

By: González

H.B. No. 775

A BILL TO BE ENTITLED

AN ACT

1
2 relating to removing the requirement of satisfactory performance on
3 state assessment instruments for public school grade-level
4 promotion and providing alternative compliance for the requirement
5 of satisfactory performance on state assessment instruments for
6 graduation.

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

8 SECTION 1. Section 12.104(b), Education Code, is amended to
9 read as follows:

10 (b) An open-enrollment charter school is subject to:

11 (1) a provision of this title establishing a criminal
12 offense; and

13 (2) a prohibition, restriction, or requirement, as
14 applicable, imposed by this title or a rule adopted under this
15 title, relating to:

16 (A) the Public Education Information Management
17 System (PEIMS) to the extent necessary to monitor compliance with
18 this subchapter as determined by the commissioner;

19 (B) criminal history records under Subchapter C,
20 Chapter 22;

21 (C) reading instruments and accelerated reading
22 instruction programs under Section 28.006;

23 (D) accelerated instruction under Section
24 28.0211, including the requirement to establish an academic

1 achievement committee;

2 (E) high school graduation requirements under
3 Section 28.025 and the requirement to establish a graduation
4 committee under Section 28.0257;

5 (F) special education programs under Subchapter
6 A, Chapter 29;

7 (G) bilingual education under Subchapter B,
8 Chapter 29;

9 (H) prekindergarten programs under Subchapter E,
10 Chapter 29;

11 (I) extracurricular activities under Section
12 33.081;

13 (J) discipline management practices or behavior
14 management techniques under Section 37.0021;

15 (K) health and safety under Chapter 38;

16 (L) public school accountability under
17 Subchapters B, C, D, E, F, G, and J, Chapter 39;

18 (M) the requirement under Section 21.006 to
19 report an educator's misconduct; and

20 (N) intensive programs of instruction under
21 Section 28.0213.

22 SECTION 2. The heading to Section 28.0211, Education Code,
23 is amended to read as follows:

24 Sec. 28.0211. [~~SATISFACTORY PERFORMANCE ON ASSESSMENT~~
25 ~~INSTRUMENTS REQUIRED,~~] ACCELERATED INSTRUCTION.

26 SECTION 3. Sections 28.0211(b), (c), (d), (f), and (i),
27 Education Code, are amended to read as follows:

1 (b) A school district shall provide to a student who
2 initially fails to perform satisfactorily on a fifth or eighth
3 grade mathematics or reading ~~[an]~~ assessment instrument
4 ~~[specified]~~ under Section 39.023 ~~[Subsection (a)]~~ at least two
5 additional opportunities to take the assessment instrument. ~~[A~~
6 ~~school district may administer an alternate assessment instrument~~
7 ~~to a student who has failed an assessment instrument specified~~
8 ~~under Subsection (a) on the previous two opportunities.~~
9 ~~Notwithstanding any other provision of this section, a student may~~
10 ~~be promoted if the student performs at grade level on an alternate~~
11 ~~assessment instrument under this subsection that is appropriate for~~
12 ~~the student's grade level and approved by the commissioner.]~~

13 (c) ~~[Each time a student fails to perform satisfactorily on~~
14 ~~an assessment instrument specified under Subsection (a), the school~~
15 ~~district in which the student attends school shall provide to the~~
16 ~~student accelerated instruction in the applicable subject area,~~
17 ~~including reading instruction for a student who fails to perform~~
18 ~~satisfactorily on a reading assessment instrument.]~~ After a
19 student fails to perform satisfactorily on an assessment instrument
20 specified under Subsection (b) a second time, an academic
21 achievement ~~[a grade placement]~~ committee shall be established to
22 prescribe the accelerated instruction the district shall provide to
23 the student before the student is administered the assessment
24 instrument the third time. The ~~[grade placement]~~ committee shall
25 be composed of the principal or the principal's designee, the
26 student's parent or guardian, and the teacher of the subject of an
27 assessment instrument on which the student failed to perform

1 satisfactorily. The district shall notify the parent or guardian
2 of the time and place for convening the [~~grade placement~~] committee
3 and the purpose of the committee. An accelerated instruction group
4 administered by a school district under this section may not have a
5 ratio of more than 10 students for each teacher.

6 (d) In addition to providing accelerated instruction to a
7 student under Subsection (c), the district shall notify the
8 student's parent or guardian of:

9 (1) the student's failure to perform satisfactorily on
10 the assessment instrument; and

11 (2) the accelerated instruction program to which the
12 student is assigned[~~, and~~

13 [~~(3) the possibility that the student might be~~
14 ~~retained at the same grade level for the next school year].~~

15 (f) A school district shall provide to a student who, after
16 three attempts, has failed to perform satisfactorily on an
17 assessment instrument specified under Subsection (b) [~~(a)~~]
18 accelerated instruction during the next school year as prescribed
19 by an educational plan developed for the student by the student's
20 academic achievement [~~grade placement~~] committee established under
21 Subsection (c). The district shall provide that accelerated
22 instruction regardless of whether the student has been promoted or
23 retained. The educational plan must be designed to enable the
24 student to perform at the appropriate grade level by the conclusion
25 of the school year. During the school year, the student shall be
26 monitored to ensure that the student is progressing in accordance
27 with the plan. The district shall administer to the student the

1 assessment instrument for the grade level in which the student is
2 placed at the time the district regularly administers the
3 assessment instruments for that school year.

4 (i) The admission, review, and dismissal committee of a
5 student who participates in a district's special education program
6 under Subchapter A [~~B~~], Chapter 29, and who does not perform
7 satisfactorily on an assessment instrument specified under
8 Subsection (b) [~~(a)~~] and administered under Section 39.023(a) or
9 (b) shall determine[+]

10 [~~(1)~~] the manner in which the student will participate
11 in an accelerated instruction program under this section[+ and

12 [~~(2) whether the student will be promoted or retained~~
13 ~~under this section~~].

