

By: Callegari

H.B. No. 85

A BILL TO BE ENTITLED

AN ACT

relating to state administration of assessment instruments to public school students.

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

SECTION 1. Sections 28.014(a), (c), and (f), Education Code, are amended to read as follows:

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

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

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

(c) The agency, in consultation with the Texas Higher Education Coordinating Board, shall adopt an end-of-course assessment instrument for each course developed under this section to ensure the rigor of the course. A school district shall, in accordance with State Board of Education rules, administer the end-of-course assessment instrument to a student enrolled in a course developed under this section. Each school district shall

1 adopt a policy addressing whether [~~that requires~~] a student's
2 performance on the end-of-course assessment instrument will be used
3 by the district in determining [~~to account for 15 percent of~~] the
4 student's final grade for the course and, if so, the manner in which
5 the student's performance on the end-of-course assessment
6 instrument will be used in determining the student's final grade
7 for the course. A student's performance on an end-of-course
8 assessment instrument administered under this subsection may be
9 used, on a scale of 0-40, in calculating whether the student
10 satisfies the graduation requirements established under Section
11 39.025.

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

1 performance on the end-of-course assessment instrument will be used
2 in determining the student's final grade for the course [~~not later~~
3 ~~than the 2014-2015 school year~~]. This subsection expires
4 September 1, 2015.

5 SECTION 2. Section 28.0211(o), Education Code, is amended
6 to read as follows:

7 (o) This section does not require the administration of
8 a fifth or eighth grade assessment instrument in a subject under
9 Section 39.023(a) to a student enrolled in the fifth or eighth
10 grade, as applicable, if the student:

11 (1) is enrolled in a course in the subject intended for
12 students above the student's grade level and will be administered
13 an assessment instrument adopted [~~or developed~~] under Section
14 39.023(a) that aligns with the curriculum for the course in which
15 the student is enrolled; or

16 (2) is enrolled in a course in the subject for which
17 the student will receive high school academic credit and will be
18 administered an end-of-course assessment instrument adopted under
19 Section 39.023(c) for the course.

20 SECTION 3. Section 39.023, Education Code, is amended by
21 amending Subsections (a), (a-1), (a-2), (b), (c), (c-1), (c-3),
22 (c-4), (n), and (p) and adding Subsection (c-7) to read as follows:

23 (a) The agency shall adopt [~~or develop~~] appropriate
24 nationally recognized, norm-referenced [~~criterion-referenced~~]
25 assessment instruments designed to assess essential knowledge and
26 skills in reading, [~~writing,~~] mathematics, [~~social studies,~~] and
27 science. Except as provided by Subsection (a-2), all students,

1 other than students assessed under Subsection (b) or (1) or
2 exempted under Section 39.027, shall be assessed in:

3 (1) mathematics, annually in grades three through
4 seven without the aid of technology and in grade eight with the aid
5 of technology on any assessment instrument that includes algebra;

6 (2) reading, annually in grades three through eight;

7 (3) ~~[writing, including spelling and grammar, in~~
8 ~~grades four and seven;~~

9 ~~[(4) social studies, in grade eight;~~

10 ~~[(5)]~~ science, in grades five and eight; and

11 (4) ~~[(6)]~~ any other subject and grade required by
12 federal law.

13 (a-1) Assessment ~~[The agency shall develop assessment]~~
14 instruments required under Subsection (a) must allow ~~[in a manner~~
15 ~~that allows]~~, to the extent practicable:

16 (1) the score a student receives to provide reliable
17 information relating to a student's satisfactory performance ~~[for~~
18 ~~each performance standard]~~ under Section 39.0241; and

19 (2) an appropriate range of performances to serve as a
20 valid indication of growth in student achievement.

21 (a-2) A student is not required to be assessed in a subject
22 otherwise assessed at the student's grade level under Subsection
23 (a) if the student:

24 (1) is enrolled in a course in the subject intended for
25 students above the student's grade level and will be administered
26 an assessment instrument adopted ~~[or developed]~~ under Subsection
27 (a) that aligns with the curriculum for the course in which the

1 student is enrolled; or

2 (2) is enrolled in a course in the subject for which
3 the student will receive high school academic credit and will be
4 administered an end-of-course assessment instrument adopted under
5 Subsection (c) for the course.

