

Suspending limitations on conference committee
jurisdiction, H.B. No. 5.

By: Patrick

S.R. No. 1081

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 83rd Legislature, Regular Session, 2013, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 5 (public school accountability, including assessment, and curriculum requirements; providing a criminal penalty) to consider and take action on the following matters:

(1) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in SECTION 13 of the bill, in amended Section 28.0212(a), Education Code, to read as follows:

(a) A principal of a junior high or middle school shall designate a school [~~guidance~~] counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in the [~~a~~] junior high or [~~7~~] middle [~~7~~, or high] school who:

(1) does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or

(2) is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.

Explanation: The change is necessary to conform to other references to school counselor in the Education Code.

(2) Senate Rule 12.03(3) is suspended to permit the committee to add text on a matter not in disagreement in SECTION 14 of the bill, in added Section 28.02121(b), Education Code, to read as follows:

(b) A school district shall publish the information provided to the district under Subsection (a) on the Internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient. A district is required to provide information under this subsection in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Explanation: The change is necessary to establish procedures for providing information to parents or legal guardians of students in the language in which the parent or legal guardian is most proficient.

(3) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in SECTION 14 of the bill, in added Section 28.02121(c), Education Code, to read as follows:

(c) A principal of a high school shall designate a school counselor or school administrator to review personal graduation plan options with each student entering grade nine together with that student's parent or guardian. The personal graduation plan options reviewed must include the distinguished level of achievement described by Section 28.025(b-15) and the endorsements described by Section 28.025(c-1). Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation

plan for the student.

Explanation: The change is necessary to conform to other references to school counselor in the Education Code.

(4) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following text in SECTION 16 of the bill, in amended Section 28.025, Education Code, to read as follows:

(c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B) by substituting for an advanced course requirement a course related to that endorsement.

Explanation: The addition is necessary to require parental permission to substitute certain curriculum requirements.

(5) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following text in SECTION 16 of the bill, in amended Section 28.025, Education Code, to read as follows:

(h-2) This subsection applies only to a student participating in the minimum, recommended, or advanced high school program who is completing the fourth year of high school

during the 2013-2014 school year. The commissioner by rule shall permit a student who does not satisfy the curriculum requirements of the high school program in which the student is participating to graduate if the student satisfies the curriculum requirements established for the foundation high school program under this section as amended by H.B. No. 5, 83rd Legislature, Regular Session, 2013, and any other requirement required for graduation. This subsection expires September 1, 2015.

Explanation: The addition is necessary to provide flexibility in implementation of changes to curriculum requirements.

(6) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change and add text on a matter not in disagreement in SECTION 16 of the bill to read as follows:

(b) Except as provided by Subsection (c) of this section, this section applies beginning with the 2014-2015 school year.

(c) Section 28.025(h-2), Education Code, as added by this section, applies during the 2013-2014 school year.

Explanation: The change is necessary to provide flexibility in implementation of changes to curriculum requirements.

(7) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following text to SECTION 20 of the bill, in amended Section 29.081, Education Code, to read as follows:

(d) For purposes of this section, "student at risk of

dropping out of school" includes each student who is under 26 [~~21~~] years of age and who:

(1) was not advanced from one grade level to the next for one or more school years;

(2) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

(3) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

(4) if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(5) is pregnant or is a parent;

(6) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(7) has been expelled in accordance with Section 37.007 during the preceding or current school year;

(8) is currently on parole, probation, deferred

prosecution, or other conditional release;

(9) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(10) is a student of limited English proficiency, as defined by Section 29.052;

(11) is in the custody or care of the Department of Protective and Regulatory Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(12) is homeless, as defined by 42 U.S.C. Section 11302, and its subsequent amendments; or

(13) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

Explanation: This addition is necessary to expand the definition of "student at risk of dropping out of school" to include a student who is at least 21 years of age and under 26 years of age.

(8) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following text to SECTION 31 of the bill, in amended Section 39.023, Education Code, to read as follows:

(a-2) Except as required by federal law, a [A] student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:

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

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

Explanation: This addition is necessary to ensure compliance with federal law.

