

## **BILL ANALYSIS**

Senate Research Center

S.B. 463  
By: Seliger; Nichols  
Education  
6/6/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During the 84th Legislative Session, S.B. 149 passed to allow students who are juniors or seniors and fail to pass one or two end-of-course exams required for graduation to receive consideration by an individual graduation committee (IGC). The IGC requires the student to complete additional remediation and completion of a project or portfolio in the area in which the student failed the exam. The IGC considers, when determining whether the student will graduate, factors such as the student's grades in relevant coursework, overall attendance rate, score on the Texas Success Initiative, and completion of dual credit and courses toward a professional certification, as well as the student's preparedness for college or career.

The provisions of S.B. 149 expire on September 1, 2017. This bill removes the sunset date and makes the provisions permanent.

S.B. 463 amends current law relating to the use of individual graduation committees to satisfy certain public high school graduation requirements and other alternative methods to satisfy certain public high school graduation requirements.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Sections 28.02541, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board and Texas Education Agency in SECTION 8 (Section 28.02591, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 12.104, Education Code, by amending Subsection (b-2) and adding Subsection (b-3), as follows:

(b-2) Provides that this subsection expires September 1, 2019, rather than September 1, 2017.

(b-3) Provides that an open-enrollment charter school is subject to the graduation qualification procedure established by the commissioner of education (commissioner) under Section 28.02541. Provides that this subsection expires September 1, 2019.

SECTION 2. Amends Section 28.025(c-6), Education Code, to provide that this subsection expires September 1, 2019, rather than September 1, 2017.

SECTION 3. Amends Subchapter B, Chapter 28, Education Code, by adding Section 28.02541, as follows:

Sec. 28.02541. DIPLOMA FOR CERTAIN STUDENTS WHO ENTERED NINTH GRADE BEFORE 2011-2012 SCHOOL YEAR. (a) Provides that this section applies only to a student who:

(1) entered the ninth grade before the 2011-2012 school year;

(2) successfully completed the curriculum requirements for high school graduation applicable to the student when the student entered the ninth grade;

(3) has not performed satisfactorily on an assessment instrument or a part of an assessment instrument required for high school graduation, including an alternate assessment instrument offered under Section 39.025(c-1); and

(4) has been administered the assessment instrument or the part of the assessment instrument for which the student has not performed satisfactorily at least three times.

(b) Requires the commissioner by rule, notwithstanding the requirements under this subchapter, to establish a procedure to determine whether a student subject to this section may qualify to graduate and receive a high school diploma as provided by this section.

(c) Provides that in adopting rules under this section, the commissioner:

(1) is required to designate the school district in which a student is enrolled or was last enrolled to make the decision regarding whether the student qualifies to graduate and receive a high school diploma; and

(2) is required to establish criteria for school districts to develop recommendations for alternative requirements by which a student subject to this section may qualify to graduate and receive a high school diploma.

(d) Authorizes the commissioner, in adopting rules under Subsection (c)(2), to authorize as an alternative requirement certain other assessment instruments or experiences.

(e) Provides that a school district's decision regarding whether the student qualifies to graduate and receive a high school diploma is final and prohibited from being appealed.

(f) Requires the commissioner to adopt rules to administer this section.

(g) Provides that this section expires September 1, 2019.

SECTION 4. Amends Section 28.0258(e), Education Code, effective September 1, 2018, as follows:

(e) Deletes existing Subdivision (2) including requirements as otherwise provided by the transition plan adopted by the commissioner under Section 28.025(h) (relating to a transition plan for high school graduation requirements), among the curriculum requirements to be eligible to graduate high school. Makes nonsubstantive changes.

SECTION 5. Amends Section 28.0258(1), Education Code, to provide that this section expires September 1, 2019, rather than September 1, 2017.

SECTION 6. Amends the heading to Section 28.0259, Education Code, to read as follows:

Sec. 28.0259. SCHOOL DISTRICT REPORTING REQUIREMENTS FOR STUDENTS GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW PROCESS.

SECTION 7. Amends Section 28.0259(e), Education Code, to provide that this section expires September 1, 2019, rather than September 1, 2018.

SECTION 8. Amends Subchapter B, Chapter 28, Education Code, by adding Section 28.02591, as follows:

Sec. 28.02591. TEXAS HIGHER EDUCATION COORDINATING BOARD REPORTING REQUIREMENTS FOR STUDENTS GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW PROCESS. (a) Requires the Texas Higher Education Coordinating Board (THECB), in coordination with the Texas Education Agency (TEA), to collect longitudinal data relating to the post-graduation pursuits of each student who is awarded a diploma based on the determination of an individual graduation committee under Section 28.0258 (High School Diploma Awarded on Basis of Individual Graduation Committee Review), as that section existed before September 1, 2019, including whether the student:

(1) enters the workforce;

(2) enrolls in an associate degree or certificate program at a public or private institution of higher education;

(3) enrolls in a bachelor's degree program at a public or private institution of higher education; or

(4) enlists in the armed forces of the United States or the Texas National Guard.

(b) Requires THECB, not later than December 1 of each even-numbered year, to provide a report to the legislature that includes a summary compilation of the data collected under Subsection (a) that is presented in a manner that does not identify an individual student.

(c) Requires THECB and TEA to adopt rules as necessary to implement this section.

SECTION 9. Amends Section 39.025(a-2), Education Code, as added by Chapter 5 (S.B. 149), Acts of the 84th Legislature, Regular Session, 2015, to provide that this subsection expires September 1, 2019, rather than September 1, 2017.

SECTION 10. Amends Section 39.025(a-3), Education Code, to provide that this subsection expires September 1, 2019, rather than September 1, 2017.

SECTION 11. Amends Section 39.025, Education Code, effective September 1, 2019, by amending Subsection (c-1) and adding Subsection (c-2), as follows:

(c-1) Prohibits a school district from administering an assessment instrument required for graduation administered under this section (Secondary-Level Performance Required) as this section existed before amendment by Chapter 1312 (S.B. 1031) (relating to the authority of certain counties to impose a county hotel occupancy tax and the rate of the tax), Acts of the 80th Legislature, Regular Session, 2007. Makes nonsubstantive changes.

(c-2) Authorizes a school district to administer to a student who failed to perform satisfactorily on an assessment instrument described by Subsection (c-1), rather than this subsection, an alternate assessment instrument designated by the commissioner. Prohibits the district from administering to the student an assessment instrument or a part of an assessment instrument that assesses a subject that was not assessed in an assessment instrument applicable to the student described by Subsection (c-1), rather than required for graduation administered under this section as this section existed before September 1, 1999.

SECTION 12. Effective date: upon passage or September 1, 2017.