

1-1 By: Patrick, Branch (Senate Sponsor - Shapiro) H.B. No. 3468  
1-2 (In the Senate - Received from the House March 5, 2011;  
1-3 May 9, 2011, read first time and referred to Committee on  
1-4 Education; May 20, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3468 By: Shapiro

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to high school readiness, to the assessment of public  
1-11 school students for college readiness and developmental education  
1-12 courses to prepare students for college-level coursework, and to  
1-13 teacher certification to teach at certain grade levels in public  
1-14 school.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Section 21.041, Education Code, is amended by  
1-17 adding Subsections (e), (f), (f-1), and (f-2) to read as follows:

1-18 (e) In proposing rules under Subsection (b)(2), the board  
1-19 shall ensure that a person seeking to teach a subject in the  
1-20 foundation curriculum under Section 28.002(a)(1) at the seventh  
1-21 grade level or above is required to hold a certificate that  
1-22 indicates the person's mastery of the specific subject taught. To  
1-23 achieve this result, the board shall not issue a generalist  
1-24 certificate that authorizes a person to teach a subject in the  
1-25 foundation curriculum under Section 28.002(a)(1) at the seventh  
1-26 grade level or above.

1-27 (f) Subsection (e) applies to initial certificates issued  
1-28 on or after September 1, 2013. Subsection (e) does not affect the  
1-29 validity of a certificate issued before that date or the  
1-30 eligibility of a person holding such a certificate for subsequent  
1-31 renewals of the certificate in accordance with board rules.

1-32 (f-1) In implementing Subsection (e), the board shall  
1-33 ensure that the subject area examinations administered to persons  
1-34 seeking certificates at the seventh grade level and above in  
1-35 English language arts, mathematics, science, or social studies are  
1-36 at least as rigorous as the examinations administered before  
1-37 September 1, 2013, to persons seeking grades 8-12 certificates to  
1-38 teach in those subject areas.

1-39 (f-2) Subsection (f-1) and this subsection expire September  
1-40 1, 2013.

1-41 SECTION 2. Section 21.4551, Education Code, is amended by  
1-42 adding Subsection (b-1) to read as follows:

1-43 (b-1) In addition to the components described by Subsection  
1-44 (b), the commissioner shall ensure that each academy developed and  
1-45 made available under this section includes a component on providing  
1-46 students with writing instruction.

1-47 SECTION 3. Subchapter A, Chapter 28, Education Code, is  
1-48 amended by adding Section 28.0141 to read as follows:

1-49 Sec. 28.0141. STUDY AND REPORT ON EARLY COLLEGE READINESS  
1-50 ASSESSMENTS. (a) The agency, in consultation with the Texas Higher  
1-51 Education Coordinating Board, shall conduct a study of best  
1-52 practices for and existing programs offering early assessments of  
1-53 high school students in order to determine college readiness,  
1-54 identify any deficiencies in college readiness, and provide  
1-55 intervention to address any deficiencies before high school  
1-56 graduation. In conducting the study, the agency, in consultation  
1-57 with the coordinating board, shall review:

1-58 (1) various assessments, including end-of-course  
1-59 assessment instruments under Section 39.023(c), each assessment  
1-60 currently used under Section 51.3062, and any assessment being  
1-61 proposed as a statewide model by the coordinating board under  
1-62 Section 51.3062(v), for identifying students who need additional  
1-63 assistance in preparing for college;

1-64 (2) various early intervention models, including:  
1-65 (A) summer bridge programs;

