

1-1 By: Aycock (Senate Sponsor - Kolthorst) H.B. No. 2349  
 1-2 (In the Senate - Received from the House May 12, 2015;  
 1-3 May 13, 2015, read first time and referred to Committee on  
 1-4 Education; May 22, 2015, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 10, Nays 0;  
 1-6 May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Garcia	X			
1-13 Huffines	X			
1-14 Kolthorst			X	
1-15 Rodríguez	X			
1-16 Seliger	X			
1-17 Taylor of Collin	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 2349 By: Seliger

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to public school assessment, performance standards, and  
 1-24 course requirements.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 28.025(c-5), Education Code, is amended  
 1-27 to read as follows:

1-28 (c-5) A student may earn a performance acknowledgment on the  
 1-29 student's diploma and transcript by satisfying the requirements for  
 1-30 that acknowledgment adopted by the State Board of Education by  
 1-31 rule. An acknowledgment under this subsection may be earned:

1-32 (1) for outstanding performance:

1-33 (A) in a dual credit course;

1-34 (B) in bilingualism and biliteracy;

1-35 (C) on a college advanced placement test or  
 1-36 international baccalaureate examination; ~~or~~

1-37 (D) on an established, valid, reliable, and  
 1-38 nationally norm-referenced preliminary college preparation  
 1-39 assessment instrument used to measure a student's progress toward  
 1-40 readiness for college and the workplace; or

1-41 (E) on an established, valid, reliable, and  
 1-42 nationally norm-referenced assessment instrument used by colleges  
 1-43 and universities as part of their undergraduate admissions process  
 1-44 [the PSAT, the ACT-Plan, the SAT, or the ACT]; or

1-45 (2) for earning a state recognized or nationally or  
 1-46 internationally recognized business or industry certification or  
 1-47 license.

1-48 SECTION 2. Section 39.023, Education Code, is amended by  
 1-49 adding Subsection (e-1) to read as follows:

1-50 (e-1) The agency may defer releasing assessment instrument  
 1-51 questions and answer keys as required by Subsection (e) to the  
 1-52 extent necessary to develop additional assessment instruments.

1-53 SECTION 3. Subchapter B, Chapter 39, Education Code, is  
 1-54 amended by adding Section 39.02315 to read as follows:

1-55 Sec. 39.02315. REPORTING RESULTS OF ASSESSMENT INSTRUMENTS  
 1-56 FOR OUT-OF-STATE TRANSFER STUDENTS. (a) For assessment  
 1-57 instruments required to be administered under Section 39.023, the  
 1-58 agency shall adopt procedures to ensure that the results of the  
 1-59 assessment instruments administered to students who transfer from a  
 1-60 school district in another state to a school district in this state

2-1 are reported to each school district separately from the results of  
2-2 assessment instruments administered to other students.

2-3 (b) The commissioner by rule shall:

2-4 (1) ensure that the results of assessment instruments  
2-5 administered to students who transfer from a school district in  
2-6 another state to a school district in this state reported under  
2-7 Subsection (a) are properly identified in agency systems that  
2-8 report and track academic performance of students; and

2-9 (2) adopt procedures for reporting and tracking data  
2-10 relating to students who transfer from a school district in another  
2-11 state to a school district in this state.

2-12 SECTION 4. Sections 39.025(a), (f), and (g), Education  
2-13 Code, are amended to read as follows:

2-14 (a) The commissioner shall adopt rules requiring a student  
2-15 in the foundation high school program under Section 28.025 to be  
2-16 administered an [each] end-of-course assessment instrument listed  
2-17 in Section 39.023(c) only for a course in which the student is  
2-18 enrolled and for which an end-of-course assessment instrument is  
2-19 administered. A student is required to achieve a scale score that  
2-20 indicates satisfactory performance, as determined by the  
2-21 commissioner under Section 39.0241(a), on each end-of-course  
2-22 assessment instrument administered to the student [listed under  
2-23 Section 39.023(c)]. For each scale score required under this  
2-24 subsection that is not based on a 100-point scale scoring system,  
2-25 the commissioner shall provide for conversion, in accordance with  
2-26 commissioner rule, of the scale score to an equivalent score based  
2-27 on a 100-point scale scoring system. A student may not receive a  
2-28 high school diploma until the student has performed satisfactorily  
2-29 on end-of-course assessment instruments in the manner provided  
2-30 under this subsection. This subsection does not require a student  
2-31 to demonstrate readiness to enroll in an institution of higher  
2-32 education.

2-33 (f) The commissioner shall by rule adopt a transition plan  
2-34 to implement the amendments made by Chapter 1312 (S.B. No. 1031),  
2-35 Acts of the 80th Legislature, Regular Session, 2007, replacing  
2-36 general subject assessment instruments administered at the high  
2-37 school level with end-of-course assessment instruments. The rules  
2-38 must provide for the end-of-course assessment instruments adopted  
2-39 under Section 39.023(c) to be administered beginning with students  
2-40 entering the ninth grade during the 2011-2012 school year. During  
2-41 the period under which the transition to end-of-course assessment  
2-42 instruments is made:

2-43 (1) for students entering a grade above the ninth  
2-44 grade during the 2011-2012 school year, the commissioner shall  
2-45 retain, administer, and use for purposes of accreditation and other  
2-46 campus and district accountability measures under this chapter the  
2-47 assessment instruments required by Section 39.023(a) or (c), as  
2-48 that section existed before amendment by Chapter 1312 (S.B.  
2-49 No. 1031), Acts of the 80th Legislature, Regular Session, 2007; and

2-50 (2) a student subject to Subdivision (1) may not  
2-51 receive a high school diploma unless the student has performed  
2-52 satisfactorily on each required assessment instrument administered  
2-53 under Section 39.023(c) as that section existed before amendment by  
2-54 Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular  
2-55 Session, 2007[~~, and~~

2-56 [~~(3) the agency may defer releasing assessment~~  
2-57 ~~instrument questions and answer keys as required by Section~~  
2-58 ~~39.023(e) to the extent necessary to develop additional assessment~~  
2-59 ~~instruments].~~

2-60 (g) Rules adopted under Subsection (f) must require that  
2-61 each student who will be subject to the requirements of Subsection  
2-62 (a) is entitled to notice of the specific requirements applicable  
2-63 to the student. Notice under this subsection must be provided not  
2-64 later than the date the student enters the eighth grade.  
2-65 [~~Subsection (f) and this subsection expire September 1, 2015.~~]

2-66 SECTION 5. The following provisions of the Education Code  
2-67 are repealed:

- 2-68 (1) Section 39.023(o);
- 2-69 (2) Section 39.0233(c); and

3-1 (3) Section 39.025(b-2).  
3-2 SECTION 6. This Act applies beginning with the 2015-2016  
3-3 school year.  
3-4 SECTION 7. This Act takes effect immediately if it receives  
3-5 a vote of two-thirds of all the members elected to each house, as  
3-6 provided by Section 39, Article III, Texas Constitution. If this  
3-7 Act does not receive the vote necessary for immediate effect, this  
3-8 Act takes effect on the 91st day after the last day of the  
3-9 legislative session.

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