

By: VanDeaver

H.B. No. 1162

A BILL TO BE ENTITLED

AN ACT

1
2 relating to eliminating satisfactory performance requirements for
3 public school end-of-course assessment instruments as a criterion
4 for promotion or graduation.

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

6 SECTION 1. Section 18.005(c), Education Code, is amended to
7 read as follows:

8 (c) A Job Corps diploma program shall:

9 (1) develop educational programs specifically
10 designed for persons eligible for enrollment in a Job Corps
11 training program established by the United States Department of
12 Labor;

13 (2) coordinate educational programs and services in
14 the diploma program with programs and services provided by the
15 United States Department of Labor and other federal and state
16 agencies and local political subdivisions and by persons who
17 provide programs and services under contract with the United States
18 Department of Labor;

19 (3) provide a course of instruction that includes the
20 required curriculum under Subchapter A, Chapter 28; and

21 (4) ~~[require that students enrolled in the diploma~~
22 ~~program satisfy the requirements of Section 39.025 before receiving~~
23 ~~a diploma under this chapter, and~~

24 [~~5~~] comply with a requirement imposed under this

1 title or a rule adopted under this title relating to the Public
2 Education Information Management System (PEIMS) to the extent
3 necessary to determine compliance with this chapter, as determined
4 by the commissioner.

5 SECTION 2. Section 25.005(b), Education Code, is amended to
6 read as follows:

7 (b) A reciprocity agreement must:

8 (1) address procedures for:

9 (A) transferring student records; and

10 (B) awarding credit for completed course work;

11 and

12 [~~(C) permitting a student to satisfy the~~
13 ~~requirements of Section 39.025 through successful performance on~~
14 ~~comparable end-of-course or other exit-level assessment~~
15 ~~instruments administered in another state; and]~~

16 (2) include appropriate criteria developed by the
17 agency.

18 SECTION 3. Sections 28.025(b-7), (c), and (e), Education
19 Code, are amended to read as follows:

20 (b-7) The State Board of Education, in coordination with the
21 Texas Higher Education Coordinating Board, shall adopt rules to
22 ensure that a student may comply with the curriculum requirements
23 under the foundation high school program or for an endorsement
24 under Subsection (c-1) by successfully completing appropriate
25 courses in the core curriculum of an institution of higher
26 education under Section 61.822. Notwithstanding Subsection (b-15)
27 or (c) [~~of this section, Section 39.025,~~] or any other provision of

1 this code and notwithstanding any school district policy, a student
2 who has completed the core curriculum of an institution of higher
3 education under Section 61.822, as certified by the institution in
4 accordance with commissioner rule, is considered to have earned a
5 distinguished level of achievement under the foundation high school
6 program and is entitled to receive a high school diploma from the
7 appropriate high school as that high school is determined in
8 accordance with commissioner rule. A student who is considered to
9 have earned a distinguished level of achievement under the
10 foundation high school program under this subsection may apply for
11 admission to an institution of higher education for the first
12 semester or other academic term after the semester or other
13 academic term in which the student completes the core curriculum.

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

17 (1) the student successfully completes the curriculum
18 requirements identified by the State Board of Education under
19 Subsection (a) ~~[and complies with Section 39.025]~~; or

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

22 (e) Each school district shall report the academic
23 achievement record of students who have completed the foundation
24 high school program on transcript forms adopted by the State Board
25 of Education. ~~[The transcript forms adopted by the board must be
26 designed to clearly identify whether a student received a diploma
27 or a certificate of coursework completion.]~~

1 SECTION 4. Section 28.0255(g), Education Code, is amended
2 to read as follows:

3 (g) A student is entitled to a high school diploma if the
4 student[+]

5 [~~(1)~~] successfully complies with the curriculum
6 requirements specified under Subsection (e) [~~, and~~

7 [~~(2)~~ performs satisfactorily, as determined by the
8 commissioner under Subsection (h), on end-of-course assessment
9 instruments listed under Section 39.023(c) for courses in which the
10 student was enrolled].

11 SECTION 5. Section 29.081(b-1), Education Code, is amended
12 to read as follows:

13 (b-1) Each school district shall offer before the next
14 scheduled administration of the assessment instrument, without
15 cost to the student, additional accelerated instruction to each
16 student in any subject in which the student failed to perform
17 satisfactorily on an end-of-course assessment instrument [~~required~~
18 ~~for graduation~~].

