered by the court,
24 the individual participate in a tutorial program covering the
25 academic subjects in which the student is enrolled provided by the
26 school the individual attends.

27 SECTION 111. Section 29.087(d), Education Code, is amended

1 to read as follows:

2 (d) A student is eligible to participate in a program
3 authorized by this section if:

4 (1) the student has been ordered by a court under
5 Article 45.054, Code of Criminal Procedure, [~~as added by Chapter~~
6 ~~1514, Acts of the 77th Legislature, Regular Session, 2001,~~] or by
7 the Texas Youth Commission to:

8 (A) participate in a preparatory class for the
9 high school equivalency examination; or

10 (B) take the high school equivalency examination
11 administered under Section 7.033 [~~7.111~~]; or

12 (2) the following conditions are satisfied:

13 (A) the student is at least 16 years of age at the
14 beginning of the school year or semester;

15 (B) the student is a student at risk of dropping
16 out of school, as defined by Section 29.081;

17 (C) the student and the student's parent or
18 guardian agree in writing to the student's participation;

19 (D) at least two school years have elapsed since
20 the student first enrolled in ninth grade and the student has
21 accumulated less than one third of the credits required to graduate
22 under the minimum graduation requirements of the district or
23 school; and

24 (E) any other conditions specified by the
25 commissioner.

26 SECTION 112. Effective May 1, 2012, the following
27 provisions of the Education Code are repealed:

- 1 (1) Section 7.021(b)(14);
- 2 (2) Section 7.055(b)(39);
- 3 (3) Sections 7.102(b), (c), (e), and (f);
- 4 (4) Section 28.008(g);
- 5 (5) Section 28.009(b);
- 6 (6) Section 39.023(o);
- 7 (7) Section 51.602(2);
- 8 (8) Section 51.916(c);
- 9 (9) Section 56.304(g);
- 10 (10) Section 61.0211;
- 11 (11) Section 61.0761(c); and
- 12 (12) Section 61.808.

13 SECTION 113. (a) Effective May 1, 2012:

14 (1) the Texas Higher Education Coordinating Board is
15 abolished;

16 (2) all functions and activities performed
17 immediately before that date by the State Board of Education, other
18 than functions and activities assigned to the State Board of
19 Education by the constitution of this state, or by the Texas Higher
20 Education Coordinating Board are transferred to the Texas Education
21 Agency;

22 (3) a rule, form, policy, procedure, or decision of
23 the State Board of Education, other than a rule, form, policy,
24 procedure, or decision relating to a function or activity assigned
25 to the State Board of Education by the constitution of this state,
26 or of the Texas Higher Education Coordinating Board continues in
27 effect as a rule, form, policy, procedure, or decision of the Texas

1 Education Agency and remains in effect until amended or replaced by
2 the commissioner of education;

3 (4) a rule of the State Board for Educator
4 Certification approved by the State Board of Education remains in
5 effect until amended or replaced as provided by law;

6 (5) a reference in law or administrative rule to the
7 State Board of Education or the Texas Higher Education Coordinating
8 Board means the Texas Education Agency, other than a reference:

9 (A) to the State Board of Education relating to a
10 function or activity assigned to the board by the constitution of
11 this state; or

12 (B) under Section 86.22 or 133.006(b), Education
13 Code, or another law similarly referring to a past action taken by
14 the State Board of Education;

15 (6) a reference in law or administrative rule to the
16 commissioner of higher education means the commissioner of
17 education;

18 (7) all money, contracts, leases, rights, property,
19 records, and bonds and other obligations of the State Board of
20 Education or of the Texas Higher Education Coordinating Board are
21 transferred to the Texas Education Agency, except that:

22 (A) money or a contract, lease, right, property,
23 record, or bond or other obligation relating to a function or
24 activity assigned to the State Board of Education by the
25 constitution of this state is not transferred; and

26 (B) a contract under Section 12.112, Education
27 Code, is transferred to the commissioner of education;

1 (8) a court case, administrative proceeding, contract
2 negotiation, or other proceeding involving the State Board of
3 Education, other than a proceeding relating to a function or
4 activity assigned to the State Board of Education by the
5 constitution of this state, or involving the Texas Higher Education
6 Coordinating Board is transferred without change in status to the
7 Texas Education Agency, and the Texas Education Agency assumes,
8 without a change in status, the position of the State Board of
9 Education or the Texas Higher Education Coordinating Board, as
10 applicable, in a negotiation or proceeding relating to an activity
11 transferred by this Act to the Texas Education Agency to which the
12 State Board of Education or the Texas Higher Education Coordinating
13 Board, as applicable, is a party;

14 (9) an employee of the State Board of Education, other
15 than an employee whose duties relate solely or primarily to a
16 function or activity assigned to the State Board of Education by the
17 constitution of this state, or of the Texas Higher Education
18 Coordinating Board becomes an employee of the Texas Education
19 Agency; and

20 (10) any unexpended and unobligated balance of money
21 appropriated by the legislature for the State Board of Education,
22 other than money appropriated to enable the State Board of
23 Education to carry out a function or activity assigned by the
24 constitution of this state, or for the Texas Higher Education
25 Coordinating Board is transferred to the Texas Education Agency.

26 (b) In the period beginning on January 1, 2012, and ending
27 on April 30, 2012:

1 (1) the State Board of Education and the Texas Higher
2 Education Coordinating Board shall continue to perform functions
3 and activities under the Education Code or other law as if the law
4 had not been amended or repealed, as applicable, and the former law
5 is continued in effect for that purpose; and

6 (2) a person who is authorized or required by law to
7 take an action relating to the State Board of Education, a member of
8 the State Board of Education, the Texas Higher Education
9 Coordinating Board, or a member of the coordinating board shall
10 continue to take that action under the law as if the law had not been
11 amended or repealed, as applicable, and the former law is continued
12 in effect for that purpose.

13 SECTION 114. Before May 1, 2012, the State Board of
14 Education or the Texas Higher Education Coordinating Board, as
15 applicable, may agree with the Texas Education Agency to transfer
16 any property of the State Board of Education or the coordinating
17 board, as applicable, to the Texas Education Agency to implement
18 the transfer required by Section 113 of this Act.

19 SECTION 115. Section 12.112, Education Code, as amended by
20 this Act, applies only to the required signatories of a charter for
21 an open-enrollment charter school in the case of a charter entered
22 into on or after May 1, 2012. The required signatories of a charter
23 for an open-enrollment charter school in the case of a charter
24 entered into before May 1, 2012, are governed by the law in effect
25 on the date the charter is entered into, and the former law is
26 continued in effect for that purpose.

27 SECTION 116. This Act does not affect the reference to the

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1 state board of education under Section 143.112(1)(A), Local
2 Government Code, or a similar reference to the extent that the
3 reference is to the state board of education of another state.

4 SECTION 117. This Act takes effect January 1, 2012.