

By: Van de Putte

S.B. No. 240

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability and end-of-course assessment instruments.

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

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

(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 adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for 15 percent of the student's final grade for the course.]~~ A student's performance on an end-of-course assessment instrument administered under this subsection may be used~~[, on a scale of 0-40,]~~ in determining ~~[calculating]~~ whether the student satisfies the graduation requirements established under Section 39.025.

(f) To the extent applicable, the commissioner shall draw from curricula and instructional materials developed under Section ~~[Sections]~~ 28.008 ~~[and 61.0763]~~ in developing a course and related instructional materials under this section. Not later than

1 September 1, 2010, the State Board of Education shall adopt  
2 essential knowledge and skills for each course developed under this  
3 section. The State Board of Education shall make each course  
4 developed under this section and the related instructional  
5 materials available to school districts not later than the  
6 2014-2015 school year. ~~[As required by Subsection (c), a school  
7 district shall adopt a policy requiring a student's performance on  
8 an end-of-course assessment instrument administered under that  
9 subsection to account for 15 percent of the student's grade for a  
10 course developed under this section not later than the 2014-2015  
11 school year.]~~ This subsection expires September 1, 2015.

12 SECTION 2. Section 28.025(b-2), (b-3), (b-4) and (b-5),  
13 Education Code, are amended to read as follows:

14 (b-1) The State Board of Education by rule shall require  
15 that:

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

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

24 (B) for the recommended high school program, two  
25 credits in the same language in a language other than English under  
26 Section 28.002(a)(2)(A) and, for the advanced high school program,  
27 three credits in the same language in a language other than English

1 under Section 28.002(a)(2)(A); and

2 (C) for the recommended high school program, six  
3 elective credits and, for the advanced high school program, five  
4 elective credits;

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

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

11 (A) one credit in fine arts under Section  
12 28.002(a)(2)(D); and

13 (B) except as provided by Subsection (b-1), one  
14 credit in physical education under Section 28.002(a)(2)(C).

15 (b-2) In adopting rules under Subsection (b-1), the State  
16 Board of Education shall allow a student to comply with the  
17 curriculum requirements for a mathematics course under Subsection  
18 (b-1)(1) taken after the successful completion of Algebra I. ~~[and~~  
19 ~~geometry and either after the successful completion of or~~  
20 ~~concurrently with Algebra II or a science course under Subsection~~  
21 ~~(b-1)(1) taken after the successful completion of biology and~~  
22 ~~chemistry and either after the successful completion of or~~  
23 ~~concurrently with physics by successfully completing an advanced~~  
24 ~~career and technical course designated by the State Board of~~  
25 ~~Education as containing substantively similar and rigorous~~  
26 ~~academic content. A student may use the option provided by this~~  
27 ~~subsection for not more than two courses.]~~

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

6 (b-4) A school district may offer the curriculum described  
7 in Subsection (b-1)(1)(A) in an applied manner. Courses delivered  
8 in an applied manner must cover the essential knowledge and skills,  
9 and the student shall be administered the applicable end-of-course  
10 assessment instrument as provided by Sections 39.023(c) and 39.025.

11 [~~(b-5) A school district may offer a mathematics or science  
12 course to be taken by a student after completion of Algebra II and  
13 physics to comply with the recommended program requirements in  
14 Subsection (b-1)(1)(A). A course approved under this subsection  
15 must be endorsed by an institution of higher education as a course  
16 for which the institution would award course credit or as a  
17 prerequisite for a course for which the institution would award  
18 course credit.]~~

19 SECTION 3. Sections 39.023(c), (c-3), and (o), Education  
20 Code, are amended to read as follows:

21 (c) The agency shall also adopt end-of-course assessment  
22 instruments for secondary-level courses in Algebra I[~~7~~] and  
23 [~~Algebra II, geometry, biology, chemistry, physics, English I,~~  
24 ~~English II,~~] English III[~~, world geography, world history, and~~  
25 ~~United States history~~]. The Algebra I[~~, Algebra II, and geometry~~]  
26 end-of-course assessment instrument [~~instruments~~] must be  
27 administered with the aid of technology. A school district shall