(9) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in amended Section 39.025, Education Code, which reads as follows:

(a-2) This subsection applies only to a student who, before entering the ninth grade in the 2011-2012 or 2012-2013 school year, completed a course before the 2011-2012 school year in a subject for which the student received high school credit and for which an end-of-course assessment instrument under Section 39.023 is required during the 2013-2014 school year or a later school year, such as Algebra I. The commissioner shall determine a method by which a student's satisfactory performance on an end-of-course assessment instrument for a course in the same general subject area in which the student is enrolled during

or after the ninth grade, such as geometry, shall be used to satisfy the requirements for the end-of-course assessment instrument for the course completed before entering the ninth grade and before the 2011-2012 school year. The commissioner shall adopt rules as necessary for the administration of this section. This subsection expires September 1, 2016 ~~[In addition to the cumulative score requirements under Subsection (a), a student must achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) for English III and Algebra II end-of-course assessment instruments to graduate under the recommended high school program].~~

Explanation: This omission of text is necessary to provide flexibility in implementation of changes to end-of-course assessment instrument requirements.

(10) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in SECTION 40 of the bill, in added Section 39.038, Education Code, to read as follows:

Sec. 39.038. RESTRICTION ON APPOINTMENTS TO ADVISORY COMMITTEES. The commissioner may not appoint a person to a committee or panel that advises the commissioner or agency regarding state accountability systems under this title or the content or administration of an assessment instrument if the person is retained or employed by an assessment instrument vendor.

Explanation: The change is necessary to allow persons reimbursed by an assessment instrument vendor to be appointed to

a committee or panel described by Section 39.038, Education Code.

(11) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in SECTION 51 of the bill, in added Section 39.0824(a), Education Code, to read as follows:

(a) A school district or open-enrollment charter school assigned the lowest rating under Section 39.082 shall submit to the commissioner a corrective action plan to address the financial weaknesses of the district or school. A corrective action plan must identify the specific areas of financial weaknesses, such as financial weaknesses in transportation, curriculum, or teacher development, and include strategies for improvement.

Explanation: The change is necessary to conform to financial accountability rating references.

(12) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change and add text on a matter not in disagreement in SECTION 56 of the bill, in amended Section 39.235(b), Education Code, to read as follows:

(b) Before awarding a grant under this section, the commissioner may require a campus or school district to:

(1) obtain local matching funds; or

(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 or 28.02121, as applicable, for each student enrolled at the campus or in a district middle, junior high, or high school.

Explanation: The change is necessary to conform to

appropriately reference a high school personal graduation plan.

(13) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following text to SECTION 77 of the bill, in amended Section 130.008, Education Code, to read as follows:

(f) A student described by Subsection (a) may enroll in not more than three courses each school year offered as provided by this section.

Explanation: The change is necessary to establish a limit on the number of dual enrollment courses a student may enroll in each school year.

(14) Senate Rule 12.03(3) is suspended to permit the committee to add text on a matter which is not in disagreement by adding text in SECTIONS 78(a)(1) and (5) of the bill to read as follows:

(a) Effective September 1, 2013, the following sections of the Education Code are repealed:

- (1) Sections 29.190(b), (d), and (e);
- (2) Sections 39.024(b), (c), (d), (e), (f), (g), and (h);
- (3) Section 39.0241(a-2);
- (4) Section 39.0242;
- (5) Sections 39.025(a-2) and (a-3); and
- (6) Section 130.008(d-1).

Explanation: The changes are necessary to repeal:

- (1) Section 29.190(d), a provision granting the

commissioner of education authority to adopt rules to implement the existing law; and

(2) Section 39.025(a-2), a provision relating to Algebra II and English III end-of-course assessment instruments.

(15) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change and add text on a matter not in disagreement in SECTIONS 79(b) and (c) of the bill to read as follows:

(b) Students who have entered the ninth grade during or after the 2011-2012 school year and before the 2013-2014 school year may be administered only those end-of-course assessment instruments that would have been administered to those students under Section 39.025, Education Code, as amended by Section 35 of this Act, and Section 39.025, Education Code, as amended by Section 35 of this Act, is continued in effect for purposes of satisfying those end-of-course testing requirements.

(c) The commissioner of education may by rule adopt a transition plan to implement the amendments made by this Act relating to end-of-course testing requirements during the 2013-2014 and 2014-2015 school years.

Explanation: The change is necessary to provide flexibility in implementation of changes to end-of-course assessment instrument requirements.

(16) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in SECTION 80 of the bill to read as follows:

SECTION 80. Not later than October 1, 2013, the

commissioner of education shall adopt rules to administer Section 39.025(a-1), Education Code, as amended by this Act.

Explanation: The change is necessary to omit a reference to adopting rules to administer amended Section 39.025(a-2), Education Code, which the committee omitted.

(17) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in SECTION 84 of the bill to read as follows:

SECTION 84. Except as otherwise provided by this Act:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Explanation: The change is necessary to clarify the effective dates of the bill.

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 26, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate