

By: Allen

H.B. No. 3114

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to eliminating performance requirements for public school  
3 assessments as a criterion for promotion in certain grade levels  
4 and the use of individual graduation committees to satisfy certain  
5 public high school graduation requirements.

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

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

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

12 SECTION 2. Section 28.021(c), Education Code, is amended to  
13 read as follows:

14 (c) In determining promotion under Subsection (a), a school  
15 district shall consider:

16 (1) the recommendation of the student's teacher;

17 (2) the student's grade in each subject or course; and

18 (3) [~~the student's score on an assessment instrument  
19 administered under Section 39.023(a), (b), or (1), to the extent  
20 applicable; and~~

21 [~~4~~] any other necessary academic information, as  
22 determined by the district.

23 SECTION 3. The heading to Section 28.0211, Education Code,  
24 is amended to read as follows:

1           Sec. 28.0211. [~~SATISFACTORY PERFORMANCE ON ASSESSMENT~~  
2 ~~INSTRUMENTS REQUIRED,~~] ACCELERATED INSTRUCTION.

3           SECTION 4. Sections 28.0211(a-1), (c), (d), (g), (i), and  
4 (k), Education Code, are amended to read as follows:

5           (a-1) Each time a student fails to perform satisfactorily on  
6 an assessment instrument administered under Section 39.023(a) [~~in~~  
7 ~~the third, fourth, fifth, sixth, seventh, or eighth grade~~], the  
8 school district in which the student attends school shall provide  
9 to the student accelerated instruction in the applicable subject  
10 area. Accelerated instruction may require participation of the  
11 student before or after normal school hours and may include  
12 participation at times of the year outside normal school  
13 operations.

14           (c) [~~Each time a student fails to perform satisfactorily on~~  
15 ~~an assessment instrument specified under Subsection (a), the school~~  
16 ~~district in which the student attends school shall provide to the~~  
17 ~~student accelerated instruction in the applicable subject area,~~  
18 ~~including reading instruction for a student who fails to perform~~  
19 ~~satisfactorily on a reading assessment instrument. After a student~~  
20 ~~fails to perform satisfactorily on an assessment instrument a~~  
21 ~~second time, a grade placement committee shall be established to~~  
22 ~~prescribe the accelerated instruction the district shall provide to~~  
23 ~~the student before the student is administered the assessment~~  
24 ~~instrument the third time. The grade placement committee shall be~~  
25 ~~composed of the principal or the principal's designee, the~~  
26 ~~student's parent or guardian, and the teacher of the subject of an~~  
27 ~~assessment instrument on which the student failed to perform~~

1 ~~satisfactorily. The district shall notify the parent or guardian~~  
2 ~~of the time and place for convening the grade placement committee~~  
3 ~~and the purpose of the committee.]~~ An accelerated instruction  
4 group administered by a school district under this section may not  
5 have a ratio of more than 10 students for each teacher.

6 (d) In addition to providing accelerated instruction to a  
7 student under Subsection (a-1) [~~(e)~~], the district shall notify the  
8 student's parent or guardian of:

9 (1) the student's failure to perform satisfactorily on  
10 the assessment instrument; and

11 (2) the accelerated instruction program to which the  
12 student is assigned[~~, and~~

13 [~~(3) the possibility that the student might be~~  
14 ~~retained at the same grade level for the next school year].~~

15 (g) This section does not preclude the retention at a grade  
16 level, in accordance with state law or school district policy, of a  
17 student who performs satisfactorily on an assessment instrument  
18 [~~specified under Subsection (a)~~].

19 (i) The admission, review, and dismissal committee of a  
20 student who participates in a district's special education program  
21 under Subchapter A [~~B~~], Chapter 29, and who does not perform  
22 satisfactorily on an assessment instrument [~~specified under~~  
23 ~~Subsection (a) and~~] administered under Section 39.023(a) or (b)  
24 shall determine[~~,~~

25 [~~(1)~~] the manner in which the student will participate  
26 in an accelerated instruction program under this section[~~, and~~

27 [~~(2) whether the student will be promoted or retained~~

1 ~~under this section].~~

2 (k) The commissioner shall adopt rules as necessary to  
3 implement this section~~[, including rules concerning when school~~  
4 ~~districts shall administer assessment instruments required under~~  
5 ~~this section and which administration of the assessment instruments~~  
6 ~~will be used for purposes of Section 39.054].~~

7 SECTION 5. Section 28.025(c-6), Education Code, is amended  
8 to read as follows:

9 (c-6) Notwithstanding Subsection (c), a person may receive  
10 a diploma if the person is eligible for a diploma under Section  
11 28.0258. ~~[This subsection expires September 1, 2017.]~~

12 SECTION 6. Section 28.0258(e), Education Code, is amended  
13 to read as follows:

14 (e) To be eligible to graduate and receive a high school  
15 diploma under this section, a student must successfully complete  
16 the curriculum requirements required for high school graduation:

17 (1) identified by the State Board of Education under  
18 Section 28.025(a); or

19 (2) as otherwise provided by the transition plan  
20 adopted by the commissioner to implement and administer the  
21 amendments made by Chapter 211 (H.B. 5), Acts of the 83rd  
22 Legislature, Regular Session, 2013, replacing the minimum,  
23 recommended, and advanced high school programs with the foundation  
24 high school program ~~[under Section 28.025(h)].~~

25 SECTION 7. Section 39.025(a-2), Education Code, as added by  
26 Chapter 5 (S.B. 149), Acts of the 84th Legislature, Regular  
27 Session, 2015, is amended to read as follows:

1           (a-2) Notwithstanding Subsection (a), a student who has  
2 failed to perform satisfactorily on end-of-course assessment  
3 instruments in the manner provided under this section may receive a  
4 high school diploma if the student has qualified for graduation  
5 under Section 28.0258. [~~This subsection expires September 1,~~  
6 ~~2017.~~]

7           SECTION 8. Section 39.025(a-3), Education Code, is amended  
8 to read as follows:

9           (a-3) A student who, after retaking an end-of-course  
10 assessment instrument for Algebra I or English II, has failed to  
11 perform satisfactorily as required by Subsection (a), but who  
12 receives a score of proficient on the Texas Success Initiative  
13 (TSI) diagnostic assessment for the corresponding subject for which  
14 the student failed to perform satisfactorily on the end-of-course  
15 assessment instrument satisfies the requirement concerning the  
16 Algebra I or English II end-of-course assessment, as applicable.  
17 [~~This subsection expires September 1, 2017.~~]

18           SECTION 9. Section 39.301(c), Education Code, is amended to  
19 read as follows:

20           (c) Indicators for reporting purposes must include:

21                   (1) the percentage of graduating students who meet the  
22 course requirements established by State Board of Education rule  
23 for:

24                           (A) the foundation high school program;

25                           (B) the distinguished level of achievement under  
26 the foundation high school program; and

27                           (C) each endorsement described by Section

1 28.025(c-1);

2 (2) the results of the SAT, ACT, articulated  
3 postsecondary degree programs described by Section 61.852, and  
4 certified workforce training programs described by Chapter 311,  
5 Labor Code;

6 (3) for students who have failed to perform  
7 satisfactorily, under each performance standard under Section  
8 39.0241, on an assessment instrument required under Section  
9 39.023(a) or (c), the performance of those students on subsequent  
10 assessment instruments required under those sections, aggregated  
11 by grade level and subject area;

12 (4) for each campus, the number of students,  
13 disaggregated by major student subpopulations, that take courses  
14 under the foundation high school program and take additional  
15 courses to earn an endorsement under Section 28.025(c-1),  
16 disaggregated by type of endorsement;

17 (5) the percentage of students, aggregated by grade  
18 level, provided accelerated instruction under Section 28.0211  
19 [~~28.0211(c), the results of assessment instruments administered~~  
20 ~~under that section, the percentage of students promoted through the~~  
21 ~~grade placement committee process under Section 28.0211]~~, the  
22 subject of the assessment instrument on which each student failed  
23 to perform satisfactorily under each performance standard under  
24 Section 39.0241, and the performance of those students in the  
25 following school year [~~following that promotion~~] on the assessment  
26 instruments required under Section 39.023;

27 (6) the percentage of students of limited English

1 proficiency exempted from the administration of an assessment  
2 instrument under Sections 39.027(a)(1) and (2);

3 (7) the percentage of students in a special education  
4 program under Subchapter A, Chapter 29, assessed through assessment  
5 instruments developed or adopted under Section 39.023(b);

6 (8) the percentage of students who satisfy the college  
7 readiness measure;

8 (9) the measure of progress toward dual language  
9 proficiency under Section 39.034(b), for students of limited  
10 English proficiency, as defined by Section 29.052;

11 (10) the percentage of students who are not  
12 educationally disadvantaged;

13 (11) the percentage of students who enroll and begin  
14 instruction at an institution of higher education in the school  
15 year following high school graduation; and

16 (12) the percentage of students who successfully  
17 complete the first year of instruction at an institution of higher  
18 education without needing a developmental education course.

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

21 (1) Sections 28.0211(a), (a-2), (b), (e), (f), (n),  
22 (o), and (p);

23 (2) Section 28.0258(1); and

24 (3) Section 28.0259(e).

25 SECTION 11. This Act applies beginning with the 2017-2018  
26 school year.

27 SECTION 12. This Act takes effect immediately if it

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1 receives a vote of two-thirds of all the members elected to each  
2 house, as provided by Section 39, Article III, Texas Constitution.  
3 If this Act does not receive the vote necessary for immediate  
4 effect, this Act takes effect September 1, 2017.