6 (b) The agency shall [~~develop or~~] adopt appropriate
7 norm-referenced [~~criterion-referenced~~] alternative assessment
8 instruments to be administered to each student in a special
9 education program under Subchapter A, Chapter 29, for whom an
10 assessment instrument adopted under Subsection (a), even with
11 allowable accommodations, would not provide an appropriate measure
12 of student achievement, as determined by the student's admission,
13 review, and dismissal committee.

14 (c) The agency shall also adopt end-of-course assessment
15 instruments for secondary-level courses in Algebra I, [~~Algebra II,~~
16 ~~geometry,~~] biology, chemistry, physics, and [~~English I, English~~
17 ~~II,~~] English III[~~, world geography, world history, and United~~
18 ~~States history~~]. The Algebra I[~~, Algebra II, and geometry~~]
19 end-of-course assessment instrument [~~instruments~~] must be
20 administered with the aid of technology. A school district shall
21 comply with State Board of Education rules regarding administration
22 of the assessment instruments listed in this subsection. A
23 district [~~and~~] shall adopt a policy addressing whether [~~that~~
24 ~~requires~~] a student's performance on an end-of-course assessment
25 instrument for a course listed in this subsection in which the
26 student is enrolled will be used by the district in determining [~~to~~
27 ~~account for 15 percent of~~] the student's final grade for the course

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

20 (c-1) Any [~~The agency shall develop any~~] assessment
21 instrument required under this section must allow [~~in a manner that~~
22 ~~allows~~] for the measurement of annual improvement in student
23 achievement as required by Sections 39.034(c) and (d).

24 (c-3) In adopting a schedule for the administration of
25 assessment instruments under this section, the State Board of
26 Education shall require:

27 (1) assessment instruments administered under

1 Subsection (a) to be administered on a schedule so that the first
2 assessment instrument is administered at least two weeks later than
3 the date on which the first assessment instrument was administered
4 under Subsection (a) during the 2006-2007 school year; and

5 (2) the spring administration of end-of-course
6 assessment instruments under Subsection (c) to occur in each school
7 district not earlier than the first full week in May, except that
8 the spring administration of the end-of-course assessment
9 instrument [~~instruments~~] in [~~English I, English II, and~~] English
10 III must be permitted to occur at an earlier date.

11 (c-4) To the extent practicable [~~and subject to Section~~
12 ~~39.024~~], the agency shall ensure that each end-of-course assessment
13 instrument adopted under Subsection (c) is:

14 (1) developed in a manner that measures a student's
15 performance under the college readiness standards established
16 under Section 28.008; and

17 (2) validated by national postsecondary education
18 experts for college readiness content and performance standards.

19 (c-7) The results of assessment instruments adopted under
20 Subsection (a) or (c) may not be used for purposes of appraisals or
21 incentives under Chapter 21.

22 (n) This subsection applies only to a student who is
23 determined to have dyslexia or a related disorder and who is an
24 individual with a disability under 29 U.S.C. Section 705(20) [~~and~~
25 ~~its subsequent amendments~~]. The agency shall adopt [~~or develop~~]
26 appropriate norm-referenced [~~criterion-referenced~~] assessment
27 instruments designed to assess the ability of and to be

1 administered to each student to whom this subsection applies for
2 whom the assessment instruments adopted under Subsection (a), even
3 with allowable modifications, would not provide an appropriate
4 measure of student achievement, as determined by the committee
5 established by the board of trustees of the district to determine
6 the placement of students with dyslexia or related disorders. The
7 committee shall determine whether any allowable modification is
8 necessary in administering to a student an assessment instrument
9 required under this subsection. The assessment instruments
10 required under this subsection shall be administered on the same
11 schedule as the assessment instruments administered under
12 Subsection (a).

13 (p) On or before September 1 of each year, the commissioner
14 shall make the following information available on the agency's
15 Internet website for each assessment instrument administered under
16 Subsection (a), (c), or (l):

17 (1) the number of questions on the assessment
18 instrument;

19 (2) the number of questions that must be answered
20 correctly to achieve satisfactory performance as determined by the
21 commissioner under Section 39.0241(a); and

22 ~~(3) [the number of questions that must be answered~~
23 ~~correctly to achieve satisfactory performance under the college~~
24 ~~readiness performance standard as provided by Section 39.0241; and~~

25 ~~[(4)]~~ the ~~[corresponding]~~ scale scores.

