

By: Aycock

H.B. No. 5

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability, including assessment,
and curriculum requirements.

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

SECTION 1. (a) Section 7.062(e), Education Code, is amended
to read as follows:

(e) The rules must:

(1) limit the amount of assistance provided through a
grant to not more than:

(A) for a construction project, \$200 per square
foot of the science laboratory to be constructed; or

(B) for a renovation project, \$100 per square
foot of the science laboratory to be renovated;

(2) require a school district to demonstrate, as a
condition of eligibility for a grant, that the existing district
science laboratories are insufficient in number to comply with the
curriculum requirements imposed for the foundation [~~recommended~~
~~and advanced~~] high school program [~~programs~~] under Section 28.025
[~~28.025(b-1)(1)~~]; and

(3) provide for ranking school districts that apply
for grants on the basis of wealth per student and giving priority in
the award of grants to districts with low wealth per student.

(b) This section applies beginning with the 2014-2015
school year.

1 SECTION 2. (a) Section 28.002(f), Education Code, is
2 amended to read as follows:

3 (f) A school district may offer courses for local credit in
4 addition to those in the required curriculum. The State Board of
5 Education shall be flexible in approving a course for credit for
6 high school graduation under this subsection. A district may also
7 offer courses for local credit without obtaining State Board of
8 Education approval if:

9 (1) the district develops a program under which the
10 district partners with a public or private institution of higher
11 education and local business and community leaders to develop and
12 provide the courses; and

13 (2) the courses prepare students to enter:

14 (A) a career or technology training program in
15 the district's region of the state; or

16 (B) an institution of higher education without
17 remediation.

18 (b) This section applies beginning with the 2014-2015
19 school year.

20 SECTION 3. (a) Sections 28.014(a), (c), and (f), Education
21 Code, are amended to read as follows:

22 (a) The commissioner of education and the commissioner of
23 higher education shall develop and recommend to the State Board of
24 Education for adoption under Section 28.002 the essential knowledge
25 and skills of courses in college preparatory mathematics, science,
26 social studies, and English language arts. The courses must be
27 designed:

1 (1) for students at the 12th grade level who do not
2 meet college readiness standards on an end-of-course assessment
3 instrument required under Section 39.023(c) or an end-of-course
4 assessment instrument adopted under Section 39.023(c-2); and

5 (2) to prepare students for success in entry-level
6 college courses.

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

22 (f) To the extent applicable, the commissioner shall draw
23 from curricula and instructional materials developed under Section
24 ~~Sections~~ 28.008 ~~and 61.0763~~ in developing a course and related
25 instructional materials under this section. Not later than
26 September 1, 2010, the State Board of Education shall adopt
27 essential knowledge and skills for each course developed under this

1 section. The State Board of Education shall make each course
2 developed under this section and the related instructional
3 materials available to school districts not later than the
4 2014-2015 school year. [~~As required by Subsection (c), a school~~
5 ~~district shall adopt a policy requiring a student's performance on~~
6 ~~an end-of-course assessment instrument administered under that~~
7 ~~subsection to account for 15 percent of the student's grade for a~~
8 ~~course developed under this section not later than the 2014-2015~~
9 ~~school year.~~] This subsection expires September 1, 2015.

10 (b) This section applies beginning with the 2013-2014
11 school year.

12 SECTION 4. (a) Section 28.014(b), Education Code, is
13 amended to read as follows:

14 (b) A student who successfully completes a course developed
15 under this section may use the credit earned in the course toward
16 satisfying the applicable mathematics or science curriculum
17 requirement for the foundation [~~recommended or advanced~~] high
18 school program under Section 28.025.

19 (b) This section applies beginning with the 2014-2015
20 school year.

21 SECTION 5. (a) Section 28.025, Education Code, is amended
22 by amending Subsections (a), (b), (b-1), (b-2), (b-3), (b-4),
23 (b-5), (b-7), (b-9), (b-10), (b-11), and (e) and adding Subsections
24 (b-12), (c-1), (c-2), (e-1), (h), and (h-1) to read as follows:

25 (a) The State Board of Education by rule shall determine
26 curriculum requirements for the foundation [~~minimum, recommended,~~
27 ~~and advanced~~] high school program [~~programs~~] that are consistent

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

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

19 [~~(1) is at least 16 years of age,~~

20 [~~(2) has completed two credits required for graduation~~
21 ~~in each subject of the foundation curriculum under Section~~
22 ~~28.002(a)(1), or~~

23 [~~(3) has failed to be promoted to the tenth grade one~~
24 ~~or more times as determined by the school district].~~

25 (b-1) The State Board of Education by rule shall require
26 that [~~+~~

27 [~~(1) except as provided by Subsection (b-2),~~] the

1 curriculum requirements for the foundation [~~recommended and~~
2 ~~advanced~~] high school program [~~programs~~] under Subsection (a)
3 include a requirement that students successfully complete:

4 (1) [(A)] four credits in English language arts [each
5 ~~subject of the foundation curriculum]~~ under Section
6 28.002(a)(1)(A), including one credit in English I, one credit in
7 English II, one credit in English III, and one credit in an advanced
8 English course authorized under Subsection (b-2);

9 (2) three credits in mathematics under Section
10 28.002(a)(1)(B), including one credit in Algebra I, one credit in
11 geometry, and one credit in any advanced mathematics course
12 authorized under Subsection (b-2);

13 (3) two credits in science under Section
14 28.002(a)(1)(C), including one credit in biology and one credit in
15 integrated physics and chemistry or any advanced science course
16 authorized under Subsection (b-2);

17 (4) three credits in social studies under Section
18 28.002(a)(1)(D) [28.002(a)(1)], including one credit in world
19 geography, one credit in United States history, and at least
20 one-half credit in government and at least one-half credit in
21 economics [to meet the social studies requirement];

22 (5) except as provided under Subsection (b-12)
23 [(B) for the recommended high school program], two credits in the
24 same language in a language other than English under Section
25 28.002(a)(2)(A) [and, for the advanced high school program, three
26 credits in the same language in a language other than English under
27 Section 28.002(a)(2)(A)]; [and]

1 (6) eight [~~(C) for the recommended high school~~
2 ~~program, six]~~ elective credits [~~and, for the advanced high school~~
3 ~~program, five elective credits]~~;

4 (7) [~~(2) one or more credits offered in the required~~
5 ~~curriculum for the recommended and advanced high school programs~~
6 ~~include a research writing component, and~~

7 [~~(3) the curriculum requirements for the minimum,~~
8 ~~recommended, and advanced high school programs under Subsection (a)~~
9 ~~include a requirement that students successfully complete:~~

10 [~~(A)]~~ one credit in fine arts under Section
11 28.002(a)(2)(D); and

12 (8) [~~(B)]~~ except as provided by Subsection (b-11), one
13 credit in physical education under Section 28.002(a)(2)(C).

14 (b-2) In adopting rules under Subsection (b-1), the State
15 Board of Education shall provide for [~~allow~~] a student to comply
16 with the curriculum requirements for an advanced English course
17 under Subsection (b-1)(1) taken after successful completion of
18 English I, English II, and English III, for an advanced [~~a~~]
19 mathematics course under Subsection (b-1)(2) [~~(b-1)(1)]~~ taken
20 after the successful completion of Algebra I and geometry, and for
21 an advanced [~~either after the successful completion of or~~
22 ~~concurrently with Algebra II or a~~] science course under Subsection
23 (b-1)(3) [~~(b-1)(1) taken after the successful completion of biology~~
24 ~~and chemistry and either after the successful completion of or~~
25 ~~concurrently with physics]~~ by successfully completing a course in
26 the appropriate content area that has been approved as an advanced
27 course by board rule or that is offered as an advanced course for

1 local credit without board approval as provided by Section
2 28.002(f) [~~career and technical course designated by the State~~
3 ~~Board of Education as containing substantively similar and rigorous~~
4 ~~academic content. A student may use the option provided by this~~
5 ~~subsection for not more than two courses~~].

6 (b-3) In adopting rules for purposes of Subsection (b-2) [~~to~~
7 ~~provide students with the option described by Subsection~~
8 ~~(b-1)(1)(A)~~], the State Board of Education must approve a variety
9 of advanced English, mathematics, and science courses that may be
10 taken [~~after the completion of Algebra II and physics~~] to comply
11 with the foundation high school [~~recommended~~] program
12 requirements.

13 (b-4) A school district may offer the curriculum described
14 in Subsections (b-1)(1) through (4) [~~Subsection (b-1)(1)(A)~~] in an
15 applied manner. Courses delivered in an applied manner must cover
16 the essential knowledge and skills, and the student shall be
17 administered the applicable end-of-course assessment instrument as
18 provided by Sections 39.023(c) and 39.025.

