

By: Seliger

S.B. No. 615

A BILL TO BE ENTITLED

AN ACT

relating to requirements regarding assessment instruments required for public high school graduation and the use of individual graduation committees to satisfy certain public high school graduation requirements.

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

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

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

SECTION 2. Section 18.006(b), Education Code, is amended to read as follows:

(b) In addition to other factors determined to be appropriate by the commissioner, the accountability system must include consideration of:

(1) student performance on the ~~[end-of-course]~~ assessment instruments required by Section 39.023(c); and

(2) dropout rates, including dropout rates and diploma program completion rates for the grade levels served by the diploma program.

SECTION 3. Section 25.005(b), Education Code, is amended to read as follows:

(b) A reciprocity agreement must:

(1) address procedures for:

(A) transferring student records;

(B) awarding credit for completed course work;

and

(C) permitting a student to satisfy the requirements of Section 39.025 through successful performance on comparable ~~[end-of-course or other exit-level]~~ assessment instruments administered in another state; and

(2) include appropriate criteria developed by the agency.

SECTION 4. 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~~[7, 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 5. Section 28.0211(o), Education Code, is amended to read as follows:

(o) This section does not require the administration of a fifth ~~[or eighth]~~ grade assessment instrument in a subject under Section 39.023(a) to a student enrolled in the fifth ~~[or eighth]~~ grade ~~[, as applicable,]~~ if the student ~~[+]~~

~~[(1)]~~ is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Section 39.023(a) that aligns with the curriculum for the course in which the student is enrolled ~~[, or~~

~~[(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Section 39.023(c) for the course].~~

SECTION 6. Section 28.023(c), Education Code, is amended to read as follows:

(c) A school district shall give a student in grade level six or above credit for a subject on the basis of an examination for credit in the subject approved by the board of trustees under Subsection (a) if the student scores in the 80th percentile or above on the examination or if the student achieves a score as provided by Subsection (c-1). If a student is given credit in a subject on the basis of an examination, the district shall enter the examination score on the student's transcript and the student is not required to take an ~~[end-of-course]~~ assessment instrument adopted under Section 39.023(c) for that subject.

SECTION 7. Sections 28.025(b-4) and (c-6), Education Code, are amended to read as follows:

(b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable ~~[end-of-course]~~ assessment instrument as provided by Sections 39.023(c) and 39.025.

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

SECTION 8. Section 28.0255, Education Code, is amended by amending Subsections (g) and (h) and adding Subsection (g-1) to read as follows:

(g) A student entering the ninth grade during the 2017-2018 school year is entitled to a high school diploma if the student:

(1) successfully complies with the curriculum requirements specified under Subsection (e); and

(2) performs satisfactorily, as determined by the commissioner under Subsection (h), on:

(A) end-of-course assessment instruments listed under Section 39.023(c) for courses in which the student was enrolled; and

(B) the mathematics and reading portions of the Texas Success Initiative (TSI) diagnostic assessment required to be administered under Section 39.023(c).

(g-1) A student other than a student described by Subsection

1 (g) is entitled to a high school diploma if the student:

2 (1) successfully complies with the curriculum
3 requirements specified under Subsection (e); and

4 (2) performs satisfactorily, as determined by the
5 commissioner under Subsection (h), on assessment instruments
6 listed under Section 39.023(c), as that section existed before
7 amendment by .B. _____, Acts of the 85th Legislature, Regular
8 Session, 2017, for courses in which the student was enrolled.

9 (h) For purposes of Subsections [~~Subsection~~] (g)(2) and
10 (g-1)(2), the commissioner shall determine the level of
11 satisfactory performance on applicable [~~end-of-course~~] assessment
12 instruments administered to a student.

13 SECTION 9. Section 28.0258, Education Code, is amended by
14 amending Subsections (a), (b), (e), (f), (h), (j), and (k) and
15 adding Subsection (m) to read as follows:

16 (a) This section applies only to an 11th or 12th grade
17 student who has failed to comply with the [~~end-of-course~~]
18 assessment instrument performance requirements under Section
19 39.025 for not more than two subjects identified under Section
20 39.023(c) [courses]. For purposes of this section, English I
21 writing, English II writing, and reading are considered separate
22 subjects.

23 (b) For each student to whom this section applies, the
24 school district that the student attends shall establish an
25 individual graduation committee at the end of or after the
26 student's 11th grade year to determine whether the student may
27 qualify to graduate as provided by this section. A student may not

1 qualify to graduate under this section before the student's 12th
2 grade year. The committee shall be composed of:

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

4 (2) for each subject identified under Section
5 39.023(c) for ~~[end-of-course assessment instrument on]~~ which the
6 student failed to perform satisfactorily on the appropriate
7 corresponding required assessment instrument, the teacher of the
8 course, if appropriate, or a teacher of the student in that subject,
9 designated by the principal;

10 (3) the department chair or lead teacher supervising
11 the teacher described by Subdivision (2); and

12 (4) as applicable:

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

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

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

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

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

25 (2) as otherwise provided by the transition plan
26 adopted by the commissioner to implement and administer the
27 amendments made by Chapter 211 (H.B. 5), Acts of the 83rd

1 Legislature, Regular Session, 2013, replacing the minimum,
2 recommended, and advanced high school programs with the foundation
3 high school program [under Section 28.025(h)].

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

8 (1) additional remediation; and

9 (2) for each ~~[end-of-course]~~ assessment instrument
10 required under Section 39.023(c) on which the student failed to
11 perform satisfactorily:

12 (A) the completion of a project related to the
13 subject ~~[area of the course]~~ that demonstrates proficiency in the
14 subject ~~[area]~~; or

15 (B) the preparation of a portfolio of work
16 samples in the subject ~~[area of the course]~~, including work samples
17 ~~[from the course]~~ that demonstrate proficiency in the subject
18 ~~[area]~~.

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

22 (1) the recommendation of the student's teacher in
23 each course of the subject for which the student failed to perform
24 satisfactorily on an ~~[end-of-course]~~ assessment instrument;

25 (2) the student's grade in each course of the subject
26 for which the student failed to perform satisfactorily on an
27 ~~[end-of-course]~~ assessment instrument;

1 (3) the student's score on each ~~[end-of-course]~~
2 assessment instrument required under Section 39.023(c) on which the
3 student failed to perform satisfactorily;

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

6 (5) the number of hours of remediation that the
7 student has attended, including~~+~~

8 ~~[(A) attendance in a college preparatory course~~
9 ~~required under Section 39.025(b-2), if applicable; or~~

10 ~~[(B)]~~ attendance in and successful completion of
11 a transitional college course in reading or mathematics;

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

13 (7) the student's satisfaction of any of the Texas
14 Success Initiative (TSI) college readiness benchmarks prescribed
15 by the Texas Higher Education Coordinating Board;

16 (8) the student's successful completion of a dual
17 credit course in English, mathematics, science, or social studies;

18 (9) the student's successful completion of a high
19 school pre-advanced placement, advanced placement, or
20 international baccalaureate program course in English,
21 mathematics, science, or social studies;

22 (10) the student's rating of advanced high on the most
23 recent high school administration of the Texas English Language
24 Proficiency Assessment System;

25 (11) the student's score of 50 or greater on a
26 College-Level Examination Program examination;

27 (12) the student's score on the ACT, the SAT, or the

1 Armed Services Vocational Aptitude Battery test;

2 (13) the student's completion of a sequence of courses
3 under a career and technical education program required to attain
4 an industry-recognized credential or certificate;

5 (14) the student's overall preparedness for
6 postsecondary success; and

7 (15) any other academic information designated for
8 consideration by the board of trustees of the school district.

9 (j) Notwithstanding any action taken by an individual
10 graduation committee under this section, a school district shall
11 administer an ~~[end-of-course]~~ assessment instrument required under
12 Section 39.023(c) to any student who fails to perform
13 satisfactorily on an ~~[end-of-course]~~ assessment instrument
14 required under Section 39.023(c) as provided by Section 39.025(b).
15 For purposes of Section 39.053(c)(1), an assessment instrument
16 administered as provided by this subsection is considered an
17 assessment instrument required for graduation retaken by a student.

18 (k) The commissioner shall adopt rules as necessary to
19 administer ~~[implement]~~ this section ~~[not later than the 2015-2016~~
20 ~~school year]~~.

21 (m) With respect to students that are administered
22 end-of-course assessment instruments required by Section
23 39.023(c), as that section existed before amendment by .B. ____,
24 Acts of the 85th Legislature, Regular Session, 2017, as provided by
25 Sections 39.025(f) and (f-1), English I and English II are
26 considered separate subjects for purposes of Subsection (a). This
27 subsection expires September 1, 2023.

SECTION 10. Sections 29.081(b) and (b-1), Education Code, are amended to read as follows:

(b) Each district shall provide accelerated instruction to a student enrolled in the district who has taken an ~~[end-of-course]~~ assessment instrument required ~~[administered]~~ under Section 39.023(c) and has not performed satisfactorily on the assessment instrument or who is at risk of dropping out of school.

(b-1) Each school district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an ~~[end-of-course]~~ assessment instrument required for graduation.

SECTION 11. Section 29.087(f), Education Code, is amended to read as follows:

(f) A student participating in a program authorized by this section, other than a student ordered to participate under Subsection (d)(1), must have taken the appropriate ~~[end-of-course]~~ assessment instruments specified by Section 39.023(c) before entering the program and must take each appropriate ~~[end-of-course]~~ assessment instrument administered during the period in which the student is enrolled in the program. Except for a student ordered to participate under Subsection (d)(1), a student participating in the program may not take the high school equivalency examination unless the student has taken the assessment instruments required by this subsection.

SECTION 12. Section 29.402(b), Education Code, is amended

1 to read as follows:

2 (b) A person who is under 26 years of age is eligible to
3 enroll in a dropout recovery program under this subchapter if the
4 person:

5 (1) must complete not more than three course credits
6 to complete the curriculum requirements for the foundation high
7 school program for high school graduation; or

8 (2) has failed to perform satisfactorily on:

9 (A) an ~~[end-of-course]~~ assessment instrument
10 administered under Section 39.023(c);

11 (B) an assessment instrument administered under
12 Section 39.023(c) as that section existed before amendment by S.B.
13 ____, Acts of the 85th Legislature, Regular Session, 2017; or

14 (C) an assessment instrument administered under
15 Section 39.023(c) as that section existed before amendment by
16 Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular
17 Session, 2007.

18 SECTION 13. Sections 39.023(a-2), (c-1), (c-3), and (e),
19 Education Code, as effective September 1, 2017, are amended to read
20 as follows:

21 (a-2) Except as required by federal law, a student is not
22 required to be assessed in a subject otherwise assessed at the
23 student's grade level under Subsection (a) if the student[+]

24 [~~+1+~~] is enrolled in a course in the subject intended
25 for students above the student's grade level and will be
26 administered an assessment instrument adopted or developed under
27 Subsection (a) that aligns with the curriculum for the course in

which the student is enrolled[~~, or~~

~~[(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course].~~

(c-1) For an ~~[The agency shall develop any]~~ assessment instrument required under this section that is developed by the agency, the agency shall develop the assessment instrument in a manner that allows for the measurement of annual improvement in student achievement as required by Sections 39.034(c) and (d).

(c-3) In adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall require:

(1) assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year; and

(2) the spring administration of end-of-course assessment instruments listed under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of the end-of-course assessment instruments in English I writing and English II writing must be permitted to occur at an earlier date.

(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection

1 (a), (b), ~~[(c)],~~ (d), or (l), excluding any assessment instrument
 2 administered to a student for the purpose of retaking the
 3 assessment instrument, after the last time the instrument is
 4 administered for that school year. To ensure a valid bank of
 5 questions for use each year, the agency is not required to release a
 6 question that is being field-tested and was not used to compute the
 7 student's score on the instrument. The agency shall also release,
 8 under board rule, each question that is no longer being
 9 field-tested and that was not used to compute a student's score.
 10 This subsection applies in the same manner to each end-of-course
 11 assessment instrument administered under Subsection (c) ~~[During~~
 12 ~~the 2014-2015 and 2015-2016 school years, the agency shall release~~
 13 ~~the questions and answer keys to assessment instruments as~~
 14 ~~described by this subsection each year].~~

15 SECTION 14. Sections [39.023](#)(c), (c-2), (c-5), (h), and (i),
 16 Education Code, are amended to read as follows:

17 (c) The agency shall also adopt end-of-course assessment
 18 instruments for secondary-level courses in ~~[Algebra I,~~ biology,
 19 English I, English II, and United States history. ~~[The Algebra I~~
 20 ~~end-of-course assessment instrument must be administered with the~~
 21 ~~aid of technology.]~~ The English I and English II end-of-course
 22 assessment instruments may only ~~[must each]~~ assess essential
 23 knowledge and skills in ~~[both reading and]~~ writing ~~[in the same~~
 24 ~~assessment instrument and must provide a single score]~~. A school
 25 district shall comply with State Board of Education rules regarding
 26 administration of the end-of-course assessment instruments listed
 27 in this subsection. The agency shall also adopt the Texas Success

1 Initiative (TSI) diagnostic assessment as the assessment
2 instrument to be administered in mathematics and reading at the
3 secondary level. The agency shall determine the appropriate grade
4 level, manner, and schedule for the administration of those
5 portions of the Texas Success Initiative (TSI) diagnostic
6 assessment. If a student is in a special education program under
7 Subchapter A, Chapter 29, the student's admission, review, and
8 dismissal committee shall determine whether any allowable
9 modification is necessary in administering to the student an
10 assessment instrument required under this subsection. The State
11 Board of Education shall administer the end-of-course assessment
12 instruments listed in this subsection. The State Board of
13 Education shall adopt a schedule for the administration of the
14 end-of-course assessment instruments that complies with the
15 requirements of Subsection (c-3).

16 (c-2) The agency may adopt end-of-course assessment
17 instruments for subjects ~~[courses]~~ not identified ~~[listed]~~ in
18 Subsection (c). A student's performance on an end-of-course
19 assessment instrument adopted under this subsection is not subject
20 to the performance requirements established under Subsection (c) or
21 Section 39.025.

22 (c-5) A student's performance on an ~~[end-of-course]~~
23 assessment instrument required under Subsection (c) must be
24 included in the student's academic achievement record.

25 (h) Subject to any alternative procedures provided by rule
26 under this subsection, the ~~[The]~~ agency shall notify school
27 districts and campuses of the results of assessment instruments

administered under this section not later than the 21st day after the date the assessment instrument is administered. The agency by rule shall adopt procedures to ensure that school districts and campuses are notified of the results of the mathematics and reading portions of the Texas Success Initiative (TSI) assessment administered in accordance with Section 39.023(c) not later than the 21st day after the date those portions of the assessment are administered. The school district shall disclose to each district teacher the results of assessment instruments administered under this section to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.

(i) Except as provided by this subsection, the [The] provisions of this section[, except Subsection (d)], are subject to modification by rules adopted under Section 39.022. The provisions of Subsection (c) requiring the administration of the Texas Success Initiative (TSI) diagnostic assessment in mathematics and reading at the secondary level and the provisions of Subsection (d) regarding voluntary standardized end-of-course assessment instruments are not subject to modification. Each assessment instrument adopted under ~~[those]~~ rules adopted under Section 39.022 and each assessment instrument required under Subsection (d) must be reliable and valid and must meet any applicable federal requirements for measurement of student progress.

SECTION 15. The heading to Section 39.0232, Education Code, is amended to read as follows:

Sec. 39.0232. USE OF ~~[END-OF-COURSE]~~ ASSESSMENT INSTRUMENT AS PLACEMENT INSTRUMENT; CERTAIN USES PROHIBITED.

SECTION 16. Sections 39.0232(a), (b), and (c), Education Code, are amended to read as follows:

(a) To the extent practicable, the agency shall ensure that any high school ~~[end-of-course]~~ assessment instrument adopted under Section 39.023(c) ~~[developed by the agency is developed in such a manner that the assessment instrument]~~ may be used to determine the appropriate placement of a student in a course of the same subject matter at an institution of higher education.

(b) A student's performance on an ~~[end-of-course]~~ assessment instrument required under Section 39.023(c) may not be used:

(1) in determining the student's class ranking for any purpose, including entitlement to automatic college admission under Section 51.803 or 51.804; or

(2) as a sole criterion in the determination of whether to admit the student to a general academic teaching institution in this state.

(c) Subsection (b)(2) does not prohibit a general academic teaching institution from implementing an admission policy that takes into consideration a student's performance on an ~~[end-of-course]~~ assessment instrument required under Section 39.023(c) in addition to other criteria.

SECTION 17. The heading to Section 39.0233, Education Code, is amended to read as follows:

Sec. 39.0233. SPECIAL-PURPOSE QUESTIONS INCLUDED IN CERTAIN END-OF-COURSE ASSESSMENT INSTRUMENTS.

SECTION 18. Section 39.0233(b), Education Code, is amended

1 to read as follows:

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

15 SECTION 19. Section 39.024(i), Education Code, is amended
 16 to read as follows:

17 (i) The agency shall gather data and conduct research to
 18 substantiate any correlation between a certain level of performance
 19 by students on [~~end-of-course~~] assessment instruments required
 20 under Section 39.023(c) and success in:

- 21 (1) military service; or
- 22 (2) a workforce training, certification, or other
- 23 credential program at a postsecondary educational institution that
- 24 primarily offers associate degrees or certificates or credentials
- 25 other than baccalaureate or advanced degrees.

26 SECTION 20. Section 39.0241(a-1), Education Code, is
 27 amended to read as follows:

1 (a-1) Except as provided by this subsection, the [The]
2 commissioner of education, in collaboration with the commissioner
3 of higher education, shall determine the level of performance
4 necessary to indicate college readiness, as defined by Section
5 39.024(a). The level of performance necessary to indicate college
6 readiness, as defined by Section 39.024(a), for the mathematics and
7 reading portion of the Texas Success Initiative (TSI) diagnostic
8 assessment required to be administered under Section 39.023(c) is
9 satisfaction of the Texas Success Initiative (TSI) college
10 readiness benchmarks prescribed by the Texas Higher Education
11 Coordinating Board under Section 51.3062(f).

12 SECTION 21. Section 39.025, Education Code, is amended by
13 amending Subsections (a), (a-1), (a-3), (a-4), (b), (b-1), and (f)
14 and adding Subsection (f-1) to read as follows:

15 (a) The commissioner shall adopt rules requiring a student
16 in the foundation high school program under Section 28.025 to be
17 administered an end-of-course assessment instrument listed in
18 Section 39.023(c) only for a course in which the student is enrolled
19 and for which an end-of-course assessment instrument is
20 administered. Each student in the foundation high school program
21 under Section 28.025 shall be administered the Texas Success
22 Initiative (TSI) diagnostic assessment in mathematics and reading
23 as provided by agency rule under Section 39.023(c). A student is
24 required to achieve a scale score that indicates satisfactory
25 performance, as determined by the commissioner under Section
26 39.0241(a), on each ~~[end-of-course]~~ assessment instrument
27 administered to the student. For each scale score required under

1 this subsection that is not based on a 100-point scale scoring
2 system, the commissioner shall provide for conversion, in
3 accordance with commissioner rule, of the scale score to an
4 equivalent score based on a 100-point scale scoring system. A
5 student may not receive a high school diploma until the student has
6 performed satisfactorily on ~~[end-of-course]~~ assessment instruments
7 in the manner provided under this subsection. This subsection does
8 not require a student to demonstrate readiness to enroll in an
9 institution of higher education.

10 (a-1) A student enrolled in a college preparatory
11 ~~[mathematics or]~~ English language arts course under Section 28.014
12 who satisfies the Texas Success Initiative (TSI) college readiness
13 benchmarks prescribed by the Texas Higher Education Coordinating
14 Board under Section 51.3062(f) on an assessment instrument
15 designated by the Texas Higher Education Coordinating Board under
16 Section 51.3062(c) administered at the end of the college
17 preparatory ~~[mathematics or]~~ English language arts course
18 satisfies the requirements concerning and is exempt from the
19 administration of ~~[the Algebra I or]~~ the English I writing and
20 English II writing end-of-course assessment instruments, as
21 applicable, as prescribed by Section 39.023(c), even if the student
22 did not perform satisfactorily on a previous administration of the
23 applicable end-of-course assessment instrument. A student who
24 fails to perform satisfactorily on the assessment instrument
25 designated by the Texas Higher Education Coordinating Board under
26 Section 51.3062(c) administered as provided by this subsection may
27 retake that assessment instrument for purposes of this subsection

or may take the appropriate end-of-course assessment instrument.

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

(a-4) The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on ~~[end-of-course]~~ assessment instruments required under Section 39.023(c).

(b) Each time an ~~[end-of-course]~~ assessment instrument required ~~[adopted]~~ under Section 39.023(c) is administered, a student who failed to achieve a score requirement under Subsection (a) may retake the assessment instrument. A student is not required to retake a course as a condition of retaking an ~~[end-of-course]~~ assessment instrument.

(b-1) A school district shall provide each student who fails to perform satisfactorily as determined by the commissioner under Section 39.0241(a) on an ~~[end-of-course]~~ assessment instrument required under Section 39.023(c) with accelerated instruction in

1 the subject assessed by the assessment instrument.

2 (f) The commissioner shall by rule adopt a transition plan
3 to implement and administer the amendments made by .B. _____, Acts of
4 the 85th Legislature, Regular Session, 2017 [~~Chapter 1312 (S.B.~~
5 ~~No. 1031), Acts of the 80th Legislature, Regular Session, 2007~~],
6 replacing the Algebra I end-of-course assessment instrument with
7 the Texas Success Initiative (TSI) diagnostic assessment in
8 mathematics and English I and II end-of-course assessment
9 instruments with the Texas Success Initiative (TSI) diagnostic
10 assessment in reading and the English I writing and English II
11 writing [~~general subject assessment instruments administered at~~
12 ~~the high school level with~~] end-of-course assessment instruments as
13 provided by Section 39.023(c). Except as otherwise provided by
14 this subsection, the [~~The~~] rules must provide for the replacement
15 [~~end-of-course~~] assessment instruments [~~adopted under Section~~
16 ~~39.023(c)~~] to be administered beginning with students entering the
17 ninth grade during the 2017-2018 [~~2011-2012~~] school year. The
18 rules must provide that:

19 (1) a student entering the ninth grade during the
20 2017-2018 school year who, before entering the ninth grade, was
21 administered and performed successfully on the Algebra I
22 end-of-course assessment instrument satisfies the requirements
23 concerning the Texas Success Initiative (TSI) diagnostic
24 assessment in mathematics as prescribed by Section 39.025(a);

25 (2) a student entering the ninth grade during the
26 2017-2018 school year who, before entering the ninth grade, was
27 administered and performed successfully on the English I

end-of-course assessment instrument:

(A) may choose to be administered the English II end-of-course assessment instrument under Section 39.023(c), as that section existed before amendment by .B. ____, Acts of the 85th Legislature, Regular Session, 2017, provided that the student's parent or person standing in parental relation to the student consents; and

(B) must comply with the performance requirements of Section 39.025, as that section existed before amendment by .B. ____, Acts of the 85th Legislature, Regular Session, 2017, for purposes of the English II assessment instrument;

(3) a student entering a grade above the ninth grade during the 2017-2018 school year may choose to be administered the replacement assessment instruments, provided that the student's parent or person standing in parental relation to the student consents, and must comply with the performance requirements of Section 39.025; and

(4) a student entering a grade above the ninth grade during the 2017-2018 school year who does not make the choice provided by Subdivision (3) must be administered the end-of-course assessment instruments listed under Section 39.023(c), as that section existed before amendment by .B. ____, Acts of the 85th Legislature, Regular Session, 2017, and must comply with the performance requirements of Section 39.025, as that section existed before amendment by .B. ____, Acts of the 85th Legislature, Regular Session, 2017.

(f-1) During the period under which the transition to the replacement instruments described by Subsection (f) ~~[end-of-course assessment instruments]~~ is made:

(1) for students described by Subsection (f)(1), students described by Subsection (f)(2) who make the choice provided by that subdivision, and students described by Subsection (f)(4) ~~[entering a grade above the ninth grade during the 2011-2012 school year]~~, the commissioner shall provide for the retention, administration ~~[retain, administer]~~, and use for purposes of accreditation and other campus and district accountability measures under this chapter the applicable assessment instruments required by Section 39.023(c) ~~[39.023(a) or (c)]~~, as that section existed before amendment by .B. ____, Acts of the 85th Legislature, Regular Session, 2017 ~~[Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007]~~; and

(2) a student subject to Subdivision (1) may not receive a high school diploma unless:

(A) the student has performed satisfactorily on:
(i) each required assessment instrument administered under Section 39.023(c) applicable to the student; and
(ii) each required assessment instrument administered under Section 39.023(c), as that section existed before amendment by .B. ____, Acts of the 85th Legislature, Regular Session, 2017, applicable to the student; or

(B) an individual graduation committee established under Section 28.0258 determines that the student is eligible to receive a high school diploma ~~[Chapter 1312 (S.B.~~

~~No. 1031), Acts of the 80th Legislature, Regular Session, 2007].~~

SECTION 22. Section 39.025(a-2), Education Code, as added by Chapter 5 (S.B. 149), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

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

SECTION 23. Section 39.025(a-2), Education Code, as added by Chapter 1036 (H.B. 1613), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a-2) The commissioner shall determine a method by which a student's satisfactory performance on an advanced placement test, an international baccalaureate examination, an SAT Subject Test, the SAT, the ACT, or any nationally recognized norm-referenced assessment instrument used by institutions of higher education to award course credit based on satisfactory performance on the assessment instrument shall be used to satisfy the requirements concerning an ~~[end-of-course]~~ assessment instrument required under Section 39.023(c) in an equivalent subject ~~[course]~~ as prescribed by Subsection (a). The commissioner shall determine a method by which a student's satisfactory performance on the PSAT or the ACT-Plan shall be used to satisfy the requirements concerning an ~~[end-of-course]~~ assessment instrument required under Section 39.023(c) in an equivalent subject ~~[course]~~ as prescribed by

Subsection (a). A student who fails to perform satisfactorily on a test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, may retake that test or other assessment instrument for purposes of this subsection or may take the appropriate ~~[end-of-course]~~ assessment instrument required under Section 39.023(c). A student who fails to perform satisfactorily on the PSAT or the ACT-Plan must take the appropriate ~~[end-of-course]~~ assessment instrument required under Section 39.023(c). The commissioner shall adopt rules as necessary for the administration of this subsection.

SECTION 24. Section 39.034(d), Education Code, is amended to read as follows:

(d) The agency shall determine the necessary annual improvement required each year for a student to be prepared to perform satisfactorily on, as applicable:

- (1) the grade five assessment instruments;
- (2) the grade eight assessment instruments; and
- (3) the ~~[end-of-course]~~ assessment instruments required under this subchapter for graduation.