26 SECTION 4. Section 39.0232, Education Code, is amended to
27 read as follows:

1 Sec. 39.0232. USE OF END-OF-COURSE ASSESSMENT INSTRUMENT AS
2 PLACEMENT INSTRUMENT. To the extent practicable, the agency shall
3 ensure that any high school end-of-course assessment instrument
4 adopted [~~developed~~] by the agency has been [~~is~~] developed in such a
5 manner that the assessment instrument may be used to determine the
6 appropriate placement of a student in a course of the same subject
7 matter at an institution of higher education.

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

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

12 (1) [~~the performance standards for the Algebra II and~~
13 ~~English III end-of-course assessment instruments, as provided~~
14 ~~under Section 39.024(b) and under Subsection (a);~~

15 [~~(2) the performance standards for the Algebra I and~~
16 ~~English II end-of-course assessment instruments, as determined~~
17 ~~based on studies under Section 39.0242 that correlate student~~
18 ~~performance on the Algebra I and English II end-of-course~~
19 ~~assessment instruments with student performance on the Algebra II~~
20 ~~and English III assessment instruments;~~

21 [~~(3) the performance standards for the English I~~
22 ~~end-of-course assessment instrument, as determined based on~~
23 ~~studies under Section 39.0242 that correlate student performance on~~
24 ~~the English I end-of-course assessment instrument with student~~
25 ~~performance on the English II assessment instrument;~~

26 [~~(4)~~] the performance standards for the grade eight
27 mathematics assessment instrument [~~instruments~~], as determined

1 based on studies under Section 39.0242 that correlate student
2 performance on that [~~the grade eight~~] assessment instrument
3 [~~instruments~~] with student performance on the Algebra I [~~and~~
4 ~~English I~~] end-of-course assessment instrument [~~instruments in the~~
5 ~~same content area~~]; and

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

12 SECTION 6. Section 39.0242(b), Education Code, is amended
13 to read as follows:

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

17 (1) the correlation between satisfactory student
18 performance [~~for each performance standard~~] under Section 39.0241
19 on the grade three, four, five, six, or seven assessment
20 instruments with satisfactory performance [~~under the same~~
21 ~~performance standard~~] on the assessment instruments in the same
22 content area for the next grade level; and

23 (2) the correlation between satisfactory student
24 performance [~~for each performance standard~~] under Section 39.0241
25 on the grade eight mathematics assessment instrument [~~instruments~~]
26 with satisfactory performance [~~under the same performance~~
27 ~~standard~~] on the Algebra I [~~and English I~~] end-of-course assessment

1 instrument [~~instruments in the same content area;~~
2 ~~(3) the correlation between satisfactory student~~
3 ~~performance for each performance standard under Section 39.0241 on~~
4 ~~the English I end-of-course assessment instrument with~~
5 ~~satisfactory performance under the same performance standard on the~~
6 ~~English II end-of-course assessment instrument;~~
7 ~~(4) the correlation between satisfactory student~~
8 ~~performance for each performance standard under Section 39.0241 on~~
9 ~~the English II end-of-course assessment instrument with~~
10 ~~satisfactory performance under the same performance standard on the~~
11 ~~English III end-of-course assessment instrument; and~~
12 ~~(5) the correlation between satisfactory student~~
13 ~~performance for each performance standard under Section 39.0241 on~~
14 ~~the Algebra I end-of-course assessment instrument with~~
15 ~~satisfactory performance under the same performance standard on the~~
16 ~~Algebra II end-of-course assessment instrument].~~

17 SECTION 7. Sections 39.025(a), (a-1), (a-2), (b), (b-2),
18 (e), and (g), Education Code, are amended 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 Section~~

1 ~~28.002(a)(1), a cumulative score that is at least equal to the~~
2 ~~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). A student must achieve a~~
6 ~~minimum score as determined by the commissioner to be within a~~
7 ~~reasonable range of the scale score under Section 39.0241(a) on an~~
8 ~~end-of-course assessment instrument for the score to count towards~~
9 ~~the student's cumulative score. For purposes of this subsection, a~~
10 ~~student's cumulative score is determined using the student's~~
11 ~~highest score on each end-of-course assessment instrument~~
12 ~~administered to the student. A student may not receive a high~~
13 ~~school diploma until the student has performed satisfactorily on~~
14 ~~the end-of-course assessment instruments in the manner provided~~
15 ~~under this subsection. This subsection does not require a student~~
16 ~~to demonstrate readiness to enroll in an institution of higher~~
17 ~~education.]~~