19 (b-5) A school district may offer a mathematics or science
20 course to be taken by a student after completion of Algebra II and
21 physics [~~to comply with the recommended program requirements in~~
22 ~~Subsection (b-1)(1)(A)~~]. A course approved under this subsection
23 must be endorsed by an institution of higher education as a course
24 for which the institution would award course credit or as a
25 prerequisite for a course for which the institution would award
26 course credit.

27 (b-7) The State Board of Education, in coordination with the

1 Texas Higher Education Coordinating Board, shall adopt rules to
2 ensure that a student may comply with the curriculum requirements
3 under the foundation [~~minimum, recommended, or advanced~~] high
4 school program for each subject of the foundation curriculum under
5 Section 28.002(a)(1) and for languages other than English under
6 Section 28.002(a)(2)(A) by successfully completing appropriate
7 courses in the core curriculum of an institution of higher
8 education under Section 61.822.

9 (b-9) The agency shall establish a pilot program allowing a
10 student attending school in a county with a population of more than
11 one million and in which more than 75 percent of the population
12 resides in a single municipality to satisfy the fine arts credit
13 required under Subsection (b-1)(7) [~~(b-1)(3)(A)~~] by participating
14 in a fine arts program not provided by the school district in which
15 the student is enrolled. The fine arts program may be provided on
16 or off a school campus and outside the regular school day. [~~Not~~
17 ~~later than December 1, 2010, the agency shall provide to the~~
18 ~~legislature a report regarding the pilot program, including the~~
19 ~~feasibility of expanding the pilot program statewide.~~]

20 (b-10) A school district, with the approval of the
21 commissioner, may allow a student to comply with the curriculum
22 requirements for the physical education credit required under
23 Subsection (b-1)(8) [~~(b-1)(3)(B)~~] by participating in a private or
24 commercially sponsored physical activity program provided on or off
25 a school campus and outside the regular school day.

26 (b-11) In adopting rules under Subsection (b-1), the State
27 Board of Education shall allow a student who is unable to

1 participate in physical activity due to disability or illness to
2 substitute one credit in English language arts, mathematics,
3 science, or social studies or one academic elective credit for the
4 physical education credit required under Subsection (b-1)(8)
5 [~~(b-1)(3)(B)~~]. A credit allowed to be substituted under this
6 subsection may not also be used by the student to satisfy a
7 graduation requirement other than completion of the physical
8 education credit. The rules must provide that the determination
9 regarding a student's ability to participate in physical activity
10 will be made by:

11 (1) if the student receives special education services
12 under Subchapter A, Chapter 29, the student's admission, review,
13 and dismissal committee;

14 (2) if the student does not receive special education
15 services under Subchapter A, Chapter 29, but is covered by Section
16 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the
17 committee established for the student under that Act; or

18 (3) if each of the committees described by
19 Subdivisions (1) and (2) is inapplicable, a committee established
20 by the school district of persons with appropriate knowledge
21 regarding the student.

22 (b-12) In adopting rules under Subsection (b-1), the State
23 Board of Education shall adopt criteria to allow a student to comply
24 with the curriculum requirements for the two credits in a language
25 other than English required under Subsection (b-1)(5) by
26 substituting two credits in American Sign Language or two credits
27 in computer programming languages.

1 (c-1) A student may earn an endorsement on the student's
2 diploma and transcript by successfully completing curriculum
3 requirements for that endorsement adopted by the State Board of
4 Education by rule. An endorsement under this subsection may be
5 earned in any of the following categories:

6 (1) science, technology, engineering, and mathematics
7 (STEM), which includes courses directly related to science,
8 including environmental science, technology, engineering, and
9 advanced mathematics;

10 (2) business and industry, which includes courses
11 directly related to database management, information technology,
12 communications, accounting, finance, marketing, graphic design,
13 architecture, construction, welding, logistics, automotive
14 technology, and heating, ventilation, and air conditioning;

15 (3) public services, which includes courses directly
16 related to health sciences and occupations, education and training,
17 law enforcement, culinary arts and hospitality, and agricultural
18 science; and

19 (4) arts and humanities, which includes courses
20 directly related to political science, world languages, cultural
21 studies, English literature, history, and fine arts.

22 (c-2) A student may earn a distinguished performance
23 acknowledgment on the student's diploma and transcript by
24 satisfying the requirements for that acknowledgment adopted by the
25 State Board of Education by rule. An acknowledgment under this
26 subsection may be earned:

27 (1) for outstanding performance:

1 (A) in a dual credit course;

2 (B) on a college advanced placement test or
3 international baccalaureate examination; or

4 (C) on a Preliminary Scholastic Assessment Test
5 (PSAT), a preliminary American College Test (ACT), the Scholastic
6 Assessment Test (SAT), or the American College Test (ACT); or

7 (2) for earning a nationally or internationally
8 recognized business or industry certification or license.

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

17 (e-1) A school district shall clearly indicate an
18 endorsement described by Subsection (c-1) and a distinguished
19 performance acknowledgment described by Subsection (c-2) on the
20 diploma and transcript of a student who satisfies the applicable
21 requirements. The State Board of Education shall adopt rules as
22 necessary to administer this subsection.

23 (h) The commissioner by rule shall adopt a transition plan
24 to implement and administer the amendments made by __. B. No. __,
25 83rd Legislature, Regular Session, 2013, replacing the minimum,
26 recommended, and advanced high school programs with the foundation
27 high school program beginning with the 2014-2015 school year.

1 Under the transition plan, a student who entered the ninth grade
2 before the 2014-2015 school year must be permitted to complete the
3 curriculum requirements required for high school graduation under:

4 (1) the foundation high school program, if the student
5 chooses during the 2014-2015 school year to take courses under this
6 program;

7 (2) the minimum high school program, as that program
8 existed before the adoption of __.B. No. __, 83rd Legislature,
9 Regular Session, 2013, if the student was participating in that
10 program before the 2014-2015 school year;

11 (3) the recommended high school program, as that
12 program existed before the adoption of __.B. No. __, 83rd
13 Legislature, Regular Session, 2013, if the student was
14 participating in that program before the 2014-2015 school year; or

15 (4) the advanced high school program, as that program
16 existed before the adoption of __.B. No. __, 83rd Legislature,
17 Regular Session, 2013, if the student was participating in that
18 program before the 2014-2015 school year.

19 (h-1) This subsection and Subsection (h) expire September
20 1, 2018.

21 (b) This section applies beginning with the 2014-2015
22 school year.

23 SECTION 6. (a) Section 28.0253(e), Education Code, is
24 amended to read as follows:

25 (e) A student who receives a high school diploma through the
26 pilot program is considered to have completed the foundation
27 ~~[recommended]~~ high school program adopted under Section 28.025

1 ~~[28.025(a)]~~. The student is not guaranteed admission to any
2 institution of higher education or to any academic program at an
3 institution of higher education solely on the basis of having
4 received the diploma through the program.

5 (b) This section applies beginning with the 2014-2015
6 school year.

7 SECTION 7. (a) Section 28.027(b), Education Code, is
8 amended to read as follows:

9 (b) The State Board of Education shall establish a process
10 under which an applied STEM course may be reviewed and approved for
11 purposes of satisfying the mathematics and science curriculum
12 requirements for the foundation ~~[recommended]~~ high school program
13 ~~[imposed]~~ under Section 28.025 ~~[28.025(b-1)(1)(A)]~~ through
14 substitution of the applied STEM course for a specific mathematics
15 or science course otherwise authorized ~~[required]~~ under the
16 foundation ~~[recommended]~~ high school program ~~[and completed during~~
17 ~~the student's fourth year of mathematics or science course work]~~.

18 The State Board of Education may only approve a course to substitute
19 for a mathematics course taken after successful completion of
20 Algebra I and geometry and after successful completion of or
21 concurrently with Algebra II. The State Board of Education may only
22 approve a course to substitute for a science course taken after
23 successful completion of biology ~~[and chemistry and after~~
24 ~~successful completion of or concurrently with physics]~~.

25 (b) This section applies beginning with the 2014-2015
26 school year.

27 SECTION 8. (a) Section 29.0821(a), Education Code, is

1 amended to read as follows:

2 (a) A school district may provide a flexible year program
3 for students who did not or are likely not to perform successfully
4 on an assessment instrument administered under Section 39.023(a),
5 (c), or (1) [39.023] or who would not otherwise be promoted to the
6 next grade level.

7 (b) This section applies beginning with the 2013-2014
8 school year.

