

By: Seliger, et al.
(Huberty)

S.B. No. 149

Substitute the following for S.B. No. 149:

By: Huberty

C.S.S.B. No. 149

A BILL TO BE ENTITLED

AN ACT

1
2 relating to alternative methods for satisfying certain public high
3 school graduation requirements, including the use of individual
4 graduation committees.

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

6 SECTION 1. Section 12.104, Education Code, is amended by
7 adding Subsection (b-2) to read as follows:

8 (b-2) An open-enrollment charter school is subject to the
9 requirement to establish an individual graduation committee under
10 Section 28.0258. This subsection expires September 1, 2017.

11 SECTION 2. Section 28.025, Education Code, is amended by
12 adding Subsection (c-6) to read as follows:

13 (c-6) Notwithstanding Subsection (c), a person may receive
14 a diploma if the person is eligible for a diploma under Section
15 28.0258. This subsection expires September 1, 2017.

16 SECTION 3. Subchapter B, Chapter 28, Education Code, is
17 amended by adding Sections 28.0258 and 28.0259 to read as follows:

18 Sec. 28.0258. HIGH SCHOOL DIPLOMA AWARDED ON BASIS OF
19 INDIVIDUAL GRADUATION COMMITTEE REVIEW. (a) This section applies
20 only to an 11th or 12th grade student who has failed to comply with
21 the end-of-course assessment instrument performance requirements
22 under Section 39.025 for not more than one course.

23 (b) For each student to whom this section applies, the
24 school district that the student attends shall establish an

1 individual graduation committee at the end of or after the
2 student's 11th grade year to determine whether the student may
3 qualify to graduate as provided by this section. A student may not
4 qualify to graduate under this section before the student's 12th
5 grade year. The committee shall be composed of:

6 (1) the principal or principal's designee;

7 (2) for the end-of-course assessment instrument on
8 which the student failed to perform satisfactorily, the teacher of
9 the course;

10 (3) the student's school counselor; and

11 (4) as applicable:

12 (A) the student's parent or person standing in
13 parental relation to the student;

14 (B) a designated advocate described by
15 Subsection (c) if the person described by Paragraph (A) is unable to
16 serve; or

17 (C) the student, at the student's option, if the
18 student is at least 18 years of age or is an emancipated minor.

19 (c) The commissioner by rule shall establish a procedure for
20 appointing an alternative committee member if a person described by
21 Subsection (b) is unable to serve, including appointing a
22 designated advocate for the student if the student's parent or
23 person standing in parental relation to the student is unable to
24 serve. The superintendent of each school district shall establish
25 procedures for the convening of an individual graduation committee.

26 (c-1) Notwithstanding Subsection (c), for the 2014-2015
27 school year, the school district that the student attends shall

1 establish procedures for appointing alternative committee members
2 as provided by Subsection (c). This subsection expires September
3 1, 2015.

4 (c-2) A school district shall provide an appropriate
5 translator, if available, for the appropriate person described
6 under Subsection (b)(4) who is unable to speak English.

7 (d) The school district shall ensure a good faith effort is
8 made to timely notify the appropriate person described under
9 Subsection (b)(4) of the time and place for convening the
10 individual graduation committee and the purpose of the committee.
11 The notice must be:

- 12 (1) provided in person or by regular mail or e-mail;
13 (2) clear and easy to understand; and
14 (3) written in English, in Spanish, or, to the extent
15 practicable, in the native language of the appropriate person
16 described by Subsection (b)(4).

17 (e) To be eligible to graduate and receive a high school
18 diploma under this section, a student must successfully complete
19 the curriculum requirements identified by the State Board of
20 Education under Section 28.025(a).

21 (f) Notwithstanding any other law, a student's individual
22 graduation committee established under this section shall
23 recommend additional requirements by which the student may qualify
24 to graduate, including:

- 25 (1) additional remediation; and
26 (2) for the end-of-course assessment instrument on
27 which the student failed to perform satisfactorily:

1 (A) the completion of a project related to the
2 subject area of the course that demonstrates proficiency in the
3 subject area; or

4 (B) the preparation of a portfolio of work
5 samples in the subject area of the course, including work samples
6 from the course that demonstrate proficiency in the subject area.

7 (g) For purposes of Subsection (f), a student may submit to
8 the individual graduation committee coursework previously
9 completed to satisfy a recommended additional requirement.