18 (a-1) The commissioner by rule shall determine a method by
19 which a student's satisfactory performance on an advanced placement
20 test, international baccalaureate examination, an SAT Subject
21 Test, or another assessment instrument determined by the
22 commissioner to be at least as rigorous as an end-of-course
23 assessment instrument adopted under Section 39.023(c) may be used
24 as a factor in determining whether the student satisfies the
25 requirements of Subsections [~~Subsection~~] (a) and (a-2) [~~and~~
26 ~~including the cumulative score requirement of that~~
27 ~~subsection~~]. The commissioner by rule may determine a method by

1 which a student's satisfactory performance on a Preliminary
 2 Scholastic Assessment Test (PSAT) assessment or a preliminary
 3 American College Test (ACT) assessment may be used as a factor in
 4 determining whether the student satisfies the requirements of
 5 Subsections [~~Subsection~~] (a) and (a-2).

6 (a-2) To graduate under the minimum, recommended, or
 7 advanced high school program [~~In addition to the cumulative score~~
 8 ~~requirements under Subsection (a)~~], a student must achieve a score
 9 that meets or exceeds the score determined by the commissioner
 10 under Section 39.0241(a) on end-of-course assessment instruments
 11 for the following:

- 12 (1) English III;
 13 (2) [~~and~~] Algebra I; and
 14 (3) biology, chemistry, or physics [~~II end-of-course~~
 15 ~~assessment instruments to graduate under the recommended high~~
 16 ~~school program]~~.

17 (b) Each time an end-of-course assessment instrument is
 18 administered, a student who failed to achieve the [~~a minimum~~] score
 19 requirement under Subsection (a-2) on an assessment instrument as
 20 necessary for receiving a high school diploma [~~(a)~~] shall retake
 21 the assessment instrument. [~~A student who fails to perform~~
 22 ~~satisfactorily on an Algebra II or English III end-of-course~~
 23 ~~assessment instrument under the college readiness performance~~
 24 ~~standard, as provided under Section 39.024(b), may retake the~~
 25 ~~assessment instrument.] Any other student may retake an
 26 end-of-course assessment instrument for any reason. A student is
 27 not required to retake a course as a condition of retaking an~~

1 end-of-course assessment instrument.

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

20 (e) The commissioner shall establish a required performance
21 level for an assessment instrument adopted under Subsection (d)
22 that is at least as rigorous as the performance level required to be
23 met under Subsection (a-2) [~~(a)~~].

24 (g) Rules adopted under Subsection (f) must require that
25 each student who will be subject to the requirements of this section
26 [~~Subsection (a)~~] is entitled to notice of the specific requirements
27 applicable to the student. Notice under this subsection must be

1 provided not later than the date the student enters the eighth
2 grade. Subsection (f) and this subsection expire September 1, 2017
3 [~~2015~~].

4 SECTION 8. Sections 39.0301(a) and (b), Education Code, are
5 amended to read as follows:

6 (a) The commissioner:

7 (1) shall establish procedures for the administration
8 of assessment instruments adopted [~~or developed~~] under Section
9 39.023, including procedures designed to ensure the security of the
10 assessment instruments; and

11 (2) may establish record retention requirements for
12 school district records related to the security of assessment
13 instruments.

14 (b) The commissioner may develop and implement statistical
15 methods and standards for identifying potential violations of
16 procedures established under Subsection (a) to ensure the security
17 of assessment instruments adopted [~~or developed~~] under Section
18 39.023. In developing the statistical methods and standards, the
19 commissioner may include indicators of:

20 (1) potential violations that are monitored annually;
21 and

22 (2) patterns of inappropriate assessment practices
23 that occur over time.

24 SECTION 9. Section 39.0303(a), Education Code, is amended
25 to read as follows:

26 (a) A person commits an offense if:

27 (1) the person intentionally discloses the contents of

1 any portion of a secure assessment instrument adopted, developed,
2 or administered under this subchapter, including the answer to any
3 item in the assessment instrument; and

4 (2) the disclosure affects or is likely to affect the
5 individual performance of one or more students on the assessment
6 instrument.