9 SECTION 9. (a) Section 29.096(e), Education Code, is
10 amended to read as follows:

11 (e) The commissioner shall establish minimum standards for
12 a local collaborative agreement, including a requirement that the
13 agreement must be signed by an authorized school district or
14 open-enrollment charter school officer and an authorized
15 representative of each of the other participating entities that is
16 a partner in the collaboration. The program must:

17 (1) limit participation in the program to students
18 authorized to participate by a parent or other person standing in
19 parental relationship;

20 (2) have as a primary goal graduation from high school
21 ~~[under at least the recommended high school program];~~

22 (3) provide for local businesses or other employers to
23 offer paid employment or internship opportunities and advanced
24 career and vocational training;

25 (4) include an outreach component and a lead
26 educational staff member to identify and involve eligible students
27 and public and private entities in participating in the program;

1 (5) serve a population of students of which at least 50
2 percent are identified as students at risk of dropping out of
3 school, as described by Section 29.081(d);

4 (6) allocate not more than 15 percent of grant funds
5 and matching funds, as determined by the commissioner, to
6 administrative expenses;

7 (7) include matching funds from any of the
8 participating entities; and

9 (8) include any other requirements as determined by
10 the council.

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 10. (a) Section 29.402(b), Education Code, is
14 amended to read as follows:

15 (b) A person who is under 26 years of age is eligible to
16 enroll in a dropout recovery program under this subchapter if the
17 person:

18 (1) must complete not more than three course credits
19 to complete the curriculum requirements for the foundation
20 [~~minimum, recommended, or advanced~~] high school program[~~, as~~
21 ~~appropriate,~~] for high school graduation; or

22 (2) has failed to perform satisfactorily on an
23 end-of-course assessment instrument administered under Section
24 39.023(c) or an assessment instrument administered under Section
25 39.023(c) as that section existed before amendment by Chapter 1312
26 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

27 (b) This section applies beginning with the 2014-2015

1 school year.

2 SECTION 11. (a) Section 29.904(d), Education Code, is
3 amended to read as follows:

4 (d) A plan developed under this section:

5 (1) must establish clear, achievable goals for
6 increasing the percentage of the school district's graduating
7 seniors, particularly the graduating seniors attending a high
8 school described by Subsection (a), who enroll in an institution of
9 higher education for the academic year following graduation;

10 (2) must establish an accurate method of measuring
11 progress toward the goals established under Subdivision (1) that
12 may include the percentage of district high school students and the
13 percentage of students attending a district high school described
14 by Subsection (a) who:

15 (A) are enrolled in a course for which a student
16 may earn college credit, such as an advanced placement or
17 international baccalaureate course or a course offered through
18 concurrent enrollment in high school and at an institution of
19 higher education;

20 (B) are enrolled in courses that meet the
21 curriculum requirements for the foundation [~~recommended or~~
22 ~~advanced~~] high school program as determined under Section 28.025;

23 (C) have submitted a free application for federal
24 student aid (FAFSA);

25 (D) are exempt under Section 51.3062(p) or (q)
26 from administration of an assessment instrument under Section
27 51.3062 or have performed successfully on an assessment instrument

1 under Section 51.3062;

2 (E) graduate from high school;

3 (F) graduate from an institution of higher
4 education; and

5 (G) have taken college entrance examinations and
6 the average score of those students on the examinations;

7 (3) must cover a period of at least five years; and

8 (4) may be directed at district students at any level
9 of primary or secondary education.

10 (b) This section applies beginning with the 2014-2015
11 school year.

12 SECTION 12. (a) Section 30A.110(b), Education Code, is
13 amended to read as follows:

14 (b) Each student enrolled under this chapter in an
15 electronic course offered through the state virtual school network
16 must take any assessment instrument under Section 39.023(a), (b),
17 (c), or (1) [~~39.023~~] that is administered to students who are
18 provided instruction in the course material in the traditional
19 classroom setting. The administration of the assessment
20 instrument to the student enrolled in the electronic course must be
21 supervised by a proctor.

22 (b) This section applies beginning with the 2013-2014
23 school year.

24 SECTION 13. (a) Section 33.007(b), Education Code, is
25 amended to read as follows:

26 (b) During the first school year a student is enrolled in a
27 high school or at the high school level in an open-enrollment

1 charter school, and again during a student's senior year, a
2 counselor shall provide information about higher education to the
3 student and the student's parent or guardian. The information must
4 include information regarding:

5 (1) the importance of higher education;

6 (2) ~~the advantages of completing the recommended or~~
7 ~~advanced high school program adopted under Section 28.025(a);~~

8 ~~(3)~~ the disadvantages of taking courses to prepare
9 for a high school equivalency examination relative to the benefits
10 of taking courses leading to a high school diploma;

11 (3) ~~(4)~~ financial aid eligibility;

12 (4) ~~(5)~~ instruction on how to apply for federal
13 financial aid;

14 (5) ~~(6)~~ the center for financial aid information
15 established under Section 61.0776;

16 (6) ~~(7)~~ the automatic admission of certain students
17 to general academic teaching institutions as provided by Section
18 51.803;

19 (7) ~~(8)~~ the eligibility and academic performance
20 requirements for the TEXAS Grant as provided by Subchapter M,
21 Chapter 56; and

22 (8) ~~(9)~~ the availability of programs in the district
23 under which a student may earn college credit, including advanced
24 placement programs, dual credit programs, joint high school and
25 college credit programs, and international baccalaureate programs.

26 (b) This section applies beginning with the 2014-2015
27 school year.

1 SECTION 14. (a) Section 33.0812(a), Education Code, is
2 amended to read as follows:

3 (a) The State Board of Education by rule shall prohibit
4 participation in a University Interscholastic League area,
5 regional, or state competition:

6 (1) on Monday through Thursday of the school week in
7 which the primary administration of assessment instruments under
8 Section 39.023(a), (c), (c-2), or (l) occurs; or

9 (2) if the primary administration of the assessment
10 instruments is completed before Thursday of the school week,
11 beginning on Monday and ending on the last school day on which the
12 assessment instruments are administered.

13 (b) This section applies beginning with the 2013-2014
14 school year.

15 SECTION 15. (a) Sections 39.023(c), (c-2), and (c-3),
16 Education Code, are amended to read as follows:

17 (c) The agency shall also adopt end-of-course assessment
18 instruments for secondary-level courses in Algebra I, [~~Algebra II,~~
19 ~~geometry,~~] biology, [~~chemistry, physics, English I,~~] English II,
20 [~~English III, world geography, world history,~~] and United States
21 history. The Algebra I [~~, Algebra II, and geometry~~] end-of-course
22 assessment instrument [~~instruments~~] must be administered with the
23 aid of technology. A school district shall comply with State Board
24 of Education rules regarding administration of the assessment
25 instruments listed in this subsection and may [~~shall~~] adopt a
26 policy that requires a student's performance on an end-of-course
27 assessment instrument for a course listed in this subsection in

1 which the student is enrolled to be considered in determining
2 ~~[account for 15 percent of]~~ the student's final grade for the
3 course. ~~[If a student retakes an end-of-course assessment~~
4 ~~instrument for a course listed in this subsection, as provided by~~
5 ~~Section 39.025, a school district is not required to use the~~
6 ~~student's performance on the subsequent administration or~~
7 ~~administrations of the assessment instrument to determine the~~
8 ~~student's final grade for the course.]~~ If a student is in a special
9 education program under Subchapter A, Chapter 29, the student's
10 admission, review, and dismissal committee shall determine whether
11 any allowable modification is necessary in administering to the
12 student an assessment instrument required under this subsection.
13 The State Board of Education shall administer the assessment
14 instruments. The State Board of Education shall adopt a schedule
15 for the administration of end-of-course assessment instruments
16 specified in this subsection and Subsection (c-2) that complies
17 with the requirements of Subsection (c-3).

18 (c-2) The agency shall also adopt end-of-course assessment
19 instruments for secondary-level courses in Algebra II and English
20 III, which shall be administered to a student at the student's
21 option. The Algebra II end-of-course assessment instrument must be
22 administered with the aid of technology. A school district shall
23 comply with State Board of Education rules regarding administration
24 of the Algebra II and English III end-of-course assessment
25 instruments. ~~[The agency may adopt end-of-course assessment~~
26 ~~instruments for courses not listed in Subsection (c).]~~ A student's
27 performance on an end-of-course assessment instrument adopted

1 under this subsection is not subject to the performance
2 requirements established under Subsection (c) or Section 39.025.

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

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

12 (2) shall require the spring administration of
13 end-of-course assessment instruments under Subsection (c) or the
14 end-of-course assessment instrument in Algebra II under Subsection
15 (c-2) to occur in each school district not earlier than the first
16 full week in May, except that the spring administration of the
17 end-of-course assessment instruments in [~~English I,~~] English II[~~,~~
18 ~~and English III~~] must be permitted to occur at an earlier date; and

19 (3) shall permit the spring administration of the
20 end-of-course assessment instruments in English III under
21 Subsection (c-2) to occur earlier than the first full week in May.