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

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

24 (1) assessment instruments administered under  
25 Subsection (a) to be administered on a schedule so that the first  
26 assessment instrument is administered at least two weeks later than  
27 the date on which the first assessment instrument was administered

1 under Subsection (a) during the 2006-2007 school year; and

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

8 (o) In accordance with rules adopted by the [~~The~~  
9 commissioner, a student may [~~of education and the commissioner of~~  
10 ~~higher education shall study the feasibility of allowing students~~  
11 ~~to~~] satisfy end-of-course requirements under Subsection (c)  
12 partially or completely by successfully completing one or more [~~a~~  
13 dual credit courses [~~course~~] through an institution of higher  
14 education. [~~Not later than December 1, 2010, the commissioner of~~  
15 ~~education and the commissioner of higher education shall make~~  
16 ~~recommendations to the legislature based on the study conducted~~  
17 ~~under this subsection.~~]

18 SECTION 4. Section 39.0232, Education Code, is amended to  
19 read as follows:

20 Sec. 39.0232. USE OF END-OF-COURSE ASSESSMENT INSTRUMENT AS  
21 PLACEMENT INSTRUMENT; CERTAIN USES PROHIBITED. (a) To the extent  
22 practicable, the agency shall ensure that any high school  
23 end-of-course assessment instrument developed by the agency is  
24 developed in such a manner that the assessment instrument may be  
25 used to determine the appropriate placement of a student in a course  
26 of the same subject matter at an institution of higher education.

27 (b) A student's performance on an end-of-course assessment

1 instrument may not be used:

2 (1) in determining the student's class ranking for any  
3 purpose, including entitlement to automatic college admission  
4 under Section 51.803 or 51.804; or

5 (2) as a sole criteria in the determination of whether  
6 to admit the student to a general academic teaching institution in  
7 this state.

8 (c) Subsection (b)(2) does not prohibit a general academic  
9 teaching institution from implementing an admission policy that  
10 takes into consideration a student's performance on an  
11 end-of-course assessment instrument in addition to other criteria.

12 (d) In this section, "general academic teaching  
13 institution" has the meaning assigned by Section 61.003.

14 SECTION 5. Sections 39.024(b), (c), and (e), Education  
15 Code, are amended to read as follows:

16 (b) The agency and the Texas Higher Education Coordinating  
17 Board shall ensure that the Algebra I [~~II~~] and English III  
18 end-of-course assessment instruments required under Section  
19 39.023(c) are developed to be capable of, beginning with the  
20 2013-2014 [~~2011-2012~~] school year, measuring college readiness.

21 (c) Before the beginning of the 2013-2014 [~~2011-2012~~]  
22 school year, the agency, in collaboration with the Texas Higher  
23 Education Coordinating Board, shall gather data and conduct  
24 research studies to substantiate the correlation between a certain  
25 level of performance by students on the Algebra I [~~II~~] and English  
26 III end-of-course assessment instruments and college readiness.

27 (e) Based on the results of the studies conducted under

1 Subsection (c), the commissioner of education and the commissioner  
2 of higher education shall establish student performance standards  
3 for the Algebra I [~~II~~] and English III end-of-course assessment  
4 instruments indicating that students have attained college  
5 readiness.

6 SECTION 6. Section 39.0241(a-2), Education Code, is amended  
7 to read as follows:

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

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

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

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

24 ~~[(4)]~~ the performance standards for the grade eight  
25 assessment instruments, as determined based on studies under  
26 Section 39.0242 that correlate student performance on the grade  
27 eight assessment instruments with student performance on the



1 Algebra I and English III [~~±~~] end-of-course assessment instruments  
2 in the same content area; and

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

9           SECTION 7. Section 39.0242(b), Education Code, is amended  
10 to read as follows:

11           (b) Before the beginning of the 2013-2014 [~~2011-2012~~]  
12 school year, the agency shall analyze the data collected under  
13 Subsection (a) to 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; and

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 III [~~±~~] end-of-course assessment instruments in the  
25 same 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 ~~[(5) the correlation between satisfactory student~~  
10 ~~performance for each performance standard under Section 39.0241 on~~  
11 ~~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 SECTION 8. Sections 39.025(a), (a-1), (a-2), (a-3), (b),  
15 and (b-2), Education Code, are amended to read as follows:

16 (a) The commissioner shall adopt rules requiring a student  
17 participating in any ~~[the recommended or advanced]~~ high school  
18 program to be administered each end-of-course assessment  
19 instrument listed in Section 39.023(c) ~~[and requiring a student~~  
20 ~~participating in the minimum high school program to be administered~~  
21 ~~an end-of-course assessment instrument listed in Section 39.023(c)~~  
22 ~~only for a course in which the student is enrolled and for which an~~  
23 ~~end-of-course assessment instrument is administered. A student is~~  
24 ~~required to achieve, in each subject in the foundation curriculum~~  
25 ~~under Section 28.002(a)(1), a cumulative score that is at least~~  
26 ~~equal to the product of the number of end-of-course assessment~~  
27 ~~instruments administered to the student in that subject and a scale~~

1 ~~score that indicates satisfactory performance, as determined by the~~  
2 ~~commissioner under Section 39.0241(a). A student must achieve a~~  
3 ~~minimum score as determined by the commissioner to be within a~~  
4 ~~reasonable range of the scale score under Section 39.0241(a) on an~~  
5 ~~end-of-course assessment instrument for the score to count towards~~  
6 ~~the student's cumulative score. For purposes of this subsection, a~~  
7 ~~student's cumulative score is determined using the student's~~  
8 ~~highest score on each end-of-course assessment instrument~~  
9 ~~administered to the student] unless they satisfy Section  
10 39.025(a-1) requirements. A student may not receive a high school  
11 diploma until the student has performed satisfactorily on the  
12 end-of-course assessment instruments, as determined by the  
13 commissioner under Section 39.0241(a) [in the manner provided under  
14 this subsection]. This subsection does not require a student to  
15 demonstrate readiness to enroll in an institution of higher  
16 education.~~

17 (a-1) The commissioner by rule shall determine a method by  
18 which a student's satisfactory performance on an advanced placement  
19 test of a score of 2 or greater, international baccalaureate  
20 examination that satisfies College Readiness Benchmarks or the  
21 equivalent, the Scholastic Assessment Test (SAT) that satisfies  
22 College Readiness Benchmarks or the equivalent, an SAT Subject-test  
23 that satisfies College Readiness Benchmarks or the equivalent; the  
24 American College Test (ACT) that satisfies College Readiness  
25 Benchmarks or the equivalent, an assessment instrument designated  
26 under Section 51.3062, or another assessment instrument determined  
27 by the commissioner to be at least as rigorous as an end-of-course

1 assessment instrument adopted under Section 39.023(c) may be used  
2 to satisfy [~~as a factor in determining whether the student~~  
3 ~~satisfies~~] the requirements of Subsection (a) [~~, including the~~  
4 ~~cumulative score requirement of that subsection~~]. If the  
5 commissioner fails to develop the required method, a student is  
6 considered to satisfy the requirements of Subsection (a) if the  
7 student earns a score that satisfies College Readiness Benchmarks  
8 or the equivalent on the international baccalaureate examination,  
9 SAT, SAT Subject-Test, or ACT assessments or a student earns a score  
10 of 2 or greater on the advance placement test. The commissioner by  
11 rule may determine a method by which a student's satisfactory  
12 performance on a Preliminary Scholastic Assessment Test (PSAT)  
13 assessment or a preliminary American College Test (ACT) assessment  
14 may be used as a factor in determining whether the student satisfies  
15 the requirements of Subsection (a).

16 (a-2) In addition to the [~~cumulative score~~] requirements  
17 under Subsection (a), the commissioner may require a student to  
18 [~~must~~] achieve a score that [~~meets or~~] exceeds the score determined  
19 by the commissioner under Section 39.0241(a) for the English III  
20 and Algebra I [~~II~~] end-of-course assessment instruments to graduate  
21 under the recommended high school program.

22 (a-3) In addition to the [~~cumulative score~~] requirements  
23 under Subsection (a), the commissioner may require a student to  
24 [~~must~~] achieve a score that meets or exceeds the score determined by  
25 the commissioner under Section 39.0241(a-1) on the English III and  
26 Algebra I [~~II~~] end-of-course assessment instruments in order to  
27 graduate under the advanced high school program.