7 SECTION 10. Sections 39.053(c) and (i), Education Code, are
8 amended to read as follows:

9 (c) Indicators of student achievement adopted under this
10 section must include:

11 (1) the results of assessment instruments required
12 under Sections 39.023(a), (c), and (l), including the results of
13 assessment instruments required for graduation retaken by a
14 student, aggregated across grade levels by subject area, including,
15 [~~+~~

16 [~~(A)~~] for the performance standard determined by
17 the commissioner under Section 39.0241(a):

18 (A) [~~(i)~~] the percentage of students who
19 performed satisfactorily on the assessment instruments, aggregated
20 across grade levels by subject area; and

21 (B) [~~(ii)~~] for students who did not perform
22 satisfactorily, the percentage of students who met the standard for
23 annual improvement, as determined by the agency under Section
24 39.034, on the assessment instruments, aggregated across grade
25 levels by subject area[~~, and~~

26 [~~(B) for the college readiness performance~~
27 ~~standard as determined under Section 39.0241.~~

1 ~~[(i) the percentage of students who~~
2 ~~performed satisfactorily on the assessment instruments, aggregated~~
3 ~~across grade levels by subject area; and~~

4 ~~[(ii) for students who did not perform~~
5 ~~satisfactorily, the percentage of students who met the standard for~~
6 ~~annual improvement, as determined by the agency under Section~~
7 ~~39.034, on the assessment instruments, aggregated across grade~~
8 ~~levels by subject area];~~

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

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

18 (i) The commissioner by rule shall adopt accountability
19 measures to be used in assessing the progress of students who have
20 failed to perform satisfactorily as determined by the commissioner
21 under Section 39.0241(a) ~~[or under the college readiness standard~~
22 ~~as determined under Section 39.0241]~~ in the preceding school year
23 on an assessment instrument required under Section 39.023(a), (c),
24 or (1).

25 SECTION 11. Section 39.057(a), Education Code, is amended
26 to read as follows:

27 (a) The commissioner shall authorize special accreditation

1 investigations to be conducted:

2 (1) when excessive numbers of absences of students
3 eligible to be tested on state assessment instruments are
4 determined;

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

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

10 (4) in response to established compliance reviews of
11 the district's financial accounting practices and state and federal
12 program requirements;

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

16 (6) in response to an allegation involving a conflict
17 between members of the board of trustees or between the board and
18 the district administration if it appears that the conflict
19 involves a violation of a role or duty of the board members or the
20 administration clearly defined by this code;

21 (7) when excessive numbers of students in special
22 education programs under Subchapter A, Chapter 29, are assessed
23 through assessment instruments [~~developed or~~] adopted under
24 Section 39.023(b);

25 (8) in response to an allegation regarding or an
26 analysis using a statistical method result indicating a possible
27 violation of an assessment instrument security procedure

1 established under Section 39.0301, including for the purpose of
2 investigating or auditing a school district under that section;

3 (9) when a significant pattern of decreased academic
4 performance has developed as a result of the promotion in the
5 preceding two school years of students who did not perform
6 satisfactorily as determined by the commissioner under Section
7 39.0241(a) on assessment instruments administered under Section
8 39.023(a), (c), or (1);

9 (10) when excessive numbers of students graduate under
10 the minimum high school program;

11 (11) when excessive numbers of students eligible to
12 enroll fail to complete an Algebra II course or any other course
13 determined by the commissioner as distinguishing between students
14 participating in the recommended high school program from students
15 participating in the minimum high school program;

16 (12) when resource allocation practices as evaluated
17 under Section 39.0821 indicate a potential for significant
18 improvement in resource allocation; or

19 (13) as the commissioner otherwise determines
20 necessary.