22 (b) This section applies beginning with the 2013-2014
23 school year.

24 SECTION 16. (a) Sections 39.0233(a) and (b), Education
25 Code, are amended to read as follows:

26 (a) The agency, in coordination with the Texas Higher
27 Education Coordinating Board, shall adopt a series of questions to

1 be included in an end-of-course assessment instrument administered
2 under Sections [~~Section~~] 39.023(c) and (c-2) to be used for
3 purposes of Section 51.3062. The questions adopted under this
4 subsection must be developed in a manner consistent with any
5 college readiness standards adopted under Sections 39.113 and
6 51.3062.

7 (b) In addition to the questions adopted under Subsection
8 (a), the agency shall adopt a series of questions to be included in
9 an end-of-course assessment instrument administered under Sections
10 [~~Section~~] 39.023(c) and (c-2) to be used for purposes of
11 identifying students who are likely to succeed in an advanced high
12 school course. A school district shall notify a student who
13 performs at a high level on the questions adopted under this
14 subsection and the student's parent or guardian of the student's
15 performance and potential to succeed in an advanced high school
16 course. A school district may not require a student to perform at a
17 particular level on the questions adopted under this subsection in
18 order to be eligible to enroll in an advanced high school course.

19 (b) This section applies beginning with the 2013-2014
20 school year.

21 SECTION 17. (a) Section 39.024(b), Education Code, is
22 amended to read as follows:

23 (b) The agency and the Texas Higher Education Coordinating
24 Board shall ensure that the Algebra II and English III
25 end-of-course assessment instruments adopted [~~required~~] under
26 Section 39.023(c-2) [~~39.023(c)~~] are developed to be capable of,
27 beginning with the 2011-2012 school year, measuring college

1 readiness.

2 (b) This section applies beginning with the 2013-2014
3 school year.

4 SECTION 18. (a) Section 39.0241(a-2), Education Code, is
5 amended to read as follows:

6 (a-2) For the purpose of establishing performance across
7 grade levels, the commissioner shall establish:

8 (1) the performance standards for the Algebra II and
9 English III end-of-course assessment instruments, as provided
10 under Section 39.024(b) and under Subsection (a);

11 (2) the performance standards for the Algebra I and
12 English II end-of-course assessment instruments, as determined
13 based on studies under Section 39.0242 that correlate student
14 performance on the Algebra I and English II end-of-course
15 assessment instruments with student performance on the Algebra II
16 and English III assessment instruments;

17 ~~(3) [the performance standards for the English I~~
18 ~~end-of-course assessment instrument, as determined based on~~
19 ~~studies under Section 39.0242 that correlate student performance on~~
20 ~~the English I end-of-course assessment instrument with student~~
21 ~~performance on the English II assessment instrument,~~

22 [~~4~~] the performance standards for the grade eight
23 assessment instruments, as determined based on studies under
24 Section 39.0242 that correlate student performance on the grade
25 eight assessment instruments with student performance on the
26 Algebra I and English II [~~I~~] end-of-course assessment instruments
27 in the same content area; and

1 (4) [~~(5)~~] the performance standards on the assessment
2 instruments in each of grades three through seven, as determined
3 based on studies under Section 39.0242 that correlate student
4 performance in the same content area on the assessment instrument
5 for each grade with student performance on the assessment
6 instrument in the succeeding grade.

7 (b) This section applies beginning with the 2013-2014
8 school year.

9 SECTION 19. (a) Section 39.0242(b), Education Code, is
10 amended to read as follows:

11 (b) Before the beginning of the 2011-2012 school year, the
12 agency shall analyze the data collected under Subsection (a) to
13 substantiate:

14 (1) the correlation between satisfactory student
15 performance for each performance standard under Section 39.0241 on
16 the grade three, four, five, six, or seven assessment instruments
17 with satisfactory performance under the same performance standard
18 on the assessment instruments in the same content area for the next
19 grade level;

20 (2) the correlation between satisfactory student
21 performance for each performance standard under Section 39.0241 on
22 the grade eight assessment instruments with satisfactory
23 performance under the same performance standard on the Algebra I
24 and English II [~~I~~] end-of-course assessment instruments in the same
25 content area;

26 (3) [~~the correlation between satisfactory student~~
27 ~~performance for each performance standard under Section 39.0241 on~~

1 ~~the English I end-of-course assessment instrument with~~
2 ~~satisfactory performance under the same performance standard on the~~
3 ~~English II end-of-course assessment instrument;~~

4 ~~[(4)]~~ the correlation between satisfactory student
5 performance for each performance standard under Section 39.0241 on
6 the English II end-of-course assessment instrument with
7 satisfactory performance under the same performance standard on the
8 English III end-of-course assessment instrument; and

9 (4) ~~[(5)]~~ the correlation between satisfactory
10 student performance for each performance standard under Section
11 39.0241 on the Algebra I end-of-course assessment instrument with
12 satisfactory performance under the same performance standard on the
13 Algebra II end-of-course assessment instrument.

14 (b) This section applies beginning with the 2013-2014
15 school year.

16 SECTION 20. (a) Section 39.025, Education Code, is amended
17 by amending Subsections (a), (a-1), (b), and (b-2) and adding
18 Subsection (a-4) to read as follows:

19 (a) The commissioner shall adopt rules requiring a student
20 participating in the recommended or advanced high school program to
21 be administered each end-of-course assessment instrument listed in
22 Section 39.023(c) and requiring a student participating in the
23 minimum high school program to be administered an end-of-course
24 assessment instrument listed in Section 39.023(c) only for a course
25 in which the student is enrolled and for which an end-of-course
26 assessment instrument is administered. A student is required to
27 achieve~~[, in each subject in the foundation curriculum under~~

1 ~~Section 28.002(a)(1), a cumulative score that is at least equal to~~
2 ~~the product of the number of end-of-course assessment instruments~~
3 ~~administered to the student in that subject and] a scale score that~~
4 indicates satisfactory performance, as determined by the
5 commissioner under Section 39.0241(a), on each end-of-course
6 assessment instrument listed under Section 39.023(c) that is
7 administered to the student as provided by this subsection. For
8 each scale score required under this subsection that is not based on
9 a 100-point scale scoring system, the commissioner shall provide
10 for conversion, in accordance with commissioner rule, of the scale
11 score to an equivalent score based on a 100-point scale scoring
12 system. [~~A student must achieve a minimum score as determined by~~
13 ~~the commissioner to be within a reasonable range of the scale score~~
14 ~~under Section 39.0241(a) on an end-of-course assessment instrument~~
15 ~~for the score to count towards the student's cumulative score. For~~
16 ~~purposes of this subsection, a student's cumulative score is~~
17 ~~determined using the student's highest score on each end-of-course~~
18 ~~assessment instrument administered to the student.] A student may
19 not receive a high school diploma until the student has performed
20 satisfactorily on [~~the~~] end-of-course assessment instruments in
21 the manner provided under this subsection. This subsection does
22 not require a student to demonstrate readiness to enroll in an
23 institution of higher education.~~

24 (a-1) The commissioner by rule shall determine a method by
25 which a student's satisfactory performance on an advanced placement
26 test, international baccalaureate examination, an SAT Subject
27 Test, or another assessment instrument determined by the

1 commissioner to be at least as rigorous as an end-of-course
2 assessment instrument adopted under Section 39.023(c) may be used
3 as a factor in determining whether the student satisfies the
4 requirements of Subsection (a) [~~including the cumulative score~~
5 ~~requirement of that subsection~~]. The commissioner by rule may
6 determine a method by which a student's satisfactory performance on
7 a Preliminary Scholastic Assessment Test (PSAT) [~~assessment~~] or a
8 preliminary American College Test (ACT) [~~assessment~~] may be used as
9 a factor in determining whether the student satisfies the
10 requirements of Subsection (a).

11 (a-4) The admission, review, and dismissal committee of a
12 student in a special education program under Subchapter A, Chapter
13 29, shall determine whether, to receive a high school diploma, the
14 student is required to achieve satisfactory performance on
15 end-of-course assessment instruments.

16 (b) Each time an end-of-course assessment instrument
17 adopted under Section 39.023(c) is administered, a student who
18 failed to achieve a minimum score under Subsection (a) may [~~shall~~]
19 retake the assessment instrument. A student who fails to perform
20 satisfactorily on an Algebra II or English III end-of-course
21 assessment instrument under the college readiness performance
22 standard, as provided under Section 39.024(b), may retake the
23 assessment instrument. [~~Any other student may retake an~~
24 ~~end-of-course assessment instrument for any reason.~~] A student is
25 not required to retake a course as a condition of retaking an
26 end-of-course assessment instrument.

