

By: White

H.B. No. 417

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of the Texas Success Initiative.

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

SECTION 1. Section 28.014(a), Education Code, is amended to read as follows:

(a) Each school district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

(1) for students at the 12th grade level whose performance on:

(A) an end-of-course assessment instrument required under Section 39.023(c) does not meet college readiness standards; or

(B) coursework or [7] a college entrance examination[~~, or an assessment instrument designated under Section 51.3062(c)~~] indicates that the student is not ready to perform entry-level college coursework; and

(2) to prepare students for success in entry-level college courses.

SECTION 2. Section 28.0258(h), Education Code, is amended to read as follows:

(h) In determining whether a student for whom an individual graduation committee is established is qualified to graduate, the

1 committee shall consider:

2 (1) the recommendation of the student's teacher in
3 each course for which the student failed to perform satisfactorily
4 on an end-of-course assessment instrument;

5 (2) the student's grade in each course for which the
6 student failed to perform satisfactorily on an end-of-course
7 assessment instrument;

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

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

13 (5) the number of hours of remediation that the
14 student has attended, including:

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

17 (B) attendance in and successful completion of a
18 transitional college course in reading or mathematics;

19 (6) the student's school attendance rate;

20 (7) ~~[the student's satisfaction of any of the Texas
21 Success Initiative (TSI) college readiness benchmarks prescribed
22 by the Texas Higher Education Coordinating Board,~~

23 ~~[(8)]~~ the student's successful completion of a dual
24 credit course in English, mathematics, science, or social studies;

25 (8) ~~[(9)]~~ the student's successful completion of a
26 high school pre-advanced placement, advanced placement, or
27 international baccalaureate program course in English,

1 mathematics, science, or social studies;

2 (9) [~~(10)~~] the student's rating of advanced high on
3 the most recent high school administration of the Texas English
4 Language Proficiency Assessment System;

5 (10) [~~(11)~~] the student's score of 50 or greater on a
6 College-Level Examination Program examination;

7 (11) [~~(12)~~] the student's score on the ACT, the SAT, or
8 the Armed Services Vocational Aptitude Battery test;

9 (12) [~~(13)~~] the student's completion of a sequence of
10 courses under a career and technical education program required to
11 attain an industry-recognized credential or certificate;

12 (13) [~~(14)~~] the student's overall preparedness for
13 postsecondary success; and

14 (14) [~~(15)~~] any other academic information designated
15 for consideration by the board of trustees of the school district.

16 SECTION 3. Section [29.904](#)(d), Education Code, is amended to
17 read as follows:

18 (d) A plan developed under this section:

19 (1) must establish clear, achievable goals for
20 increasing the percentage of the school district's graduating
21 seniors, particularly the graduating seniors attending a high
22 school described by Subsection (a), who enroll in an institution of
23 higher education for the academic year following graduation;

24 (2) must establish an accurate method of measuring
25 progress toward the goals established under Subdivision (1) that
26 may include the percentage of district high school students and the
27 percentage of students attending a district high school described

1 by Subsection (a) who:

2 (A) are enrolled in a course for which a student
3 may earn college credit, such as an advanced placement or
4 international baccalaureate course or a course offered through
5 concurrent enrollment in high school and at an institution of
6 higher education;

7 (B) are enrolled in courses that meet the
8 curriculum requirements for the distinguished level of achievement
9 under the foundation high school program as determined under
10 Section 28.025;

11 (C) have submitted a free application for federal
12 student aid (FAFSA);

13 (D) ~~[are exempt under Section 51.3062(p) or (q)~~
14 ~~from administration of an assessment instrument under Section~~
15 ~~51.3062 or have performed successfully on an assessment instrument~~
16 ~~under Section 51.3062;~~

17 ~~[(E)]~~ graduate from high school;

18 (E) ~~[(F)]~~ graduate from an institution of higher
19 education; and

20 (F) ~~[(G)]~~ have taken college entrance
21 examinations and the average score of those students on the
22 examinations;

23 (3) must cover a period of at least five years; and

24 (4) may be directed at district students at any level
25 of primary or secondary education.

26 SECTION 4. Section 39.0233(b), Education Code, is amended
27 to read as follows:

1 (b) The [~~In addition to the questions adopted under~~
2 ~~Subsection (a), the~~] agency shall adopt a series of questions to be
3 included in an end-of-course assessment instrument administered
4 under Section 39.023(c) to be used for purposes of identifying
5 students who are likely to succeed in an advanced high school
6 course. A school district shall notify a student who performs at a
7 high level on the questions adopted under this subsection and the
8 student's parent or guardian of the student's performance and
9 potential to succeed in an advanced high school course. A school
10 district may not require a student to perform at a particular level
11 on the questions adopted under this subsection in order to be
12 eligible to enroll in an advanced high school course.