21 SECTION 12. Section 39.202, Education Code, is amended to
22 read as follows:

23 Sec. 39.202. ACADEMIC EXCELLENCE DISTINCTION DESIGNATION
24 FOR DISTRICTS AND CAMPUSES. The commissioner by rule shall
25 establish a recognized and exemplary rating for awarding districts
26 and campuses an academic distinction designation under this
27 subchapter. In establishing the recognized and exemplary ratings,

1 the commissioner shall adopt criteria for the ratings, including:

2 (1) percentages of students who~~+~~

3 [~~(A) performed satisfactorily, as determined~~
4 ~~under the college readiness performance standard under Section~~
5 ~~39.0241, on assessment instruments required under Section~~
6 ~~39.023(a), (b), (c), or (1), aggregated across grade levels by~~
7 ~~subject area, or~~

8 [~~(B)~~] met the standard for annual improvement, as
9 determined by the agency under Section 39.034, on assessment
10 instruments required under Section 39.023(a), (b), (c), or (1),
11 aggregated across grade levels by subject area~~[, for students who~~
12 ~~did not perform satisfactorily as described by Paragraph (A)]~~; and

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

15 SECTION 13. Section 39.301(c), Education Code, is amended
16 to read as follows:

17 (c) Indicators for reporting purposes must include:

18 (1) the percentage of graduating students who meet the
19 course requirements established by State Board of Education rule
20 for the minimum high school program, the recommended high school
21 program, and the advanced high school program;

22 (2) the results of the SAT, ACT, articulated
23 postsecondary degree programs described by Section 61.852, and
24 certified workforce training programs described by Chapter 311,
25 Labor Code;

26 (3) for students who have failed to perform
27 satisfactorily~~[,]~~ under [~~each performance standard under~~] Section

1 39.0241[~~7~~] on an assessment instrument required under Section
2 39.023(a) or (c), the performance of those students on subsequent
3 assessment instruments required under those sections, aggregated
4 by grade level and subject area;

5 (4) for each campus, the number of students,
6 disaggregated by major student subpopulations, that agree under
7 Section 28.025(b) to take courses under the minimum high school
8 program;

9 (5) the percentage of students, aggregated by grade
10 level, provided accelerated instruction under Section 28.0211(c),
11 the results of assessment instruments administered under that
12 section, the percentage of students promoted through the grade
13 placement committee process under Section 28.0211, the subject of
14 the assessment instrument on which each student failed to perform
15 satisfactorily under [~~each performance standard under~~] Section
16 39.0241, and the performance of those students in the school year
17 following that promotion on the assessment instruments required
18 under Section 39.023;

19 (6) the percentage of students of limited English
20 proficiency exempted from the administration of an assessment
21 instrument under Sections 39.027(a)(1) and (2);

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

25 (8) [~~the percentage of students who satisfy the~~
26 ~~college readiness measure,~~

27 [~~9~~] the measure of progress toward dual language

1 proficiency under Section 39.034(b), for students of limited
2 English proficiency, as defined by Section 29.052;

3 (9) [~~(10)~~] the percentage of students who are not
4 educationally disadvantaged;

5 (10) [~~(11)~~] the percentage of students who enroll and
6 begin instruction at an institution of higher education in the
7 school year following high school graduation; and

8 (11) [~~(12)~~] the percentage of students who
9 successfully complete the first year of instruction at an
10 institution of higher education without needing a developmental
11 education course.

12 SECTION 14. Section 39.303(b), Education Code, is amended
13 to read as follows:

14 (b) For a student who failed to perform satisfactorily as
15 determined under the [~~either~~] performance standard under Section
16 39.0241(a) [~~39.0241~~] on an assessment instrument administered
17 under Section 39.023(a), (c), or (l), the school district shall
18 include in the notice specific information relating to access to
19 educational resources at the appropriate assessment instrument
20 content level, including assessment instrument questions and
21 answers released under Section 39.023(e).

22 SECTION 15. Section 51.3062(i), Education Code, is amended
23 to read as follows:

24 (i) The institution of higher education may refer a student
25 to developmental coursework as considered necessary by the
26 institution to address a student's deficiencies in the student's
27 readiness to perform freshman-level academic coursework, except

1 that the institution may not require enrollment in developmental
2 coursework with respect to a student [~~previously determined under~~
3 ~~Subsection (g-1) or~~] determined by any institution of higher
4 education to have met college-readiness standards. An institution
5 that requires a student to enroll in developmental coursework must
6 offer a range of developmental coursework, including online
7 coursework, or instructional support that includes the integration
8 of technology to efficiently address the particular developmental
9 needs of the student.