1 (b) Each time an end-of-course assessment instrument is  
2 administered, a student who failed to perform satisfactorily  
3 [~~achieve a minimum score~~] under Subsection (a) shall retake the  
4 assessment instrument. [~~A student who fails to perform~~  
5 ~~satisfactorily on an Algebra II or English III end-of-course~~  
6 ~~assessment instrument under the college readiness performance~~  
7 ~~standard, as provided under Section 39.024(b), may retake the~~  
8 ~~assessment instrument.~~] Any other student may retake an  
9 end-of-course assessment instrument for any reason. A student is  
10 not required to retake a course as a condition of retaking an  
11 end-of-course assessment instrument.

12 (b-2) If a school district determines that a student, on  
13 completion of grade 11, is unlikely to satisfy [~~achieve~~] the  
14 [~~cumulative score~~] requirements for one or more subjects prescribed  
15 by Subsection (a) for receiving a high school diploma, the district  
16 shall require the student to enroll in a corresponding content-area  
17 college preparatory course for which an end-of-course assessment  
18 instrument has been adopted, if available. A student who enrolls  
19 in a college preparatory course described by this subsection shall  
20 be administered an end-of-course assessment instrument for the  
21 course[, ~~with the end-of-course assessment instrument scored on a~~  
22 ~~scale as determined by the commissioner not to exceed 20 percent of~~  
23 ~~the cumulative score requirements required to graduate as~~  
24 ~~determined under Subsection (a)~~]. A student may use the student's  
25 score on the end-of-course assessment instrument or the equivalent  
26 under 39.025(a-1) for the college preparatory course towards  
27 satisfying the [~~cumulative score~~] requirements prescribed by

1 Subsection (a).

2 SECTION 9. Sections 39.053(c), Education Code, is amended to  
3 read as follows:

4 Sec. 39.053. PERFORMANCE INDICATORS: STUDENT ACHIEVEMENT.

5 (a) The commissioner shall adopt a set of indicators of the quality  
6 of learning and student achievement. The commissioner biennially  
7 shall review the indicators for the consideration of appropriate  
8 revisions.

9 (b) Performance on the student achievement indicators  
10 adopted under this section shall be compared to state-established  
11 standards. The indicators must be based on information that is  
12 disaggregated by race, ethnicity, and socioeconomic status.

13 (c) Indicators of student achievement adopted under this  
14 section must include:

15 (1) the results of assessment instruments required  
16 under Sections 39.023(a), (c), and (l), including the results of  
17 assessment instruments required for graduation retaken by a  
18 student, aggregated across grade levels by subject area, including:

19 (A) for the performance standard determined by  
20 the commissioner under Section 39.0241(a):

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

24 (ii) for students who did not perform  
25 satisfactorily, the percentage of students who met the standard for  
26 annual improvement, as determined by the agency under Section  
27 39.034, on the assessment instruments, aggregated across grade

1 levels by subject area; and

2 (B) for the college readiness performance  
3 standard as determined under Section 39.0241:

4 (i) the percentage of students who  
5 performed satisfactorily on the assessment instruments, aggregated  
6 across grade levels by subject area; and

7 (ii) for students who did not perform  
8 satisfactorily, the percentage of students who met the standard for  
9 annual improvement, as determined by the agency under Section  
10 39.034, on the assessment instruments, aggregated across grade  
11 levels by subject area;

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

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

21 (4) career and technology licenses or certifications  
22 earned, computed as a percentage of students participating in  
23 career and technology courses who satisfy applicable licensing or  
24 certification requirements;

25 (5) associate degrees earned, computed as a percentage  
26 of student enrollment earning associate degrees;

27 (6) dual credits earned by meeting satisfactory

1 performance in dual credit courses through an institution of higher  
2 education, computed as percentage of students participating in dual  
3 credit courses through an institution of higher education; and  
4 (7) Scholastic Assessment Test, American College Test  
5 (ACT) assessment, Advance Placement Test, and International  
6 Baccalaureate programs, computed as a percentage of students  
7 participating who satisfy College Readiness Benchmarks or the  
8 equivalent, aggregated across grade levels.