10 (h) In determining whether a student for whom an individual
11 graduation committee is established is qualified to graduate, the
12 committee shall consider:

13 (1) the recommendation of the student's teacher in the
14 course for which the student failed to perform satisfactorily on an
15 end-of-course assessment instrument;

16 (2) the student's grade in the course for which the
17 student failed to perform satisfactorily on an end-of-course
18 assessment instrument;

19 (3) the student's score on the end-of-course
20 assessment instrument on which the student failed to perform
21 satisfactorily;

22 (4) the student's performance on any additional
23 requirements recommended by the committee under Subsection (f);

24 (5) the number of hours of remediation that the
25 student has attended, including:

26 (A) attendance in a college preparatory course
27 required under Section 39.025(b-2), if applicable; or

- 1 (B) attendance in and successful completion of a
2 transitional college course in reading or mathematics;
3 (6) the student's school attendance rate;
4 (7) the student's satisfaction of any of the Texas
5 Success Initiative (TSI) college readiness benchmarks prescribed
6 by the Texas Higher Education Coordinating Board;
7 (8) the student's successful completion of a dual
8 credit course in English, mathematics, science, or social studies;
9 (9) the student's successful completion of a high
10 school pre-advanced placement, advanced placement, or
11 international baccalaureate program course in English,
12 mathematics, science, or social studies;
13 (10) the student's rating of advanced high on the most
14 recent high school administration of the Texas English Language
15 Proficiency Assessment System;
16 (11) the student's score of 50 or greater on a
17 College-Level Examination Program examination;
18 (12) the student's score on the ACT, the SAT, or the
19 Armed Services Vocational Aptitude Battery test;
20 (13) the student's completion of a sequence of courses
21 under a career and technical education program required to attain
22 an industry-recognized credential or certificate;
23 (14) the student's overall preparedness for
24 postsecondary success; and
25 (15) any other academic information designated for
26 consideration by the board of trustees of the school district.
27 (i) After considering the criteria under Subsection (h),

1 the individual graduation committee may determine that the student
2 is qualified to graduate. Notwithstanding any other law, a student
3 for whom an individual graduation committee is established may
4 graduate and receive a high school diploma on the basis of the
5 committee's decision only if the student successfully completes all
6 additional requirements recommended by the committee under
7 Subsection (f), the student meets the requirements of Subsection
8 (e), and the committee's vote is unanimous. The commissioner by
9 rule shall establish a timeline for making a determination under
10 this subsection. This subsection does not create a property
11 interest in graduation. The decision of a committee is final and
12 may not be appealed.

13 (i-1) Notwithstanding Subsection (i), for the 2014-2015
14 school year, the school district that the student attends shall
15 establish a timeline for making a determination under Subsection
16 (i). This subsection expires September 1, 2015.

17 (j) Notwithstanding any action taken by an individual
18 graduation committee under this section, a school district shall
19 administer an end-of-course assessment instrument to any student
20 who fails to perform satisfactorily on an end-of-course assessment
21 instrument as provided by Section 39.025(b). For purposes of
22 Section 39.053(c)(1), an assessment instrument administered as
23 provided by this subsection is considered an assessment instrument
24 required for graduation retaken by a student.

25 (k) The commissioner shall adopt rules as necessary to
26 implement this section not later than the 2015-2016 school year.

27 (l) This section expires September 1, 2017.

1 Sec. 28.0259. REPORTING REQUIREMENTS FOR STUDENTS
2 GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW
3 PROCESS. (a) Each school district shall report through the Public
4 Education Information Management System (PEIMS) the number of
5 district students each school year who are awarded a diploma based
6 on the decision of an individual graduation committee as provided
7 by Section 28.0258.

8 (b) A school district shall report the information required
9 by Subsection (a) not later than December 1 of the school year
10 following the school year the student is awarded a diploma.

11 (c) The agency shall make the information reported under
12 this section available on the agency's Internet website.

13 (d) The commissioner shall adopt rules as necessary to
14 implement this section not later than the 2015-2016 school year.

15 (e) This section expires September 1, 2018.

16 SECTION 4. Section 39.025, Education Code, is amended by
17 adding Subsections (a-2) and (a-3) to read as follows:

18 (a-2) Notwithstanding Subsection (a), a student who has
19 failed to perform satisfactorily on an end-of-course assessment
20 instrument in the manner provided under this section may receive a
21 high school diploma if the student has qualified for graduation
22 under Section 28.0258. This subsection expires September 1, 2017.

23 (a-3) A student who, after retaking an end-of-course
24 assessment instrument for Algebra I or English II, has failed to
25 perform satisfactorily as required by Subsection (a), but who
26 receives a score of proficient on the Texas Success Initiative
27 (TSI) diagnostic assessment for the corresponding subject for which

1 the student failed to perform satisfactorily on the end-of-course
2 assessment instrument satisfies the requirement concerning the
3 Algebra I or English II end-of-course assessment, as applicable.
4 This subsection expires September 1, 2017.

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