

## **BILL ANALYSIS**

C.S.S.B. 1365  
By: Duncan  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties assert that Texas students who have demonstrated knowledge of a subject matter or demonstrated that they are achieving at a level that is above their existing grade level need enhanced opportunities to advance academically, rather than remain in a course or grade level that is insufficiently challenging to the students. C.S.S.B. 1365 seeks to provide such an opportunity for Texas students by amending current law relating to credit by examination.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 1365 amends the Education Code to require each school district to select, if available, at least four examinations approved by the State Board of Education (SBOE) for each subject, for purposes of examinations for acceleration for each primary school grade level or for credit for secondary school academic subjects. The bill requires the examinations selected by a district, if approved by the SBOE, to include advanced placement examinations administered by the College Board and Educational Testing Service and examinations administered through the College-Level Examination Program.

C.S.S.B. 1365 lowers the minimum percentile that a student in a primary grade level must score on each section of an SBOE-approved examination for a district to be required to give the student credit for a grade level and advance the student one grade level from the 90th percentile to the 80th percentile. The bill lowers the minimum percentile that a student in grade level six or above must score on an SBOE-approved examination for a district to be required to give the student credit for a subject from the 90th percentile to the 80th percentile. The bill requires a district to give a student in grade level six or above credit for a subject if the student scores a three or higher on an SBOE-approved advanced placement examination administered by the College Board and Educational Testing Service or a scaled score of 60 or higher on an SBOE-approved examination administered through the College-Level Examination Program. The bill establishes that a student in grade level six or above who is given credit in a subject on the basis of an examination is not required to take an end-of-course test for that subject.

C.S.S.B. 1365 requires each district to administer each SBOE-approved examination for credit selected by the district under the bill's provisions not later than the 30th day after the date the district receives a written request from a student or the student's parent or guardian, if the examination is capable of being administered electronically, or not fewer than three times each year at times the SBOE determines, if the examination is not capable of being administered electronically, rather than requiring each district to administer each examination for acceleration or for credit not less than once a year at times the SBOE determines. The bill prohibits an examination that is administered electronically from being administered to a student more than two times each year.

C.S.S.B. 1365 prohibits a student from attempting more than two times to receive credit for a particular subject on the basis of an SBOE-approved examination for credit in that subject. The bill requires a student in grade level six or above who fails to achieve the designated score on an applicable examination for a subject before the beginning of the school year in which the student would ordinarily be required to enroll in a course in that subject in accordance with the district's prescribed course sequence to satisfactorily complete the course to receive credit. The bill exempts a student who receives credit by examination for a class from the minimum attendance requirement for class credit. The bill's provisions apply beginning with the 2013-2014 school year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 1365 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### **SENATE ENGROSSED**

SECTION 1. Section 25.092, Education Code, is amended.

SECTION 2. Section 28.023, Education Code, is amended to read as follows:

Sec. 28.023. CREDIT BY EXAMINATION. (a) Using guidelines established by the State Board of Education, a school district shall develop or select for board review examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects. The guidelines must provide for the examinations to thoroughly test comprehension of the information presented in the applicable grade level or subject. The board shall approve examinations that satisfy board guidelines. Each district shall select, if available, at least four board-approved examinations for each subject. If approved by the board, the examinations selected by a district must include:

(1) advanced placement examinations administered by the College Board; and

(2) examinations administered through the College-Level Examination Program.

(b) A school district shall give a student in a primary grade level credit for a grade level and advance the student one grade level on the basis of a board-approved examination

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Same as engrossed version.

SECTION 2. Section 28.023, Education Code, is amended to read as follows:

Sec. 28.023. CREDIT BY EXAMINATION. (a) Using guidelines established by the State Board of Education, a school district shall develop or select for board review examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects. The guidelines must provide for the examinations to thoroughly test comprehension of the information presented in the applicable grade level or subject. The board shall approve examinations that satisfy board guidelines. Each district shall select, if available, at least four board-approved examinations for each subject. If approved by the board, the examinations selected by a district must include:

(1) advanced placement examinations administered by the College Board and Educational Testing Service; and

(2) examinations administered through the College-Level Examination Program.

(b) A school district shall give a student in a primary grade level credit for a grade level and advance the student one grade level on the basis of a board-approved examination

for acceleration if:

(1) the student scores in the 80th [90th] percentile or above on each section of the examination;

(2) a district representative recommends that the student be advanced; and

(3) the student's parent or guardian gives written approval of the advancement.

(c) A school district shall give a student in grade level six or above credit for a subject on the basis of a board-approved examination for credit in the subject if the student scores in the 80th [90th] percentile or above on the board-approved examination or if the student achieves a score as provided by Subsection (c-1). If a student is given credit in a subject on the basis of an examination, the district shall enter the examination score on the student's transcript and the student is not required to take an end-of-course assessment instrument adopted under Section 39.023(c) for that subject.

(c-1) A school district shall give a student in grade level six or above credit for a subject if the student scores:

(1) a three or higher on a board-approved advanced placement examination administered by the College Board; or

(2) a scaled score of 60 or higher on a board-approved examination administered through the College-Level Examination Program.

(d) Each district shall administer each board-approved examination selected by the district:

(1) not later than the 30th day after the date the district receives a written request from a student or the student's parent or guardian, if the examination is capable of being administered electronically; or

(2) not fewer [less] than three times each [once-a] year, at times to be determined by the State Board of Education, if the examination is not capable of being administered electronically.

(e) Examinations administered under Subsection (d)(1) may not be administered to a student more than two times each year.

(f) A student may not attempt more than two times to receive credit for a particular subject on the basis of a board-approved examination for credit in that subject.

for acceleration if:

(1) the student scores in the 80th [90th] percentile or above on each section of the examination;

(2) a district representative recommends that the student be advanced; and

(3) the student's parent or guardian gives written approval of the advancement.

(c) A school district shall give a student in grade level six or above credit for a subject on the basis of a board-approved examination for credit in the subject if the student scores in the 80th [90th] percentile or above on the board-approved examination or if the student achieves a score as provided by Subsection (c-1). If a student is given credit in a subject on the basis of an examination, the district shall enter the examination score on the student's transcript and the student is not required to take an end-of-course assessment instrument adopted under Section 39.023(c) for that subject.

(c-1) A school district shall give a student in grade level six or above credit for a subject if the student scores:

(1) a three or higher on a board-approved advanced placement examination administered by the College Board **and Educational Testing Service**; or

(2) a scaled score of 60 or higher on a board-approved examination administered through the College-Level Examination Program.

(d) Each district shall administer each board-approved examination selected by the district:

(1) not later than the 30th day after the date the district receives a written request from a student or the student's parent or guardian, if the examination is capable of being administered electronically; or

(2) not fewer [less] than three times each [once-a] year, at times to be determined by the State Board of Education, if the examination is not capable of being administered electronically.

(e) Examinations administered under Subsection (d)(1) may not be administered to a student more than two times each year.

(f) A student may not attempt more than two times to receive credit for a particular subject on the basis of a board-approved examination for credit in that subject.

(g) If a student fails to achieve the

designated score described by Subsection (c) or (c-1) on an applicable examination described by Subsection (c) or (c-1) for a subject before the beginning of the school year in which the student would ordinarily be required to enroll in a course in that subject in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.

SECTION 3. This Act applies beginning with the 2013-2014 school year.

SECTION 3. Same as engrossed version.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 4. Same as engrossed version.