13 SECTION 5. Sections 39.053(c) and (c-2), Education Code,
14 are amended to read as follows:

15 (c) School districts and campuses must be evaluated based on
16 five domains of indicators of achievement adopted under this
17 section that include:

18 (1) in the first domain, the results of:

19 (A) assessment instruments required under
20 Sections 39.023(a), (c), and (l), including the results of
21 assessment instruments required for graduation retaken by a
22 student, aggregated across grade levels by subject area, including:

23 (i) for the performance standard determined
24 by the commissioner under Section 39.0241(a), the percentage of
25 students who performed satisfactorily on the assessment
26 instruments, aggregated across grade levels by subject area; and

27 (ii) for the college readiness performance

1 standard as determined under Section 39.0241, the percentage of
2 students who performed satisfactorily on the assessment
3 instruments, aggregated across grade levels by subject area; and

4 (B) assessment instruments required under
5 Section 39.023(b), aggregated across grade levels by subject area,
6 including the percentage of students who performed satisfactorily
7 on the assessment instruments, as determined by the performance
8 standard adopted by the agency, aggregated across grade levels by
9 subject area;

10 (2) in the second domain:

11 (A) for assessment instruments under Subdivision
12 (1)(A):

13 (i) for the performance standard determined
14 by the commissioner under Section 39.0241(a), the percentage of
15 students who met the standard for annual improvement on the
16 assessment instruments, as determined by the commissioner by rule
17 or by the method for measuring annual improvement under Section
18 39.034, aggregated across grade levels by subject area; and

19 (ii) for the college readiness performance
20 standard as determined under Section 39.0241, the percentage of
21 students who met the standard for annual improvement on the
22 assessment instruments, as determined by the commissioner by rule
23 or by the method for measuring annual improvement under Section
24 39.034, aggregated across grade levels by subject area; and

25 (B) for assessment instruments under Subdivision
26 (1)(B), the percentage of students who met the standard for annual
27 improvement on the assessment instruments, as determined by the

1 commissioner by rule or by the method for measuring annual
2 improvement under Section 39.034, aggregated across grade levels by
3 subject area;

4 (3) in the third domain, the student academic
5 achievement differentials among students from different racial and
6 ethnic groups and socioeconomic backgrounds;

7 (4) in the fourth domain:

8 (A) for evaluating the performance of high school
9 campuses and districts that include high school campuses:

10 (i) dropout rates, including dropout rates
11 and district completion rates for grade levels 9 through 12,
12 computed in accordance with standards and definitions adopted by
13 the National Center for Education Statistics of the United States
14 Department of Education;

15 (ii) high school graduation rates, computed
16 in accordance with standards and definitions adopted in compliance
17 with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et
18 seq.);

19 (iii) the percentage of students who
20 successfully completed the curriculum requirements for the
21 distinguished level of achievement under the foundation high school
22 program;

23 (iv) the percentage of students who
24 successfully completed the curriculum requirements for an
25 endorsement under Section 28.025(c-1);

26 (v) the percentage of students who
27 completed a coherent sequence of career and technical courses;

1 (vi) [~~the percentage of students who~~
2 ~~satisfy the Texas Success Initiative (TSI) college readiness~~
3 ~~benchmarks prescribed by the Texas Higher Education Coordinating~~
4 ~~Board under Section 51.3062(f) on an assessment instrument in~~
5 ~~reading, writing, or mathematics designated by the Texas Higher~~
6 ~~Education Coordinating Board under Section 51.3062(c);~~

7 [~~(vii)~~] the percentage of students who earn
8 at least 12 hours of postsecondary credit required for the
9 foundation high school program under Section 28.025 or to earn an
10 endorsement under Section 28.025(c-1);

11 (vii) [~~(viii)~~] the percentage of students
12 who have completed an advanced placement course;

13 (viii) [~~(ix)~~] the percentage of students
14 who enlist in the armed forces of the United States; and

15 (ix) [~~(x)~~] the percentage of students who
16 earn an industry certification;

17 (B) for evaluating the performance of middle and
18 junior high school and elementary school campuses and districts
19 that include those campuses:

20 (i) student attendance; and

21 (ii) for middle and junior high school
22 campuses:

23 (a) dropout rates, computed in the
24 manner described by Paragraph (A)(i); and

25 (b) the percentage of students in
26 grades seven and eight who receive instruction in preparing for
27 high school, college, and a career that includes information

1 regarding the creation of a high school personal graduation plan
2 under Section 28.02121, the distinguished level of achievement
3 described by Section 28.025(b-15), each endorsement described by
4 Section 28.025(c-1), college readiness standards, and potential
5 career choices and the education needed to enter those careers; and

6 (C) any additional indicators of student
7 achievement not associated with performance on standardized
8 assessment instruments determined appropriate for consideration by
9 the commissioner in consultation with educators, parents, business
10 and industry representatives, and employers; and

11 (5) in the fifth domain, three programs or specific
12 categories of performance related to community and student
13 engagement locally selected and evaluated as provided by Section
14 39.0546.

15 (c-2) The commissioner by rule shall determine a method by
16 which a student's performance may be included in determining the
17 performance rating of a school district or campus under Section
18 39.054 if, before the student graduates, the student[+]

19 [~~(1) satisfies the Texas Success Initiative (TSI)~~
20 ~~college readiness benchmarks prescribed by the Texas Higher~~
21 ~~Education Coordinating Board under Section 51.3062(f) on an~~
22 ~~assessment instrument designated by the Texas Higher Education~~
23 ~~Coordinating Board under Section 51.3062(c), or~~

24 [~~(2)~~] performs satisfactorily on an assessment
25 instrument under Section 39.023(c), notwithstanding Subsection
26 (d).

27 SECTION 6. Section 51.406(c), Education Code, is amended to

1 read as follows:

2 (c) A rule or policy of a state agency, including the Texas
3 Higher Education Coordinating Board, in effect on June 1, 2011,
4 that requires reporting by a university system or an institution of
5 higher education has no effect on or after September 1, 2013, unless
6 the rule or policy is affirmatively and formally readopted before
7 that date by formal administrative rule published in the Texas
8 Register and adopted in compliance with Chapter 2001, Government
9 Code. This subsection does not apply to:

10 (1) a rule or policy for which the authorizing statute
11 is listed in Subsection (b);

12 (2) a rule or policy for which the authorizing statute
13 is repealed on or before September 1, 2013, by legislation enacted
14 by the legislature that becomes law; or

15 (3) a report required under any of the following
16 provisions:

17 (A) Article 59.06(g)(1), Code of Criminal
18 Procedure;

19 (B) Section 51.005;

20 (C) Section 51.0051;

21 (D) [~~Section 51.3062,~~

22 [~~(E)~~] Section 51.402;

23 (E) [~~(F)~~] Section 56.039;

24 (F) [~~(G)~~] Section 61.051(k);

25 (G) [~~(H)~~] Section 61.059;

26 (H) [~~(I)~~] Section 62.095(b);

27 (I) [~~(J)~~] Section 62.098;

- 1 (J) [~~(K)~~] Section [411.187](#)(b), Government Code;
- 2 (K) [~~(L)~~] Subchapter C, Chapter [606](#), Government
- 3 Code;
- 4 (L) [~~(M)~~] Subchapter E, Chapter [815](#), Government
- 5 Code; or
- 6 (M) [~~(N)~~] Chapter [1551](#), Insurance Code.

7 SECTION 7. Section [54.2001](#)(b), Education Code, is amended

8 to read as follows:

9 (b) In determining whether a person has completed a number

10 of semester credit hours that is considered to be excessive for

11 purposes of Subsection (a)(2), semester credit hours completed

12 include transfer credit hours that count toward the person's

13 undergraduate degree or certificate program course requirements

14 but exclude:

- 15 (1) hours earned exclusively by examination;
- 16 (2) hours earned for a course for which the person
- 17 received credit toward the person's high school academic
- 18 requirements; and
- 19 (3) hours earned for developmental coursework that an
- 20 institution of higher education required the person to take [~~under~~
- 21 ~~Section [51.3062](#) or~~] under the former provisions of Section [51.306](#)
- 22 or [51.3062](#).