19 SECTION 6. Section 29.259(g), Education Code, is amended to
20 read as follows:

21 (g) A person who is at least 19 years of age and not more
22 than 50 years of age is eligible to enroll in the adult education
23 program under this section if the person has not earned a high
24 school equivalency certificate and:

25 (1) has failed to complete the curriculum requirements
26 for high school graduation; or

27 (2) [~~has~~] failed to perform satisfactorily on an

1 assessment instrument that, before the 2015-2016 school year, was
2 required for high school graduation.

3 SECTION 7. Section 30.021(e), Education Code, is amended to
4 read as follows:

5 (e) The school shall cooperate with public and private
6 agencies and organizations serving students and other persons with
7 visual impairments in the planning, development, and
8 implementation of effective educational and rehabilitative service
9 delivery systems associated with educating students with visual
10 impairments. To maximize and make efficient use of state
11 facilities, funding, and resources, the services provided in this
12 area may include conducting a cooperative program with other
13 agencies to serve students who have graduated from high school by
14 completing all academic requirements applicable to students in
15 regular education[~~, excluding satisfactory performance under~~
16 ~~Section 39.025,~~] who are younger than 22 years of age on September 1
17 of the school year and who have identified needs related to
18 vocational training, independent living skills, orientation and
19 mobility, social and leisure skills, compensatory skills, or
20 remedial academic skills.

21 SECTION 8. Section 30.104(b), Education Code, is amended to
22 read as follows:

23 (b) A student may graduate and receive a diploma from a
24 Texas Juvenile Justice Department [~~Texas Youth Commission~~]
25 educational program if[+]

26 [~~(1)~~] the student successfully completes:

27 (1) the curriculum requirements identified by the

1 State Board of Education under Section 28.025(a) [~~and complies with~~
2 ~~Section 39.025~~]; or

3 (2) [~~the student successfully completes~~] the
4 curriculum requirements under Section 28.025(a) as modified by an
5 individualized education program developed under Section 29.005.

6 SECTION 9. Section 32.258(b), Education Code, is amended to
7 read as follows:

8 (b) The system established under Subsection (a) shall
9 provide a means for a student or the student's parent or other
10 person standing in parental relationship to track the student's
11 progress on assessment instruments [~~instrument requirements for~~
12 ~~graduation~~].

13 SECTION 10. Section 39.023(c-2), Education Code, is amended
14 to read as follows:

15 (c-2) The agency may adopt end-of-course assessment
16 instruments for courses not listed in Subsection (c). A student's
17 performance on an end-of-course assessment instrument adopted
18 under this subsection is not subject to any [~~the~~] performance
19 requirements [~~established under Subsection (c) or Section 39.025~~].

20 SECTION 11. The heading to Section 39.025, Education Code,
21 is amended to read as follows:

22 Sec. 39.025. USE OF END-OF-COURSE ASSESSMENT INSTRUMENTS
23 [~~SECONDARY-LEVEL PERFORMANCE REQUIRED~~].

24 SECTION 12. Sections 39.025(a) and (a-1), Education Code,
25 are amended to read as follows:

26 (a) The commissioner shall adopt rules requiring a student
27 in the foundation high school program under Section 28.025 to be

1 administered each end-of-course assessment instrument listed in
2 Section 39.023(c). Each end-of-course assessment instrument shall
3 be evaluated to determine whether the [A] student achieved [is
4 required to achieve] a scale score that indicates satisfactory
5 performance, as determined by the commissioner under Section
6 39.0241(a) [~~, on each end-of-course assessment instrument listed~~
7 ~~under Section 39.023(c)]]. For each scale score for an end-of-course
8 assessment instrument administered [required] under this
9 subsection that is not based on a 100-point scale scoring system,
10 the commissioner shall provide for conversion, in accordance with
11 commissioner rule, of the scale score to an equivalent score based
12 on a 100-point scale scoring system. The results of an
13 end-of-course assessment instrument administered under this
14 subsection may not be used as a criteria for grade promotion or
15 graduation. The results of an end-of-course assessment instrument
16 administered under this subsection may be used only for the
17 purposes of diagnosing the academic strengths and deficiencies of a
18 student and guiding specific instruction to the student. [A
19 ~~student may not receive a high school diploma until the student has~~
20 ~~performed satisfactorily on end-of-course assessment instruments~~
21 ~~in the manner provided under this subsection. This subsection does~~
22 ~~not require a student to demonstrate readiness to enroll in an~~
23 ~~institution of higher education.]~~~~

