

By: Guillen

H.B. No. 1304

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of school committees to make determinations
3 regarding graduation for certain public high school students who
4 fail to perform satisfactorily on end-of-course assessment
5 instruments.

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

7 SECTION 1. Section [12.104](#)(b), Education Code, is amended to
8 read as follows:

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

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

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

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

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

20 (C) reading instruments and accelerated reading
21 instruction programs under Section [28.006](#);

22 (D) accelerated instruction under Section
23 [28.0211](#);

24 (E) high school graduation requirements under

1 Section [28.025](#) and the requirement to establish an individual
2 graduation committee under Section 28.0256;

3 (F) special education programs under Subchapter
4 A, Chapter 29;

5 (G) bilingual education under Subchapter B,
6 Chapter 29;

7 (H) prekindergarten programs under Subchapter E,
8 Chapter 29;

9 (I) extracurricular activities under Section
10 [33.081](#);

11 (J) discipline management practices or behavior
12 management techniques under Section [37.0021](#);

13 (K) health and safety under Chapter 38;

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

16 (M) the requirement under Section [21.006](#) to
17 report an educator's misconduct; and

18 (N) intensive programs of instruction under
19 Section [28.0213](#).

20 SECTION 2. Sections [28.025](#)(c) and (d), Education Code, are
21 amended to read as follows:

22 (c) A person may receive a diploma if the person is eligible
23 for a diploma under Section [28.0251](#) or 28.0256. In other cases, a
24 student may graduate and receive a diploma only if:

25 (1) the student successfully completes the curriculum
26 requirements identified by the State Board of Education under
27 Subsection (a) and complies with Section [39.025](#); or

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

3 (d) A school district may issue a certificate of coursework
4 completion to a student who successfully completes the curriculum
5 requirements identified by the State Board of Education under
6 Subsection (a) but who fails to comply with Section 39.025 or who
7 does not receive a diploma under another provision of this
8 subchapter. A school district may allow a student who receives a
9 certificate to participate in a graduation ceremony with students
10 receiving high school diplomas.

11 SECTION 3. Subchapter B, Chapter 28, Education Code, is
12 amended by adding Section 28.0256 to read as follows:

13 Sec. 28.0256. HIGH SCHOOL GRADUATION AWARDED ON BASIS OF
14 INDIVIDUAL GRADUATION COMMITTEE REVIEW. (a) This section applies
15 only to a student who, after retaking an end-of-course assessment
16 instrument in one or more subjects, fails to comply with Section
17 39.025 as necessary to receive a high school diploma in accordance
18 with that section.

19 (b) For each student to whom this section applies, the
20 school district that the student attends shall establish an
21 individual graduation committee to determine whether the student
22 qualifies to graduate as provided by this section. The committee
23 shall be composed of:

24 (1) the principal or the principal's designee;
25 (2) the student's parent or person standing in
26 parental relation to the student;

27 (3) for each end-of-course assessment instrument on

1 which the student failed to perform satisfactorily, the teacher of
2 the course; and

3 (4) any other person determined appropriate by the
4 principal or the principal's designee using criteria adopted by the
5 board of trustees.

6 (c) The commissioner by rule shall establish a procedure for
7 appointing an alternative committee member if a person described by
8 Subsection (b) is unable to serve. The superintendent of each
9 school district shall establish procedures for convening an
10 individual graduation committee.

11 (d) The school district shall notify the student's parent or
12 person standing in parental relation to the student of the time and
13 place for convening the individual graduation committee and the
14 purpose of the committee. The notice must be provided either in
15 person or by regular mail, be clear and easy to understand, and be
16 written in English or in the native language of the parent or person
17 standing in parental relation to the student.

18 (e) Notwithstanding any other provision of this code, a
19 student shall be awarded a high school diploma if:

20 (1) the student has successfully completed the
21 curriculum requirements identified by the State Board of Education
22 under Section 28.025(a); and

23 (2) the student's individual graduation committee
24 determines the student is qualified to graduate as provided by this
25 section.

26 (f) In determining whether a student is qualified to
27 graduate under this section, the student's individual graduation

1 committee shall consider:

2 (1) the recommendation of the student's teacher in
3 each course required for graduation, to the extent practicable;

4 (2) the student's grade in each course required for
5 graduation;

6 (3) the student's score on each end-of-course
7 assessment instrument on which the student failed to perform
8 satisfactorily;

9 (4) the student's performance on any additional
10 requirements recommended by the committee under Subsection (g);

11 (5) the number of hours of remediation that the
12 student has attended, including attendance in a college preparatory
13 course required under Section 39.025(b-2), if applicable;

14 (6) any honors course, advanced placement course,
15 international baccalaureate course, or dual credit course
16 completed by the student;

17 (7) the student's performance on the PSAT, the
18 ACT-Plan, the SAT, the ACT, or any nationally recognized
19 norm-referenced assessment instrument used by institutions of
20 higher education to award course credit based on satisfactory
21 performance on the assessment instrument;

22 (8) the student's performance on an assessment
23 instrument designated by the Texas Higher Education Coordinating
24 Board under Section 51.3062(c), including whether the student
25 satisfied the Texas Success Initiative (TSI) college readiness
26 benchmarks prescribed by the Texas Higher Education Coordinating
27 Board under Section 51.3062(f);

1 (9) the student's school attendance rate;

2 (10) evidence of any participation by the student in
3 extracurricular activity;

4 (11) information concerning any work history or other
5 accomplishments of the student;

6 (12) the student's overall preparedness to pursue
7 postsecondary education or training or a career or occupation; and

8 (13) any other academic information designated for
9 consideration by the board of trustees of the school district.

10 (g) The student's individual graduation committee may
11 recommend additional requirements for consideration to determine
12 that a student is qualified to graduate under this section,
13 including:

14 (1) additional remediation; or

15 (2) for each end-of-course assessment instrument on
16 which the student failed to perform satisfactorily:

17 (A) the completion of a project related to the
18 course; or

19 (B) the preparation of a portfolio of work
20 samples from the course.

21 (h) A student may graduate and receive a high school diploma
22 on the basis of the individual graduation committee's decision only
23 if the student successfully completes all additional requirements
24 recommended by the committee under Subsection (g) and the
25 committee's vote is unanimous. The commissioner by rule shall
26 establish a timeline for making a determination under this section.

27 This section does not create a property interest in graduation. The

1 decision of the committee is final and may not be appealed.

2 (i) The commissioner shall adopt rules as necessary to
3 implement this section.

4 SECTION 4. This Act applies beginning with the 2015-2016
5 school year.

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