10 SECTION 16. Section 56.3041, Education Code, is amended to
11 read as follows:

12 Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM
13 HIGH SCHOOL ON OR AFTER MAY 1, 2013, AND ENROLLING IN A GENERAL
14 ACADEMIC TEACHING INSTITUTION. Notwithstanding Section
15 56.304(a), to be eligible initially for a TEXAS grant, a person
16 graduating from high school on or after May 1, 2013, and enrolling
17 in a general academic teaching institution must:

18 (1) be a resident of this state as determined by
19 coordinating board rules;

20 (2) meet the academic requirements prescribed by
21 Paragraph (A), (B), or (C) as follows:

22 (A) be a graduate of a public or accredited
23 private high school in this state who completed the recommended
24 high school program established under Section 28.025 or its
25 equivalent and have accomplished any two or more of the following:

26 (i) graduation under the advanced high
27 school program established under Section 28.025 or its equivalent,

1 successful completion of the course requirements of the
2 international baccalaureate diploma program, or earning of the
3 equivalent of at least 12 semester credit hours of college credit in
4 high school through courses described in Sections 28.009(a)(1),
5 (2), and (3);

6 (ii) satisfaction of the Texas Success
7 Initiative (TSI) college readiness benchmarks prescribed by the
8 coordinating board under Section 51.3062(f) on any assessment
9 instrument designated by the coordinating board under Section
10 51.3062(c) [~~or (e)~~] or qualification for an exemption as described
11 by Section 51.3062(p) or [~~r~~] (q) [~~, or (q-1)~~];

12 (iii) graduation in the top one-third of
13 the person's high school graduating class or graduation from high
14 school with a grade point average of at least 3.0 on a four-point
15 scale or the equivalent; or

16 (iv) completion for high school credit of
17 at least one advanced mathematics course following the successful
18 completion of an Algebra II course, as permitted by Section
19 28.025(b-3), or at least one advanced career and technical course,
20 as permitted by Section 28.025(b-2);

21 (B) have received an associate degree from a
22 public or private institution of higher education; or

23 (C) if sufficient money is available, meet the
24 eligibility criteria described by Section 56.304(a)(2)(A);

25 (3) meet financial need requirements established by
26 the coordinating board;

27 (4) be enrolled in an undergraduate degree or

1 certificate program at the general academic teaching institution;

2 (5) except as provided under rules adopted under
3 Section 56.304(h), be enrolled as:

4 (A) an entering undergraduate student for at
5 least three-fourths of a full course load, as determined by the
6 coordinating board, not later than the 16th month after the
7 calendar month in which the person graduated from high school;

8 (B) an entering undergraduate student who
9 entered military service not later than the first anniversary of
10 the date the person graduated from high school and who enrolled for
11 at least three-fourths of a full course load, as determined by the
12 coordinating board, at the general academic teaching institution
13 not later than 12 months after being honorably discharged from
14 military service; or

15 (C) a continuing undergraduate student for at
16 least three-fourths of a full course load, as determined by the
17 coordinating board, not later than the 12th month after the
18 calendar month in which the person received an associate degree
19 from a public or private institution of higher education;

20 (6) have applied for any available financial aid or
21 assistance; and

22 (7) comply with any additional nonacademic
23 requirements adopted by the coordinating board under this
24 subchapter.

25 SECTION 17. The following sections of the Education Code
26 are repealed:

27 (1) Section 39.024;

- 1 (2) Section 39.0241(a-1);
- 2 (3) Section 39.025(a-3);
- 3 (4) Section 39.028; and
- 4 (5) Section 51.3062(q-1).

5 SECTION 18. Section 39.025, Education Code, as amended by
6 this Act, applies only to students entering the ninth grade during
7 the 2013-2014 school year or a later school year. For students
8 entering a grade above ninth grade during the 2013-2014 school
9 year, Section 39.025, Education Code, as that section existed
10 before amendment by this Act, applies, and that section is
11 continued in effect for that purpose.

12 SECTION 19. This Act applies beginning with the 2013-2014
13 school year.

14 SECTION 20. This Act takes effect immediately if it
15 receives a vote of two-thirds of all the members elected to each
16 house, as provided by Section 39, Article III, Texas Constitution.
17 If this Act does not receive the vote necessary for immediate
18 effect, this Act takes effect September 1, 2013.