9 SECTION 10. Sections 39.054 (b-1), Education Code, is  
10 amended to read as follows:

11 (a) The commissioner shall adopt rules to evaluate school  
12 district and campus performance and, not later than August 8 of each  
13 year, assign each district and campus a performance rating that  
14 reflects acceptable performance or unacceptable performance. If a  
15 district or campus received a performance rating of unacceptable  
16 performance for the preceding school year, the commissioner shall  
17 notify the district of a subsequent such designation on or before  
18 June 15.

19 (b) In evaluating performance, the commissioner shall  
20 evaluate against state standards and consider the performance of  
21 each campus in a school district and each open-enrollment charter  
22 school on the basis of the campus's or school's performance on the  
23 student achievement indicators adopted under Section 39.053(c).

24 (b-1) Consideration of the effectiveness of district  
25 programs under Section 39.052(b)(2)(B) or (C) [+

26 [~~(1) must:~~

27 [~~(A) be based on data collected through the~~



1 ~~Public Education Information Management System (PEIMS) for~~  
2 ~~purposes of accountability under this chapter, and~~

3 ~~[(B) include the results of assessments required~~  
4 ~~under Section 39.023, and~~

5 ~~[(2)]~~ may be based on the results of a special  
6 accreditation investigation conducted under Section 39.057.

7 SECTION 11. Sections 39.116 (a), (b), (c), (d), (e), (f),  
8 and (g), Education Code, are amended to read as follows:

9 (a) During the period of transition to the accreditation  
10 system established under H.B. No. 3, Acts of the 81st Legislature,  
11 Regular Session, 2009, to be implemented in August 2013, the  
12 commissioner may suspend assignment of accreditation statuses and  
13 performance ratings for the ~~[2011-2012]~~ 2012-2013 school year.

14 (b) As soon as practicable following the ~~[2011-2012]~~  
15 2012-2013 school year, the commissioner shall report district and  
16 campus performance under the student achievement indicators under  
17 Sections 39.053(c)(1)(A) and (B).

18 (c) For the ~~[2012-2013]~~ 2013-2014 school year, the  
19 commissioner shall:(1) report district and campus performance  
20 under the student achievement indicator under Section  
21 39.053(c)(1)(B); and(2) evaluate district and campus performance  
22 under the student achievement indicator under Section  
23 39.053(c)(1)(A) and assign district accreditation statuses and  
24 district and campus performance ratings based on that evaluation.

25 (d) Beginning with the 2013-2014 school year, the  
26 commissioner shall evaluate district and campus performance under  
27 the student achievement indicators under Sections 39.053(c)(1)(A)

1 and (B) and assign district accreditation statuses and district and  
2 campus performance ratings based on that evaluation.

3 (e) During the 2011-2012 and 2012-2013 school years, the  
4 commissioner shall continue to implement interventions and  
5 sanctions for districts and campuses identified as having  
6 unacceptable performance in the 2010-2011 school year in accordance  
7 with the performance standards applicable during the 2010-2011  
8 school year and may increase or decrease the level of interventions  
9 and sanctions based on an evaluation of the district's or campus's  
10 performance.

11 (f) For purposes of determining multiple years of  
12 unacceptable performance and required district and campus  
13 interventions and sanctions under this subchapter, the performance  
14 ratings and accreditation statuses issued in the 2010-2011 and  
15 [~~2012-2013~~] 2013-2014 school years shall be considered  
16 consecutive.

17 (g) This section expires September 1, 2014.

18 SECTION 12. Section 51.3062(q-1), Education Code, is  
19 amended to read as follows:

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

1 is valid.

2 SECTION 13. Section 51.805, Education Code, is amended by  
3 adding Subsection (a-1) to read as follows:

4 (a-1) Notwithstanding Subsection (a) or any other provision  
5 of this section, a student is not required to perform at or above a  
6 satisfactory level on end-of-course assessment instruments adopted  
7 under Section 39.023(c) in order to be eligible to apply to a  
8 general academic teaching institution.

9 SECTION 14. (a) This Act applies beginning with the  
10 2012-2013 school year.

11 (b) Section 39.025, Education Code, as amended by this Act,  
12 applies only to students who have entered or will enter the ninth  
13 grade during the 2011-2012 or a later school year.

14 SECTION 15. 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.