27 (b-2) If a school district determines that a student, on

1 completion of grade 11, is unlikely to achieve the [~~cumulative~~
 2 score requirement under this section [~~requirements~~] for one or more
 3 end-of-course assessment instruments [~~subjects~~] prescribed under
 4 [~~by~~] Subsection (a) for receiving a high school diploma, the
 5 district shall require the student to enroll in a corresponding
 6 content-area college preparatory course for which an end-of-course
 7 assessment instrument has been adopted, if available. A student
 8 who enrolls in a college preparatory course described by this
 9 subsection shall be administered an end-of-course assessment
 10 instrument for the course, with the end-of-course assessment
 11 instrument scored on a scale as determined by the commissioner [~~not~~
 12 ~~to exceed 20 percent of the cumulative score requirements required~~
 13 ~~to graduate as determined under Subsection (a)~~]. A student may use
 14 the student's score on the end-of-course assessment instrument for
 15 the college preparatory course towards satisfying the [~~cumulative~~
 16 score requirement under this section [~~requirements prescribed by~~
 17 ~~Subsection (a)~~].

18 (b) This section applies beginning with the 2013-2014
 19 school year.

20 SECTION 21. (a) Effective September 1, 2014, Section
 21 39.025(a), Education Code, is amended to read as follows:

22 (a) The commissioner shall adopt rules requiring a student
 23 [~~participating~~] in the foundation [~~recommended or advanced~~] high
 24 school program under Section 28.025 to be administered each
 25 end-of-course assessment instrument listed in Section 39.023(c)
 26 [~~and requiring a student participating in the minimum high school~~
 27 ~~program to be administered an end-of-course assessment instrument~~

1 ~~listed in Section 39.023(c) only for a course in which the student~~
2 ~~is enrolled and for which an end-of-course assessment instrument is~~
3 ~~administered]. A student is required to achieve[~~, in each subject~~~~
4 ~~in the foundation curriculum under Section 28.002(a)(1), a~~
5 ~~cumulative score that is at least equal to the product of the number~~
6 ~~of end-of-course assessment instruments administered to the~~
7 ~~student in that subject and] a scale score that indicates~~
8 satisfactory performance, as determined by the commissioner under
9 Section 39.0241(a), on each end-of-course assessment instrument
10 listed under Section 39.023(c). For each scale score required
11 under this subsection that is not based on a 100-point scale scoring
12 system, the commissioner shall provide for conversion, in
13 accordance with commissioner rule, of the scale score to an
14 equivalent score based on a 100-point scale scoring system. [A
15 ~~student must achieve a minimum score as determined by the~~
16 ~~commissioner to be within a reasonable range of the scale score~~
17 ~~under Section 39.0241(a) on an end-of-course assessment instrument~~
18 ~~for the score to count towards the student's cumulative score. For~~
19 ~~purposes of this subsection, a student's cumulative score is~~
20 ~~determined using the student's highest score on each end-of-course~~
21 ~~assessment instrument administered to the student.] A student may
22 not receive a high school diploma until the student has performed
23 satisfactorily on [~~the~~] end-of-course assessment instruments in
24 the manner provided under this subsection. This subsection does
25 not require a student to demonstrate readiness to enroll in an
26 institution of higher education.~~

27 (b) This section applies beginning with the 2014-2015

1 school year.

2 SECTION 22. (a) Sections 39.034(a) and (c), Education
3 Code, are amended to read as follows:

4 (a) The commissioner shall determine a method by which the
5 agency may measure annual improvement in student achievement from
6 one school year to the next on an assessment instrument required
7 under this subchapter or on an end-of-course assessment instrument
8 adopted under Section 39.023(c-2).

9 (c) The agency shall use a student's previous years'
10 performance data on an assessment instrument described by
11 Subsection (a) [~~required under this subchapter~~] to determine the
12 student's expected annual improvement. The agency shall report
13 that expected level of annual improvement and the actual level of
14 annual improvement achieved to the district. The report must state
15 whether the student fell below, met, or exceeded the agency's
16 expectation for improvement.

17 (b) This section takes effect beginning with the 2013-2014
18 school year.

19 SECTION 23. (a) Section 39.035(a), Education Code, is
20 amended to read as follows:

21 (a) Subject to Subsection (b), the agency may conduct field
22 testing of questions for any assessment instrument administered
23 under Section 39.023(a), (b), (c), (c-2), (d), or (l) that is
24 separate from the administration of the assessment instrument not
25 more frequently than every other school year.

26 (b) This section applies beginning with the 2013-2014
27 school year.

1 SECTION 24. (a) Section 39.053(c), Education Code, is
2 amended to read as follows:

3 (c) Indicators of student achievement adopted under this
4 section may include any indicator the commissioner determines
5 reflects the quality of learning and student achievement and must
6 include:

7 (1) the results of assessment instruments required
8 under Sections 39.023(a), (c), and (l), including the results of
9 assessment instruments required for graduation retaken by a
10 student, aggregated across grade levels by subject area, including:

11 (A) for the performance standard determined by
12 the commissioner under Section 39.0241(a):

13 (i) the percentage of students who
14 performed satisfactorily on the assessment instruments, aggregated
15 across grade levels by subject area; and

16 (ii) for students who did not perform
17 satisfactorily, the percentage of students who met the standard for
18 annual improvement, as determined by the agency under Section
19 39.034, on the assessment instruments, aggregated across grade
20 levels by subject area; and

21 (B) for the college readiness performance
22 standard as determined under Section 39.0241:

23 (i) the percentage of students who
24 performed satisfactorily on the assessment instruments, aggregated
25 across grade levels by subject area; and

26 (ii) for students who did not perform
27 satisfactorily, the percentage of students who met the standard for

1 annual improvement, as determined by the agency under Section
2 39.034, on the assessment instruments, aggregated across grade
3 levels by subject area;

4 (2) dropout rates, including dropout rates and
5 district completion rates for grade levels 9 through 12, computed
6 in accordance with standards and definitions adopted by the
7 National Center for Education Statistics of the United States
8 Department of Education; and

9 (3) high school graduation rates, computed in
10 accordance with standards and definitions adopted in compliance
11 with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et
12 seq.).

13 (b) This section applies beginning with the 2013-2014
14 school year.

15 SECTION 25. (a) Section 39.053(f), Education Code, is
16 amended to read as follows:

17 (f) Annually, the commissioner shall define the state
18 standard for the current school year for each student achievement
19 indicator described by Subsection (c) and shall project the state
20 standards for each indicator for the following two school years.
21 The commissioner shall periodically raise the state standards for
22 the student achievement indicator described by Subsection
23 (c)(1)(B)(i) for accreditation as necessary to reach the goals of
24 achieving, by not later than the 2019-2020 school year:

25 (1) student performance in this state, disaggregated
26 by race, ethnicity, and socioeconomic status, that ranks nationally
27 in the top 10 states in terms of college readiness; and

1 (2) student performance, [~~including the percentage of~~
2 ~~students graduating under the recommended or advanced high school~~
3 ~~program,~~] with no significant achievement gaps by race, ethnicity,
4 and socioeconomic status.

5 (b) This section applies beginning with the 2014-2015
6 school year.

7 SECTION 26. (a) Sections 39.054(a) and (b), Education Code,
8 are amended to read as follows:

9 (a) The commissioner shall adopt rules to evaluate school
10 district and campus performance and~~[, not later than August 8 of~~
11 ~~each year,~~] assign each district and campus a performance rating of of
12 A, B, C, D, or F. In adopting rules under this subsection, the
13 commissioner shall determine the criteria for each designated
14 letter performance rating and designate whether the letter
15 performance rating [that] reflects acceptable performance or
16 unacceptable performance. Not later than August 8 of each year, the
17 performance rating of each district and campus shall be made
18 publicly available as provided by rules adopted under this
19 subsection. If a district or campus received a performance rating
20 of unacceptable performance for the preceding school year, the
21 commissioner shall notify the district of a subsequent such
22 designation on or before June 15.

23 (b) In evaluating performance, the commissioner shall
24 evaluate against state standards and consider the performance of
25 each campus in a school district and each open-enrollment charter
26 school on the basis of the campus's or school's performance on the
27 student achievement indicators adopted under Section 39.053, other

1 than, to the greatest extent possible, the student achievement
2 indicator adopted under Section 39.053(c)(1) [~~39.053(c)~~].

3 (b) This section applies beginning with the 2013-2014
4 school year.

5 SECTION 27. (a) Subchapter C, Chapter 39, Education Code,
6 is amended by adding Section 39.0545 to read as follows:

7 Sec. 39.0545. SCHOOL DISTRICT EVALUATION OF CAMPUS
8 PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT. (a) Each school
9 district shall evaluate the performance of each campus in the
10 district in community and student engagement as provided by this
11 section and assign each campus a performance rating of A, B, C, D,
12 or F. Not later than August 8 of each year, the district shall make
13 the performance rating publicly available as provided by
14 commissioner rule.