2-1 (B) college preparatory courses for credit  
2-2 toward high school graduation;  
2-3 (C) developmental education programs, including  
2-4 college readiness programs under Section 39.234, and college study  
2-5 skills courses; and  
2-6 (D) dual credit courses;  
2-7 (3) the costs associated with different assessments  
2-8 and early intervention models; and  
2-9 (4) the effectiveness of different assessments and  
2-10 early intervention models in preparing students for college  
2-11 coursework for which course credit may be earned.  
2-12 (b) Not later than December 1, 2012, the agency, in  
2-13 consultation with the Texas Higher Education Coordinating Board,  
2-14 public institutions of higher education, and school districts,  
2-15 shall submit to the governor, the lieutenant governor, the speaker  
2-16 of the house of representatives, and the presiding officer of each  
2-17 legislative standing committee with primary jurisdiction over  
2-18 primary and secondary education, higher education, or state  
2-19 appropriations a written report that contains recommendations for  
2-20 promoting and implementing early assessments of college readiness  
2-21 that are of a diagnostic nature and early intervention models for  
2-22 preparing high school students for college coursework for which  
2-23 course credit may be earned.  
2-24 (c) This section expires January 1, 2013.  
2-25 SECTION 4. Subchapter A, Chapter 28, Education Code, is  
2-26 amended by adding Section 28.015 to read as follows:  
2-27 Sec. 28.015. HIGH SCHOOL READINESS PILOT PROGRAM. (a) The  
2-28 agency shall develop and implement a high school readiness pilot  
2-29 program under which:  
2-30 (1) a participating school with students enrolled at  
2-31 the sixth, seventh, and eighth grade levels shall enroll all  
2-32 students at those levels in a student advisory class; and  
2-33 (2) a participating high school shall provide annual  
2-34 high school orientation sessions for parents of students who are  
2-35 enrolled at the sixth, seventh, and eighth grade levels in the high  
2-36 school's attendance zone.  
2-37 (b) An application to participate in the program may be  
2-38 submitted by an individual school or by a school district on behalf  
2-39 of multiple schools located in the district. To be eligible to  
2-40 participate in the component of the program described by Subsection  
2-41 (a)(1), a school must:  
2-42 (1) be a school for which the district in which the  
2-43 school is located receives funding under Title I of the Elementary  
2-44 and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.)  
2-45 or be a school that, as determined by the commissioner, is a  
2-46 low-performing school under Chapter 39 or has a high percentage of  
2-47 students who are at risk of dropping out of school, as defined by  
2-48 Section 29.081(d); and  
2-49 (2) have students enrolled at the seventh and eighth  
2-50 grade levels.  
2-51 (c) The agency shall develop standards and guidelines for  
2-52 the student advisory class. The standards and guidelines must:  
2-53 (1) at a minimum, require that the class provide  
2-54 instruction about:  
2-55 (A) school culture;  
2-56 (B) school procedures;  
2-57 (C) test-taking skills;  
2-58 (D) study skills;  
2-59 (E) positive academic behaviors;  
2-60 (F) civic and community responsibility; and  
2-61 (G) high school and college readiness;  
2-62 (2) permit the class to be offered as an electronic  
2-63 course through the state virtual school network under Chapter 30A;  
2-64 and  
2-65 (3) provide that the class be taught, if practicable,  
2-66 by an educator who does not instruct the enrolled students in other  
2-67 coursework.  
2-68 (d) The agency shall develop standards and guidelines for  
2-69 the high school orientation session. An orientation session must:

- 3-1 (1) prepare a parent for the transition to high school
- 3-2 of the parent's child;
- 3-3 (2) allow a parent to meet and interact with high
- 3-4 school teachers and administrators;
- 3-5 (3) provide a parent with information regarding:
- 3-6 (A) high school curriculum, including the
- 3-7 curriculum requirements for the minimum, recommended, and advanced
- 3-8 high school programs under Section 28.025; and
- 3-9 (B) high school options available to the parent's
- 3-10 child, including any high school magnet programs, academies, or
- 3-11 similar special programs available in the district;
- 3-12 (4) address the role of the parent in assisting the
- 3-13 parent's child in performing successfully in high school; and
- 3-14 (5) provide a parent with a written document that
- 3-15 addresses frequently asked questions from parents regarding the
- 3-16 transition to high school.

3-17 SECTION 5. Subsection (d), Section 29.081, Education Code,  
3-18 is amended to read as follows:

3-19 (d) For purposes of this section, "student at risk of  
3-20 dropping out of school" includes each student who is under 21 years  
3-21 of age and who:

- 3-22 (1) was not advanced from one grade level to the next
- 3-23 for one or more school years;
- 3-24 (2) if the student is in grade 6, 7, 8, 9, 10, 11, or
- 3-25 12, did not maintain an average equivalent to 70 on a scale of 100 in
- 3-26 two or more subjects in the foundation curriculum during a semester
- 3-27 in the preceding or current school year or is not maintaining such
- 3-28 an average in two or more subjects in the foundation curriculum in
- 3-29 the current semester;
- 3-30 (3) did not perform satisfactorily on an assessment
- 3-31 instrument administered to the student under Subchapter B, Chapter
- 3-32 39, and who has not in the previous or current school year
- 3-33 subsequently performed on that instrument or another appropriate
- 3-34 instrument at a level equal to at least 110 percent of the level of
- 3-35 satisfactory performance on that instrument;
- 3-36 (4) if the student is in prekindergarten,
- 3-37 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on
- 3-38 a readiness test or assessment instrument administered during the
- 3-39 current school year;
- 3-40 (5) is pregnant or is a parent;
- 3-41 (6) has been placed in an alternative education
- 3-42 program in accordance with Section 37.006 during the preceding or
- 3-43 current school year;
- 3-44 (7) has been expelled in accordance with Section
- 3-45 37.007 during the preceding or current school year;
- 3-46 (8) is currently on parole, probation, deferred
- 3-47 prosecution, or other conditional release;
- 3-48 (9) was previously reported through the Public
- 3-49 Education Information Management System (PEIMS) to have dropped out
- 3-50 of school;
- 3-51 (10) is a student of limited English proficiency, as
- 3-52 defined by Section 29.052;
- 3-53 (11) is in the custody or care of the Department of
- 3-54 Protective and Regulatory Services or has, during the current
- 3-55 school year, been referred to the department by a school official,
- 3-56 officer of the juvenile court, or law enforcement official;
- 3-57 (12) is homeless, as defined by 42 U.S.C. Section
- 3-58 11302, and its subsequent amendments; or
- 3-59 (13) resided in the preceding school year or resides
- 3-60 in the current school year in a residential placement facility in
- 3-61 the district, including a detention facility, substance abuse
- 3-62 treatment facility, emergency shelter, psychiatric hospital,
- 3-63 halfway house, or foster group home.

3-64 SECTION 6. Subchapter C, Chapter 29, Education Code, is  
3-65 amended by adding Section 29.100 to read as follows:

3-66 Sec. 29.100. EARLY IDENTIFICATION AND INTERVENTION. (a)  
3-67 Each year a school with students enrolled at the sixth, seventh, or  
3-68 eighth grade level shall:

- 3-69 (1) identify the students at each of those grade

4-1 levels who are at risk of dropping out of school, as defined by  
 4-2 Section 29.081(d), or who are likely to become at risk of dropping  
 4-3 out of school, as determined in accordance with rules adopted by the  
 4-4 commissioner; and

4-5 (2) determine the specific interventions that the  
 4-6 school will use to address the needs of students at each of those  
 4-7 grade levels who are at risk of dropping out of school, as defined  
 4-8 by Section 29.081(d).

4-9 (b) Not later than July 1 of each year, a school with  
 4-10 students enrolled at a grade level from which students are promoted  
 4-11 to high school must provide each high school to which students at  
 4-12 the school are promoted with:

4-13 (1) the names of students entering the high school at  
 4-14 the beginning of the next school year that have been identified  
 4-15 under Subsection (a)(1); and

4-16 (2) if applicable, the specific interventions used  
 4-17 with each student named under Subdivision (1).

4-18 (c) The commissioner shall adopt rules necessary to  
 4-19 implement this section.

4-20 SECTION 7. Subchapter H, Chapter 29, Education Code, is  
 4-21 amended by adding Section 29.2531 to read as follows:

4-22 Sec. 29.2531. ADULT EDUCATION ASSESSMENT. The Texas  
 4-23 Education Agency shall, in consultation with the Texas Higher  
 4-24 Education Coordinating Board, review the standardized assessment  
 4-25 mechanism required under Section 29.252(a)(8) and recommend any  
 4-26 changes necessary to align the assessment with the assessments  
 4-27 designated under Section 51.3062 to allow for the proper placement  
 4-28 of a student in an adult basic education course or to provide the  
 4-29 student with the proper developmental or English as a second  
 4-30 language coursework, as appropriate.

4-31 SECTION 8. Subsection (c-1), Section 42.152, Education  
 4-32 Code, is amended to read as follows:

4-33 (c-1) Notwithstanding Subsection (c), funds allocated under  
 4-34 this section may be used to fund in proportion to the percentage of  
 4-35 students served by the program that meet the criteria in Section  
 4-36 29.081(d) or (g):

4-37 (1) an accelerated reading instruction program under  
 4-38 Section 28.006(g); ~~or~~

4-39 (2) a program for treatment of students who have  
 4-40 dyslexia or a related disorder as required by Section 38.003; or

4-41 (3) an extended learning time program grounded in  
 4-42 practices that are proven effective in improving student retention  
 4-43 and performance and in preparing students for future college and  
 4-44 career readiness.