14 SECTION 4. Sections 28.025(c) and (d), Education Code, are
15 amended to read as follows:

16 (c) A person may receive a diploma if the person is eligible
17 for a diploma under Section 28.0251 or 28.0257. In other cases, a
18 student may graduate and receive a diploma only if:

19 (1) the student successfully completes the curriculum
20 requirements identified by the State Board of Education under
21 Subsection (a) and complies with Section 39.025; or

22 (2) the student successfully completes an
23 individualized education program developed under Section 29.005.

24 (d) A school district may issue a certificate of coursework
25 completion to a student who successfully completes the curriculum
26 requirements identified by the State Board of Education under
27 Subsection (a) but who fails to comply with Section 39.025 or who

1 does not receive a diploma under another provision of this
2 subchapter. A school district may allow a student who receives a
3 certificate to participate in a graduation ceremony with students
4 receiving high school diplomas.

5 SECTION 5. Subchapter B, Chapter 28, Education Code, is
6 amended by adding Section 28.0257 to read as follows:

7 Sec. 28.0257. HIGH SCHOOL DIPLOMA AWARDED ON BASIS OF
8 GRADUATION COMMITTEE REVIEW. (a) This section applies only to a
9 student who successfully completes the curriculum requirements
10 identified by the State Board of Education under Section 28.025(a)
11 but who, after the initial administration of an end-of-course
12 assessment instrument in one or more subjects, has failed to comply
13 with Section 39.025 as necessary to receive a high school diploma in
14 accordance with that section.

15 (b) Notwithstanding any other provision of this code, a
16 student to whom this section applies shall be awarded a high school
17 diploma if the graduation committee of the student's school, after
18 meeting with the student and reviewing the student's high school
19 portfolio, determines that the student is properly prepared to
20 pursue postsecondary education or training or a career or
21 occupation.

22 (c) Each school year, the principal of each high school
23 shall appoint members to the school's graduation committee. The
24 graduation committee must be composed of:

25 (1) employees of the school, including:

26 (A) for each subject included in the foundation
27 curriculum under Section 28.002(a)(1), at least one teacher who

1 provides instruction;

2 (B) at least one school counselor; and

3 (C) at least one administrator; and

4 (2) at least one parent or guardian of a student
5 enrolled at the school who may review a student portfolio only in
6 compliance with the Family Educational Rights and Privacy Act of
7 1974 (20 U.S.C. Section 1232g).

8 (d) A student's high school portfolio under Subsection (b)
9 must include the student's high school transcript, representative
10 samples of the student's coursework, evidence of any participation
11 by the student in an extracurricular activity, and information
12 concerning any work history or other accomplishments of the
13 student. The portfolio must be prepared by a school administrator
14 but must also include any documentation or other information that
15 the student or the student's parent or guardian requests to be
16 included.

17 SECTION 6. Section 39.301(c), Education Code, is amended to
18 read as follows:

19 (c) Indicators for reporting purposes must include:

20 (1) the percentage of graduating students who meet the
21 course requirements established by State Board of Education rule
22 for:

23 (A) the foundation high school program;

24 (B) the distinguished level of achievement under
25 the foundation high school program; and

26 (C) each endorsement described by Section
27 28.025(c-1);

1 (2) the results of the SAT, ACT, articulated
2 postsecondary degree programs described by Section 61.852, and
3 certified workforce training programs described by Chapter 311,
4 Labor Code;

5 (3) for students who have failed to perform
6 satisfactorily, under each performance standard under Section
7 39.0241, on an assessment instrument required under Section
8 39.023(a) or (c), the performance of those students on subsequent
9 assessment instruments required under those sections, aggregated
10 by grade level and subject area;

11 (4) for each campus, the number of students,
12 disaggregated by major student subpopulations, that take courses
13 under the foundation high school program and take additional
14 courses to earn an endorsement under Section 28.025(c-1),
15 disaggregated by type of endorsement;

16 (5) the percentage of students, aggregated by grade
17 level, provided accelerated instruction under Section 28.0211(c),
18 the results of assessment instruments administered under that
19 section, and ~~[the percentage of students promoted through the grade
20 placement committee process under Section 28.0211,~~ the subject of
21 the assessment instrument on which each student failed to perform
22 satisfactorily under each performance standard under Section
23 39.0241~~], and the performance of those students in the school year
24 following that promotion on the assessment instruments required
25 under Section 39.023];~~

26 (6) the percentage of students of limited English
27 proficiency exempted from the administration of an assessment

1 instrument under Sections 39.027(a)(1) and (2);

2 (7) the percentage of students in a special education
3 program under Subchapter A, Chapter 29, assessed through assessment
4 instruments developed or adopted under Section 39.023(b);

5 (8) the percentage of students who satisfy the college
6 readiness measure;

7 (9) the measure of progress toward dual language
8 proficiency under Section 39.034(b), for students of limited
9 English proficiency, as defined by Section 29.052;

10 (10) the percentage of students who are not
11 educationally disadvantaged;

12 (11) the percentage of students who enroll and begin
13 instruction at an institution of higher education in the school
14 year following high school graduation; and

15 (12) the percentage of students who successfully
16 complete the first year of instruction at an institution of higher
17 education without needing a developmental education course.

18 SECTION 7. Sections 28.0211(a), (a-2), (e), (g), (n), (o),
19 and (p), Education Code, are repealed.

20 SECTION 8. This Act applies beginning with the 2015-2016
21 school year.

22 SECTION 9. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2015.