SECTION 25. Section 39.035, Education Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) Subject to Subsection (b) and except as provided by Subsection (b-1), the agency may conduct field testing of questions for any assessment instrument administered under Section 39.023(a), (b), (c), (d), or (l) that is separate from the administration of the assessment instrument not more frequently

1 than every other school year.

2 (b-1) Subsection (a) does not apply to the Texas Success
3 Initiative (TSI) diagnostic assessment in mathematics and reading
4 administered under Section 39.023(c).

5 SECTION 26. Section 39.053(d-1), Education Code, is amended
6 to read as follows:

7 (d-1) In aggregating results of assessment instruments
8 across grade levels by subject in accordance with Subsection
9 (c)(1), the performance of a student enrolled below the high school
10 level on an assessment instrument required under Section 39.023(c)
11 is included with results relating to other students enrolled at the
12 same grade level. This subsection expires September 1, 2018.

13 SECTION 27. Section 39.203(d), Education Code, is amended
14 to read as follows:

15 (d) In addition to the distinction designations otherwise
16 described by this section, the commissioner may award a distinction
17 designation for outstanding performance in advanced middle or
18 junior high school student achievement to a campus with a
19 significant number of students below grade nine who perform
20 satisfactorily on an end-of-course assessment instrument
21 administered under Section 39.023(c). This subsection expires
22 September 1, 2018.

23 SECTION 28. Section 51.3062(q), Education Code, is amended
24 to read as follows:

25 (q) A student who has achieved scores set by the board on the
26 questions developed for applicable end-of-course assessment
27 instruments under Section 39.0233(a), as that section existed

1 before repeal by .B. _____, Acts of the 85th Legislature, Regular
2 Session, 2017, is exempt from the requirements of this section. The
3 exemption is effective for the three-year period following the date
4 a student takes the last assessment instrument for purposes of this
5 section and achieves the standard set by the board. This subsection
6 does not apply during any period for which the board designates the
7 questions developed for end-of-course assessment instruments under
8 Section 39.0233(a), as that section existed before repeal by .B.
9 _____, Acts of the 85th Legislature, Regular Session, 2017, as the
10 primary assessment instrument under this section, except that the
11 three-year period described by this subsection remains in effect
12 for students who qualify for an exemption under this subsection
13 before that period.

14 SECTION 29. The following sections of the Education Code
15 are repealed:

- 16 (1) Section 28.0258(1);
- 17 (2) Section 28.0259(e);
- 18 (3) Section 39.0233(a); and
- 19 (4) Section 39.025(e-1).

20 SECTION 30. A reference in the Education Code to an
21 assessment instrument under Section 39.023(c), Education Code, as
22 amended by this Act, includes, as applicable, an Algebra I, English
23 I, or English II end-of-course assessment instrument administered
24 under the transition plan provided for under Section 39.025(f),
25 Education Code, as amended by this Act, and Section 39.025(f-1),
26 Education Code, as added by this Act.

27 SECTION 31. (a) As soon as practicable, each school

1 district that provided notice to an eighth grade student under
2 Section 39.025(g), Education Code, during the 2016-2017 school year
3 shall send an updated notice to that student informing the student
4 of:

5 (1) the specific requirements applicable to the
6 student under Section 39.025(a), Education Code, as amended by this
7 Act; and

8 (2) the options available to students who qualify
9 under Sections 39.025(f)(1) and (2), as added by this Act.

10 (b) As soon as practicable, the commissioner of education
11 shall determine the level of performance considered to be
12 satisfactory as required under Section 39.0241(a), Education Code,
13 on the mathematics and reading portions of the Texas Success
14 Initiative (TSI) diagnostic assessment required under Section
15 39.023(c), Education Code, as amended by this Act.

16 SECTION 32. This Act applies beginning with the 2017-2018
17 school year.

18 SECTION 33. 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.