15 (b) For purposes of assigning the performance rating under
16 Subsection (a), a school district must evaluate the following
17 programs or specific categories of performance at each campus:

- 18 (1) fine arts;
19 (2) wellness and physical education;
20 (3) community and parental involvement;
21 (4) the 21st Century Workforce Development program;

22 and

- 23 (5) the second language acquisition program.

24 (c) A school district shall use criteria developed by the
25 commissioner as described by Subsection (d)(1) in conjunction with
26 criteria developed by a local committee established as provided by
27 Subsection (d)(2) to evaluate the performance of a campus under

1 this section.

2 (d) The commissioner shall:

3 (1) in accordance with commissioner rule, establish a
4 separate committee that includes members as described by Sections
5 39.204(c) and (d) to develop criteria for each program or category
6 of performance under Subsection (b) in the manner provided for
7 developing criteria for a distinction designation under Section
8 39.204(e); and

9 (2) by commissioner rule, prescribe requirements for
10 school districts to use to establish a local committee to develop
11 district criteria.

12 (b) This section applies beginning with the 2013-2014
13 school year.

14 SECTION 28. (a) Section 39.057(a), Education Code, is
15 amended to read as follows:

16 (a) The commissioner shall authorize special accreditation
17 investigations to be conducted:

18 (1) when excessive numbers of absences of students
19 eligible to be tested on state assessment instruments are
20 determined;

21 (2) when excessive numbers of allowable exemptions
22 from the required state assessment instruments are determined;

23 (3) in response to complaints submitted to the agency
24 with respect to alleged violations of civil rights or other
25 requirements imposed on the state by federal law or court order;

26 (4) in response to established compliance reviews of
27 the district's financial accounting practices and state and federal

1 program requirements;

2 (5) when extraordinary numbers of student placements
3 in disciplinary alternative education programs, other than
4 placements under Sections 37.006 and 37.007, are determined;

5 (6) in response to an allegation involving a conflict
6 between members of the board of trustees or between the board and
7 the district administration if it appears that the conflict
8 involves a violation of a role or duty of the board members or the
9 administration clearly defined by this code;

10 (7) when excessive numbers of students in special
11 education programs under Subchapter A, Chapter 29, are assessed
12 through assessment instruments developed or adopted under Section
13 39.023(b);

14 (8) in response to an allegation regarding or an
15 analysis using a statistical method result indicating a possible
16 violation of an assessment instrument security procedure
17 established under Section 39.0301, including for the purpose of
18 investigating or auditing a school district under that section;

19 (9) when a significant pattern of decreased academic
20 performance has developed as a result of the promotion in the
21 preceding two school years of students who did not perform
22 satisfactorily as determined by the commissioner under Section
23 39.0241(a) on assessment instruments administered under Section
24 39.023(a), (c), or (l);

25 (10) ~~[when excessive numbers of students graduate~~
26 ~~under the minimum high school program,~~

27 [~~11~~] when excessive numbers of students eligible to

1 enroll fail to complete an advanced mathematics [~~Algebra II~~] course
2 or any other advanced course determined by the commissioner [~~as~~
3 ~~distinguishing between students participating in the recommended~~
4 ~~high school program from students participating in the minimum high~~
5 ~~school program~~];

6 (11) [~~(12)~~] when resource allocation practices as
7 evaluated under Section 39.0821 indicate a potential for
8 significant improvement in resource allocation; or

9 (12) [~~(13)~~] as the commissioner otherwise determines
10 necessary.

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 29. (a) Section 39.082, Education Code, is amended
14 by adding Subsections (d) and (e) to read as follows:

15 (d) Under the financial accountability rating systems
16 developed under this section, each school district or
17 open-enrollment charter school, as applicable, shall be assigned a
18 financial accountability rating of A, B, C, D, or F. In adopting
19 rules under this section, the commissioner, in consultation with
20 the comptroller, shall determine the criteria for each designated
21 letter performance rating.

22 (e) Not later than August 8 of each year, the financial
23 accountability rating of each school district and open-enrollment
24 charter school under the financial accountability rating systems
25 developed under this section shall be made publicly available as
26 provided by rules adopted under this section.

27 (b) This section applies beginning with the 2013-2014

1 school year.

2 SECTION 30. (a) Section 39.201(a), Education Code, is
3 amended to read as follows:

4 (a) Not later than August 8 of each year, the commissioner
5 shall award distinction designations for outstanding performance
6 as provided by ~~under~~ this subchapter. A distinction designation
7 awarded to a district or campus under this subchapter shall be
8 referenced directly in connection with the performance rating
9 assigned to the district or campus and made publicly available
10 together with the performance ratings as provided by rules adopted
11 under Section 39.054(a).

12 (b) This section applies beginning with the 2013-2014
13 school year.

14 SECTION 31. (a) Section 39.202, Education Code, is amended
15 to read as follows:

16 Sec. 39.202. ACADEMIC [~~EXCELLENCE~~] DISTINCTION DESIGNATION
17 FOR DISTRICTS AND CAMPUSES. The commissioner by rule shall
18 establish [~~a recognized and exemplary rating for awarding districts~~
19 ~~and campuses~~] an academic distinction designation for districts and
20 campuses for outstanding performance in attainment of
21 postsecondary readiness ~~under this subchapter~~. The [~~In~~
22 ~~establishing the recognized and exemplary ratings, the~~]
23 commissioner shall adopt criteria for the designation under this
24 section [~~ratings~~], including:

25 (1) percentages of students who:

26 (A) performed satisfactorily, as determined
27 under the college readiness performance standard under Section

1 39.0241, on assessment instruments required under Section
2 39.023(a), (b), (c), or (1) or on end-of-course assessment
3 instruments adopted under Section 39.023(c-2), aggregated across
4 grade levels by subject area; or

5 (B) met the standard for annual improvement, as
6 determined by the agency under Section 39.034, on assessment
7 instruments required under Section 39.023(a), (b), (c), or (1) or
8 on end-of-course assessment instruments adopted under Section
9 39.023(c-2), aggregated across grade levels by subject area, for
10 students who did not perform satisfactorily as described by
11 Paragraph (A); and

12 (2) other factors for determining sufficient student
13 attainment of postsecondary readiness.

14 (b) This section applies beginning with the 2013-2014
15 school year.

16 SECTION 32. (a) Section 39.203, Education Code, is amended
17 to read as follows:

18 Sec. 39.203. CAMPUS DISTINCTION DESIGNATIONS. (a) The
19 commissioner shall award a campus a distinction designation for
20 outstanding performance in improvement in student achievement if
21 the campus is ranked in the top 25 percent of campuses in the state
22 in annual improvement in student achievement as determined under
23 Section 39.034.

24 (b) In addition to the distinction designation described by
25 Subsection (a), the commissioner shall award a campus a distinction
26 designation for outstanding performance in closing student
27 achievement differentials if the campus demonstrates an ability to

1 significantly diminish or eliminate performance differentials
 2 between student subpopulations and is ranked in the top 25 percent
 3 of campuses in this state under the performance criteria described
 4 by this subsection. The commissioner shall adopt rules related to
 5 the distinction designation under this subsection to ensure that a
 6 campus does not artificially diminish or eliminate performance
 7 differentials through inhibiting the achievement of the highest
 8 achieving student subpopulation.

9 (c) In addition to the distinction designations described
 10 by Subsections (a) and (b), a campus that satisfies the criteria
 11 developed under Section 39.204 shall be awarded a distinction
 12 designation by the commissioner for outstanding performance in [~~for~~
 13 ~~the following programs or the following specific categories of~~
 14 ~~performance.~~

15 [~~(1)~~] academic achievement in English language arts,
 16 mathematics, science, or social studies[~~+~~

17 [~~(2)~~ ~~fine arts,~~

18 [~~(3)~~ ~~physical education,~~

19 [~~(4)~~ ~~21st Century Workforce Development program,~~ and

20 [~~(5)~~ ~~second language acquisition program]~~.

21 (d) In addition to the distinction designations otherwise
 22 described by this section, the commissioner may award a distinction
 23 designation for outstanding performance in advanced middle or
 24 junior high school student achievement to a campus with a
 25 significant number of students below grade nine who perform
 26 satisfactorily on an end-of-course assessment instrument
 27 administered under Section 39.023(c).

1 (b) This section applies beginning with the 2013-2014
2 school year.