4-45 SECTION 9. Section 51.3062, Education Code, is amended by  
 4-46 adding Subsections (t), (t-1), (u), (v), and (w) to read as follows:

4-47 (t) To allow a student to complete any necessary  
 4-48 developmental coursework in the most efficient and cost-effective  
 4-49 manner, the board shall encourage institutions of higher education  
 4-50 to offer various types of developmental coursework that address  
 4-51 various levels of deficiency in readiness to perform college  
 4-52 coursework for which course credit may be earned, as determined on  
 4-53 the basis of assessments as described by Subsection (f). The types  
 4-54 of developmental coursework may include:

4-55 (1) course-based programs;

4-56 (2) non-course-based programs, such as advising  
 4-57 programs;

4-58 (3) module format programs;

4-59 (4) competency-based education programs; and

4-60 (5) programs under which the student is pairing or  
 4-61 taking concurrently a developmental education course and another  
 4-62 course in the same subject area for which course credit may be  
 4-63 earned.

4-64 (t-1) The board may adopt rules as necessary to implement  
 4-65 Subsection (t).

4-66 (u) The board, in consultation with institutions of higher  
 4-67 education, shall use evidence-based studies and existing data to  
 4-68 study and analyze:

4-69 (1) assessment instruments that are currently used or

5-1 could be used by institutions to comply with this section,  
5-2 including the diagnostic reliability and cost-effectiveness of  
5-3 those assessment instruments;

5-4 (2) differentiated placements for developmental  
5-5 coursework based on a student's demonstrated proficiencies or  
5-6 deficiencies in readiness to perform college coursework for which  
5-7 course credit may be earned, as determined on the basis of  
5-8 assessments as described by Subsection (f), including the extent to  
5-9 which various types of placements result in or serve efficient,  
5-10 cost-effective, and successful developmental education;

5-11 (3) whether the funding formulas under Subsection (m)  
5-12 and under Section 61.059, as applied to developmental coursework,  
5-13 result in or serve efficient and cost-effective implementation of  
5-14 successful developmental education; and

5-15 (4) whether any of the nonapplicability categories  
5-16 under Subsection (r) should be retained.

5-17 (v) Not later than December 1, 2012, the board shall submit  
5-18 a written report based on the study under Subsection (u) to the  
5-19 governor, lieutenant governor, speaker of the house of  
5-20 representatives, and presiding officer of each legislative  
5-21 standing committee with primary jurisdiction over higher education  
5-22 or state appropriations recommending, to the extent practicable, a  
5-23 statewide diagnostic standard assessment instrument for purposes  
5-24 of this section that allows for:

5-25 (1) accurate diagnosis and targeted intervention for  
5-26 students who are identified as requiring developmental coursework;

5-27 (2) appropriate placement to provide the type and  
5-28 level of developmental coursework that allow a student to receive  
5-29 developmental education in the most efficient, cost-effective, and  
5-30 successful manner; and

5-31 (3) the most effective use of formula funding with  
5-32 regard to developmental coursework targeted to students' needs.

5-33 (w) Subsections (u) and (v) and this subsection expire  
5-34 January 1, 2013.

5-35 SECTION 10. Section 61.059, Education Code, is amended by  
5-36 adding Subsection (b-1) to read as follows:

5-37 (b-1) The board shall include in its periodic review of  
5-38 formulas under Subsection (b) recommendations for changes in  
5-39 funding formulas for developmental education programs based on the  
5-40 results of the study conducted under Section 51.3062(u) and the  
5-41 report submitted under Section 51.3062(v). This subsection expires  
5-42 January 1, 2015.

5-43 SECTION 11. The commissioner of education shall implement  
5-44 Subsection (b-1), Section 21.4551, Education Code, as added by this  
5-45 Act, beginning with reading academies offered on or after January  
5-46 1, 2012.

5-47 SECTION 12. The Texas Education Agency shall develop  
5-48 standards and guidelines for the student advisory class and high  
5-49 school orientation session in compliance with Section 28.015,  
5-50 Education Code, as added by this Act, as soon as possible after the  
5-51 effective date of this Act. The agency shall fully implement the  
5-52 pilot program required by Section 28.015, Education Code, as added  
5-53 by this Act, not later than the 2012-2013 school year.

5-54 SECTION 13. Section 29.100, Education Code, as added by  
5-55 this Act, applies beginning with the 2012-2013 school year.

5-56 SECTION 14. The changes in law made by this Act to Sections  
5-57 21.041, 29.081, and 42.152, Education Code, apply beginning with  
5-58 the 2011-2012 school year.

5-59 SECTION 15. The change in law made by this Act to Section  
5-60 61.059, Education Code, applies beginning with periodic reviews  
5-61 submitted on or after December 1, 2012.

5-62 SECTION 16. This Act takes effect immediately if it  
5-63 receives a vote of two-thirds of all the members elected to each  
5-64 house, as provided by Section 39, Article III, Texas Constitution.  
5-65 If this Act does not receive the vote necessary for immediate  
5-66 effect, this Act takes effect September 1, 2011.

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