24 (a-1) A student enrolled in a college preparatory course
25 under Section 28.014 who satisfies the Texas Success Initiative
26 (TSI) college readiness benchmarks prescribed by the Texas Higher
27 Education Coordinating Board under Section 51.3062(f) on an

1 assessment instrument designated by the Texas Higher Education
2 Coordinating Board under Section 51.3062(c) administered at the end
3 of the college preparatory course is exempt from the administration
4 of [~~satisfies the requirements concerning~~] an end-of-course
5 assessment in an equivalent course as prescribed by Subsection (a).
6 The commissioner shall determine a method by which a student's
7 satisfactory performance on an advanced placement test, an
8 international baccalaureate examination, an SAT Subject Test, the
9 SAT, the ACT, or any nationally recognized norm-referenced
10 assessment instrument used by institutions of higher education to
11 award course credit based on satisfactory performance on the
12 assessment instrument shall be used to exempt a student from the
13 administration of [~~satisfy the requirements concerning~~] an
14 end-of-course assessment instrument in an equivalent course as
15 prescribed by Subsection (a). The commissioner shall determine a
16 method by which a student's satisfactory performance on the PSAT or
17 the ACT-Plan shall be used to exempt a student from the
18 administration of [~~satisfy the requirements concerning~~] an
19 end-of-course assessment instrument in an equivalent course as
20 prescribed by Subsection (a). [~~A student who fails to perform~~
21 ~~satisfactorily on a test or other assessment instrument authorized~~
22 ~~under this subsection, other than the PSAT or the ACT-Plan, may~~
23 ~~retake that test or other assessment instrument for purposes of~~
24 ~~this subsection or may take the appropriate end-of-course~~
25 ~~assessment instrument. A student who fails to perform~~
26 ~~satisfactorily on the PSAT or the ACT-Plan must take the~~
27 ~~appropriate end-of-course assessment instrument.~~] The commissioner

1 shall adopt rules as necessary for the administration of this
2 subsection.

3 SECTION 13. Section 39.034(d), Education Code, is amended
4 to read as follows:

5 (d) The agency shall determine the necessary annual
6 improvement required each year for a student to be prepared to
7 perform satisfactorily on, as applicable:

- 8 (1) the grade five assessment instruments;
- 9 (2) the grade eight assessment instruments; and
- 10 (3) the end-of-course assessment instruments
11 ~~[required under this subchapter for graduation].~~

12 SECTION 14. Section 39.053(c), Education Code, is amended
13 to read as follows:

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

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

21 (A) for the performance standard determined by
22 the commissioner under Section 39.0241(a):

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

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

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

4 (B) for the college readiness performance
5 standard as determined under Section 39.0241:

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

9 (ii) for students who did not perform
10 satisfactorily, the percentage of students who met the standard for
11 annual improvement, as determined by the agency under Section
12 39.034, on the assessment instruments, aggregated across grade
13 levels by subject area;

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

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

23 (4) the percentage of students who successfully
24 completed the curriculum requirements for the distinguished level
25 of achievement under the foundation high school program;

26 (5) the percentage of students who successfully
27 completed the curriculum requirements for an endorsement under

1 Section 28.025(c-1); and

2 (6) at least three additional indicators of student
3 achievement to evaluate district and campus performance, which must
4 include either:

5 (A) the percentage of students who satisfy the
6 Texas Success Initiative (TSI) college readiness benchmarks
7 prescribed by the Texas Higher Education Coordinating Board under
8 Section 51.3062(f) on an assessment instrument in
9 reading, writing, or mathematics designated by the Texas Higher
10 Education Coordinating Board under Section 51.3062(c); or

11 (B) the number of students who earn:

12 (i) at least 12 hours of postsecondary
13 credit required for the foundation high school program under
14 Section 28.025 or to earn an endorsement under Section 28.025(c-1);

15 (ii) at least 30 hours of postsecondary
16 credit required for the foundation high school program under
17 Section 28.025 or to earn an endorsement under Section 28.025(c-1);

18 (iii) an associate's degree; or

19 (iv) an industry certification.

20 SECTION 15. The following provisions of the Education Code
21 are repealed:

22 (1) Section 28.025(d);

23 (2) Section 28.0255(h);

24 (3) Section 30.104(c); and

25 (4) Sections 39.025(a-4), (b), (b-2), (c), (d), (e),
26 (f), and (g).

27 SECTION 16. This Act applies beginning with the 2015-2016

1 school year.

2 SECTION 17. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2015.