3 SECTION 33. (a) Section 39.301(c), Education Code, is
4 amended to read as follows:

5 (c) Indicators for reporting purposes must include:

6 (1) ~~[(1) the percentage of graduating students who meet
7 the course requirements established by State Board of Education
8 rule for the minimum high school program, the recommended high
9 school program, and the advanced high school program;~~

10 ~~[(2)]~~ the results of the SAT, ACT, articulated
11 postsecondary degree programs described by Section 61.852, and
12 certified workforce training programs described by Chapter 311,
13 Labor Code;

14 (2) ~~[(3)]~~ for students who have failed to perform
15 satisfactorily, under each performance standard under Section
16 39.0241, on an assessment instrument required under Section
17 39.023(a) or (c), the performance of those students on subsequent
18 assessment instruments required under those sections, aggregated
19 by grade level and subject area;

20 (3) ~~[(4) for each campus, the number of students,
21 disaggregated by major student subpopulations, that agree under
22 Section 28.025(b) to take courses under the minimum high school
23 program;~~

24 ~~[(5)]~~ the percentage of students, aggregated by grade
25 level, provided accelerated instruction under Section 28.0211(c),
26 the results of assessment instruments administered under that
27 section, the percentage of students promoted through the grade

1 placement committee process under Section 28.0211, the subject of
2 the assessment instrument on which each student failed to perform
3 satisfactorily under each performance standard under Section
4 39.0241, and the performance of those students in the school year
5 following that promotion on the assessment instruments required
6 under Section 39.023;

7 (4) [~~(6)~~] the percentage of students of limited
8 English proficiency exempted from the administration of an
9 assessment instrument under Sections 39.027(a)(1) and (2);

10 (5) [~~(7)~~] the percentage of students in a special
11 education program under Subchapter A, Chapter 29, assessed through
12 assessment instruments developed or adopted under Section
13 39.023(b);

14 (6) [~~(8)~~] the percentage of students who satisfy the
15 college readiness measure;

16 (7) [~~(9)~~] the measure of progress toward dual language
17 proficiency under Section 39.034(b), for students of limited
18 English proficiency, as defined by Section 29.052;

19 (8) [~~(10)~~] the percentage of students who are not
20 educationally disadvantaged;

21 (9) [~~(11)~~] the percentage of students who enroll and
22 begin instruction at an institution of higher education in the
23 school year following high school graduation; and

24 (10) [~~(12)~~] the percentage of students who
25 successfully complete the first year of instruction at an
26 institution of higher education without needing a developmental
27 education course.

1 (b) This section applies beginning with the 2014-2015
2 school year.

3 SECTION 34. (a) Section 39.305(b), Education Code, is
4 amended to read as follows:

5 (b) The report card shall include the following
6 information:

7 (1) where applicable, the student achievement
8 indicators described by Section 39.053(c) and the reporting
9 indicators described by Sections 39.301(c)(1) through (3) [~~(5)~~];

10 (2) average class size by grade level and subject;

11 (3) the administrative and instructional costs per
12 student, computed in a manner consistent with Section 44.0071; and

13 (4) the district's instructional expenditures ratio
14 and instructional employees ratio computed under Section 44.0071,
15 and the statewide average of those ratios, as determined by the
16 commissioner.

17 (b) This section applies beginning with the 2013-2014
18 school year.

19 SECTION 35. (a) Section 51.3062(q-1), Education Code, is
20 amended to read as follows:

21 (q-1) A student who has completed the foundation [~~a~~
22 ~~recommended or advanced~~] high school program as determined under
23 Section 28.025 and demonstrated the performance standard for
24 college readiness as provided by Section 39.024 on the Algebra II
25 and English III end-of-course assessment instruments is exempt from
26 the requirements of this section with respect to those content
27 areas. The commissioner of higher education by rule shall

1 establish the period for which an exemption under this subsection
2 is valid.

3 (b) This section applies beginning with the 2014-2015
4 school year.

5 SECTION 36. (a) Sections 51.803(a) and (d), Education Code,
6 are amended to read as follows:

7 (a) Subject to Subsection (a-1), each general academic
8 teaching institution shall admit an applicant for admission to the
9 institution as an undergraduate student if the applicant graduated
10 with a grade point average in the top 10 percent of the student's
11 high school graduating class in one of the two school years
12 preceding the academic year for which the applicant is applying for
13 admission and:

14 (1) the applicant graduated from a public or private
15 high school in this state accredited by a generally recognized
16 accrediting organization or from a high school operated by the
17 United States Department of Defense;

18 (2) the applicant:

19 (A) successfully completed:

20 (i) at a public high school, the curriculum
21 requirements established under Section 28.025 for the foundation
22 [~~recommended or advanced~~] high school program; or

23 (ii) at a high school to which Section
24 28.025 does not apply, a curriculum that is equivalent in content
25 and rigor to the foundation [~~recommended or advanced~~] high school
26 program; or

27 (B) satisfied ACT's College Readiness Benchmarks

1 on the ACT assessment applicable to the applicant or earned on the
2 SAT assessment a score of at least 1,500 out of 2,400 or the
3 equivalent; and

4 (3) if the applicant graduated from a high school
5 operated by the United States Department of Defense, the applicant
6 is a Texas resident under Section 54.052 or is entitled to pay
7 tuition fees at the rate provided for Texas residents under Section
8 54.241(d) [~~54.058(d)~~] for the term or semester to which admitted.

9 (d) For purposes of Subsection (c)(2), a student's official
10 transcript or diploma must, not later than the end of the student's
11 junior year, indicate[+]

12 [~~(1)~~] whether the student has satisfied or is on
13 schedule to satisfy the requirements of Subsection (a)(2)(A)(i) or
14 (ii), as applicable[~~, or~~

15 [~~(2) if Subsection (b) applies to the student, whether~~
16 ~~the student has completed the portion of the recommended or~~
17 ~~advanced curriculum or of the curriculum equivalent in content and~~
18 ~~rigor, as applicable, that was available to the student].~~

19 (b) This section applies beginning with the 2014-2015
20 school year.

21 SECTION 37. (a) Section 51.804, Education Code, is amended
22 to read as follows:

23 Sec. 51.804. ADDITIONAL AUTOMATIC ADMISSIONS: SELECTED
24 INSTITUTIONS. For each academic year, the governing board of each
25 general academic teaching institution shall determine whether to
26 adopt an admissions policy under which an applicant to the
27 institution as a first-time freshman student, other than an

1 applicant eligible for admission under Section 51.803, shall be
2 admitted to the institution if the applicant:

3 (1) graduated from a public or private high school in
4 this state accredited by a generally recognized accrediting
5 organization with a grade point average in the top 25 percent of the
6 applicant's high school graduating class; and

7 (2) satisfies the requirements of:

8 (A) Section 51.803(a)(2)(A) or (B) [~~51.803(b)~~,
9 ~~as applicable to the student, or Section 51.803 (a)(2)(B)~~]; and

10 (B) Sections 51.803(c)(2) and 51.803(d).

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 38. (a) Section 51.805(a), Education Code, is
14 amended to read as follows:

15 (a) A graduating student who does not qualify for admission
16 under Section 51.803 or 51.804 may apply to any general academic
17 teaching institution if the student satisfies the requirements of:

18 (1) Section 51.803(a)(2)(A) or (B) [~~51.803(b)~~, ~~as~~
19 ~~applicable to the student, or Section 51.803(a)(2)(B)~~]; and

20 (2) Sections 51.803(c)(2) and 51.803(d).

21 (b) This section applies beginning with the 2014-2015
22 school year.

23 SECTION 39. (a) Section 51.807(b), Education Code, is
24 amended to read as follows:

25 (b) The Texas Higher Education Coordinating Board, after
26 consulting with the Texas Education Agency, by rule shall establish
27 standards for determining for purposes of this subchapter:

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

3 (2) whether a person completed a high school
4 curriculum that is equivalent in content and rigor to the
5 curriculum requirements established under Section 28.025 for the
6 foundation [~~recommended or advanced~~] high school program.

7 (b) This section applies beginning with the 2014-2015
8 school year.

9 SECTION 40. (a) Subchapter A, Chapter 56, Education Code,
10 is amended by adding Section 56.009 to read as follows:

11 Sec. 56.009. ELIGIBILITY BASED ON GRADUATION UNDER CERTAIN
12 HIGH SCHOOL PROGRAMS. To the extent that a person's eligibility to
13 participate in any program under this chapter, including
14 Subchapters K, M, Q, and R, is contingent on the person graduating
15 under the recommended or advanced high school program, as those
16 programs existed before the adoption of __.B. No. _____, 83rd
17 Legislature, Regular Session, 2013, the Texas Higher Education
18 Coordinating Board and the commissioner of education shall jointly
19 adopt rules to modify, clarify, or otherwise establish for affected
20 programs appropriate eligibility requirements regarding high
21 school curriculum completion.

22 (b) This section applies beginning with the 2014-2015
23 school year.