23 SECTION 8. Section [56.3041](#)(a), Education Code, is amended

24 to read as follows:

25 (a) To be eligible initially for a TEXAS grant, a person

26 graduating from high school on or after May 1, 2013, and enrolling

27 in an eligible institution must:

1 (1) be a resident of this state as determined by
2 coordinating board rules;

3 (2) meet the academic requirements prescribed by
4 Paragraph (A), (B), (C), or (D) as follows:

5 (A) be a graduate of a public or accredited
6 private high school in this state who completed the foundation high
7 school program established under Section 28.025 or its equivalent
8 and have accomplished any two or more of the following:

9 (i) successful completion of the course
10 requirements of the international baccalaureate diploma program or
11 earning of the equivalent of at least 12 semester credit hours of
12 college credit in high school through courses described in Sections
13 28.009(a)(1), (2), and (3);

14 (ii) achievement of a score set by the
15 coordinating board on the Scholastic Assessment Test (SAT) or the
16 American College Test (ACT), achievement of scores set by the
17 coordinating board on the questions developed for end-of-course
18 assessment instruments under former Section 39.0233(a), or
19 demonstration of the performance standard for college readiness as
20 provided by Section 28.008 on the postsecondary readiness
21 assessment instruments adopted under Section 39.0238 for Algebra II
22 and English III [~~satisfaction of the Texas Success Initiative (TSI)~~
23 ~~college readiness benchmarks prescribed by the coordinating board~~
24 ~~under Section 51.3062(f) on any assessment instrument designated by~~
25 ~~the coordinating board under Section 51.3062(c) or qualification~~
26 ~~for an exemption as described by Section 51.3062(p), (q), or~~
27 ~~(q-1)];~~

1 (iii) graduation in the top one-third of
2 the person's high school graduating class or graduation from high
3 school with a grade point average of at least 3.0 on a four-point
4 scale or the equivalent; or

5 (iv) completion for high school credit of
6 at least one advanced mathematics course following the successful
7 completion of an Algebra II course or at least one advanced career
8 and technical or technology applications course;

9 (B) have received an associate degree from a
10 public or private institution of higher education;

11 (C) be an undergraduate student who has:

12 (i) previously attended another
13 institution of higher education;

14 (ii) received an initial Texas Educational
15 Opportunity Grant under Subchapter P for the 2014 fall semester or a
16 subsequent academic term;

17 (iii) completed at least 24 semester credit
18 hours at any institution or institutions of higher education; and

19 (iv) earned an overall grade point average
20 of at least 2.5 on a four-point scale or the equivalent on all
21 course work previously attempted; or

22 (D) if sufficient money is available, meet the
23 eligibility criteria described by Section 56.304(a)(2)(A);

24 (3) meet financial need requirements established by
25 the coordinating board;

26 (4) be enrolled in an undergraduate degree or
27 certificate program at an eligible institution;

1 (5) except as provided under rules adopted under
2 Section 56.304(h), be enrolled as:

3 (A) an entering undergraduate student for at
4 least three-fourths of a full course load, as determined by the
5 coordinating board, not later than the 16th month after the
6 calendar month in which the person graduated from high school;

7 (B) an entering undergraduate student who
8 entered military service not later than the first anniversary of
9 the date the person graduated from high school and who enrolled for
10 at least three-fourths of a full course load, as determined by the
11 coordinating board, at the eligible institution not later than 12
12 months after being honorably discharged from military service;

13 (C) a continuing undergraduate student for at
14 least three-fourths of a full course load, as determined by the
15 coordinating board, not later than the 12th month after the
16 calendar month in which the person received an associate degree
17 from a public or private institution of higher education; or

18 (D) an undergraduate student described by
19 Subdivision (2)(C) who has never previously received a TEXAS grant;

20 (6) have applied for any available financial aid or
21 assistance; and

22 (7) comply with any additional nonacademic
23 requirements adopted by the coordinating board under this
24 subchapter.

25 SECTION 9. Section 315.004, Labor Code, is amended to read
26 as follows:

27 Sec. 315.004. ADULT EDUCATION ASSESSMENT. The commission

1 shall, in consultation with the Texas Higher Education Coordinating
2 Board and the Texas Education Agency, review the standardized
3 assessment mechanism required under Section 315.002(a)(7) and
4 recommend any changes necessary to [~~align the assessment with the~~
5 ~~assessments designated under Section 51.3062, Education Code, to~~]
6 allow for the proper placement of a student in an adult basic
7 education course or to provide the student with the proper
8 [~~developmental or~~] English as a second language coursework, as
9 appropriate.

10 SECTION 10. The following provisions of the Education Code
11 are repealed:

- 12 (1) Section 39.0233(a);
- 13 (2) Section 39.025(a-1);
- 14 (3) Section 51.3062; and
- 15 (4) Section 61.07611.

16 SECTION 11. This Act applies beginning with the 2017 fall
17 semester.

18 SECTION 12. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect September 1, 2017.