24 SECTION 41. (a) Section 61.0517(a), Education Code, is
25 amended to read as follows:

26 (a) In this section, "applied STEM course" means an applied
27 science, technology, engineering, or mathematics course offered as

1 part of a school district's career and technology education
2 curriculum and approved, as provided by Section 28.027, by the
3 State Board of Education for purposes of satisfying the mathematics
4 and science curriculum requirements for the foundation
5 [~~recommended~~] high school program [~~imposed~~] under Section 28.025
6 [~~28.025(b-1)(1)(A)~~].

7 (b) This section applies beginning with the 2014-2015
8 school year.

9 SECTION 42. (a) Section 61.792(b), Education Code, is
10 amended to read as follows:

11 (b) To qualify for a scholarship under this section, a
12 student must:

13 (1) have graduated with a grade point average in the
14 top 20 percent of the student's high school graduating class;

15 (2) have graduated from high school with a grade point
16 average of at least 3.5 on a four-point scale or the equivalent in
17 mathematics and science courses offered under the foundation
18 [~~recommended or advanced~~] high school program under Section 28.025
19 [~~28.025(a)~~]; and

20 (3) maintain an overall grade point average of at
21 least 3.0 on a four-point scale at the general academic teaching
22 institution or the private or independent institution of higher
23 education in which the student is enrolled.

24 (b) This section applies beginning with the 2014-2015
25 school year.

26 SECTION 43. (a) Section 61.852(a), Education Code, is
27 amended to read as follows:

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

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

7 (2) integrates academic instruction and vocational
8 and technical instruction;

9 (3) uses work-based and worksite learning where
10 available and appropriate;

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

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

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

24 (7) leads to placement in appropriate employment or to
25 further education.

26 (b) This section applies beginning with the 2014-2015
27 school year.

1 SECTION 44. (a) Section 61.855(d), Education Code, is
2 amended to read as follows:

3 (d) A tech-prep program must:

4 (1) be implemented under an articulation agreement
5 between the participants in the consortium;

6 (2) consist of two to four years of secondary school
7 preceding graduation and:

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

9 (B) two or more years of apprenticeship following
10 secondary instruction;

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

17 (4) include the development of tech-prep program
18 curricula for both secondary and postsecondary participants in the
19 consortium that:

20 (A) meets academic standards developed by the
21 state;

22 (B) links secondary schools and two-year
23 postsecondary institutions, and, if practicable, four-year
24 institutions of higher education through nonduplicative sequences
25 of courses in career fields, including the investigation of
26 opportunities for tech-prep students to enroll concurrently in
27 secondary and postsecondary course work;

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

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

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

8 (A) is designed to train vocational and technical
9 teachers to effectively implement tech-prep programs;

10 (B) provides for joint training for teachers in
11 the tech-prep consortium;

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

15 (D) focuses on training postsecondary education
16 faculty in the use of contextual and applied curricula and
17 instruction; and

18 (E) provides training in the use and application
19 of technology;

20 (6) include training programs for counselors designed
21 to enable counselors to more effectively:

22 (A) provide information to students regarding
23 tech-prep programs;

24 (B) support student progress in completing
25 tech-prep programs;

26 (C) provide information on related employment
27 opportunities;

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

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

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

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

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 45. (a) Section 61.861(c), Education Code, is
14 amended to read as follows:

15 (c) A course developed for purposes of this section must:

16 (1) provide content that enables a student to develop
17 the relevant and critical skills needed to be prepared for
18 employment or additional training in a high-demand occupation;

19 (2) incorporate college and career readiness skills as
20 part of the curriculum;

21 (3) be offered for dual credit; and

22 (4) satisfy a mathematics or science requirement under
23 the foundation [~~recommended or advanced~~] high school program as
24 determined under Section 28.025.

25 (b) This section applies beginning with the 2014-2015
26 school year.

27 SECTION 46. (a) Section 61.864, Education Code, is amended

1 to read as follows:

2 Sec. 61.864. REVIEW OF COURSES. Courses for which a grant
3 is awarded under this subchapter shall be reviewed by the
4 commissioner of higher education and the commissioner of education,
5 in consultation with the comptroller and the Texas Workforce
6 Commission, once every four years to determine whether the course:

7 (1) is being used by public educational institutions
8 in this state;

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

12 (3) satisfies a mathematics or science requirement for
13 the foundation [~~recommended or advanced~~] high school program as
14 determined under Section 28.025.

15 (b) This section applies beginning with the 2014-2015
16 school year.

17 SECTION 47. (a) Section 78.10(b), Education Code, is
18 amended to read as follows:

19 (b) The Texas Academy of Mathematics and Science is a
20 division of The University of Texas at Brownsville and is under the
21 management and control of the board. The academy serves the
22 following purposes:

23 (1) to provide academically gifted and highly
24 motivated junior and senior high school students with a challenging
25 university-level curriculum that:

26 (A) allows students to complete high school
27 graduation requirements [~~, including requirements adopted~~] under

1 Section 28.025 for the foundation [~~advanced~~] high school program,
2 while attending for academic credit a public institution of higher
3 education;

4 (B) fosters students' knowledge of real-world
5 mathematics and science issues and applications and teaches
6 students to apply critical thinking and problem-solving skills to
7 those issues and problems;

8 (C) includes the study of English, foreign
9 languages, social studies, mathematics, science, and technology;
10 and

11 (D) offers students learning opportunities
12 related to mathematics and science through in-depth research and
13 field-based studies;

14 (2) to provide students with an awareness of
15 mathematics and science careers and professional development
16 opportunities through seminars, workshops, collaboration with
17 postsecondary and university students including opportunities for
18 summer studies, internships in foreign countries, and similar
19 methods; and

20 (3) to provide students with social development
21 activities that enrich the academic curriculum and student life,
22 including, as determined appropriate by the academy, University
23 Interscholastic League activities and other extracurricular
24 activities.

25 (b) This section applies beginning with the 2014-2015
26 school year.

27 SECTION 48. (a) Section 87.505(b), Education Code, is

1 amended to read as follows:

2 (b) The Texas Academy of International Studies is a division
3 of Texas A&M International University and is under the management
4 and control of the board. The academy serves the following
5 purposes:

6 (1) to provide academically gifted and highly
7 motivated junior and senior high school students with a challenging
8 university-level curriculum that:

9 (A) allows students to complete high school
10 graduation requirements [~~, including requirements adopted~~] under
11 Section 28.025 for the foundation [~~advanced~~] high school program,
12 while attending for academic credit a public institution of higher
13 education;

14 (B) fosters students' knowledge of real-world
15 international issues and problems and teaches students to apply
16 critical thinking and problem-solving skills to those issues and
17 problems;

18 (C) includes the study of English, foreign
19 languages, social studies, anthropology, and sociology;

20 (D) is presented through an interdisciplinary
21 approach that introduces and develops issues, especially issues
22 related to international concerns, throughout the curriculum; and

23 (E) offers students learning opportunities
24 related to international issues through in-depth research and
25 field-based studies;

26 (2) to provide students with an awareness of
27 international career and professional development opportunities

1 through seminars, workshops, collaboration with postsecondary
2 students from other countries, summer academic international
3 studies internships in foreign countries, and similar methods; and

4 (3) to provide students with social development
5 activities that enrich the academic curriculum and student life,
6 including, as determined appropriate by the academy, University
7 Interscholastic League activities and other extracurricular
8 activities generally offered by public high schools.

9 (b) This section applies beginning with the 2014-2015
10 school year.

11 SECTION 49. The following provisions of the Education Code
12 are repealed:

- 13 (1) Section 28.002(q);
- 14 (2) Sections 28.025(b-6), (b-8), and (g);
- 15 (3) Sections 39.025(a-2) and (a-3); and
- 16 (4) Section 51.803(b).

17 SECTION 50. (a) Except as provided by Subsection (b) of
18 this section, Section 39.025, Education Code, as amended by
19 Sections 20 and 21 of this Act, as related to reducing end-of-course
20 testing requirements, applies only to students who have entered or
21 will enter the ninth grade during the 2011-2012 school year or a
22 later school year.

23 (b) Students who have entered the ninth grade during or
24 after the 2011-2012 school year and before the 2014-2015 school
25 year and who choose to complete the curriculum requirements under
26 the minimum high school program may be administered only those
27 end-of-course assessment instruments that would have been

1 administered to those students under Section 39.025, Education
2 Code, as amended by Section 20 of this Act, and Section 39.025,
3 Education Code, as amended by Section 20 of this Act, is continued
4 in effect for purposes of satisfying those end-of-course testing
5 requirements.

6 SECTION 51. Except as otherwise provided by this Act, this
7 Act takes effect immediately if it receives a vote of two-thirds of
8 all the members elected to each house, as provided by Section 39,
9 Article III, Texas Constitution. If this Act does not receive the
10 vote necessary for immediate effect, this Act takes effect
11 September 1, 2013.