

## **BILL ANALYSIS**

Senate Research Center

H.B. 5  
By: Aycock et al. (Patrick)  
Education  
4/15/2013  
Engrossed

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

In recent years, education policy in Texas has focused on ensuring that students are academically prepared to pursue a postsecondary education. Interested parties contend that such efforts to increase the rigor of curriculum and assessments have unintentionally led to limited options for students during high school and an excessive reliance on standardized testing. In addition, many in business and industry are frustrated with the lack of applied core curriculum courses to prepare students for the growing labor demands in this state.

Current law provides for three public high school graduation plans: minimum, recommended, and distinguished. All students are required to begin high school under the recommended program, satisfying four credits each in English language arts, mathematics, science, and social studies. To opt out of this default program, students and their parents must sign a permission form.

H.B. 5 seeks to transform the current structure by creating a single diploma, the foundation program, and enable students to pursue their interests through diploma endorsements. In addition, it seeks to reduce the emphasis on testing by decreasing the number of end-of-course examinations required for graduation, and to institute school ratings that provide a clearer understanding of overall school performance.

H.B. 5 amends current law relating to public school accountability, including assessment, and curriculum requirements.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of education (commissioner) is modified in SECTION 2 (Section 7.062, Education Code), SECTION 40 (Section 39.025, Education Code), SECTION 49 (Section 39.054, Education Code), and SECTION 59 (Section 39.202, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner in SECTION 11 (Section 28.014, Education Code), SECTION 15 (Section 28.025, Education Code), SECTION 28 (Section 31.031, Education Code), SECTION 32 (Section 39.023, Education Code), SECTION 39 (Section 39.025, Education Code), SECTION 41 (Section 39.0263, Education Code), SECTION 47 (Section 39.053, Education Code), SECTION 51 (Section 39.0545, Education Code), SECTION 54 (Section 39.082, Education Code), SECTION 60 (Section 39.203, Education Code), and SECTION 82 of this bill.

Rulemaking authority previously granted to the State Board of Education (SBOE) is modified in SECTION 15 (Section 28.025, Education Code), SECTION 31 (Section 33.0812, Education Code), and SECTION 32 (Section 39.023, Education Code) of this bill.

Rulemaking authority is expressly granted to SBOE in SECTION 15 (Section 28.025, Education Code) and SECTION 64 (Section 39.332, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is rescinded in SECTION 39 (Section 39.025, Education Code) and SECTION 80 (Section 39.0822, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of higher education in SECTION 66 (Section 51.3062, Education Code) of this bill.

Rulemaking authority is expressly granted jointly to the Texas Higher Education Coordinating Board (THECB) and the commissioner in SECTION 67 (Section 51.803, Education Code), SECTION 68 (Section 51.805, Education Code), SECTION 70 (Section 56.009, Education Code), and SECTION 71 (Section 56.3041, Education Code) of this bill.

Rulemaking authority previously granted to THECB is modified in SECTION 69 (Section 51.807, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Amends Section 7.010(c), Education Code, as follows:

(c) Requires that the electronic student records system permit an authorized state or district official or an authorized representative of an institution of higher education to electronically transfer to and from an educational institution in which the student is enrolled and retrieve student transcripts, including information concerning a student's:

(1)-(4) Makes no change to these subdivisions; and

(5) personal graduation plan as described by Section 28.0212 or 28.02121, as applicable.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 2. (a) Amends Section 7.062(e), Education Code, as follows:

(e) Requires that the rules:

(1) limit the amount of assistance provided through a grant to not more than:

(A) for a construction project, \$200 per square foot of the science laboratory to be constructed; or

(B) for a renovation project, \$100 per square foot of the science laboratory to be renovated;

(2) require a school district to demonstrate, as a condition of eligibility for a grant, that the existing district science laboratories are insufficient in number to comply with the curriculum requirements imposed for the distinguished level of achievement under the foundation high school program under Section 28.025, rather than to comply with the curriculum requirements imposed for the recommended and advanced high school programs under Section 28.025(b-1)(1); and

(3) provide for ranking school districts that apply for grants on the basis of wealth per student and giving priority in the award of grants to districts with low wealth per student.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 3. Amends Subchapter C, Chapter 7, Education Code, by adding Section 7.064, as follows:

Sec. 7.064. CAREER AND TECHNOLOGY CONSORTIUM. (a) Requires the commissioner of education (commissioner) to investigate available options for the state to join a consortium of states for the purpose of developing sequences of academically rigorous career and technology courses in career areas that are high-demand, high-wage career areas in this state.

(b) Requires that the curricula for the courses include the appropriate essential knowledge and skills adopted under Subchapter A (Essential Knowledge and Skills; Curriculum), Chapter 28.

(c) Authorizes the commissioner, if the commissioner determines that joining a consortium of states for this purpose would be beneficial for the educational and career success of students in the state, to join the consortium on behalf of the state.

SECTION 4. (a) Amends Section 12.111(b), Education Code, as follows:

(b) Requires a charter holder of an open-enrollment charter school to consider including in the school's charter a requirement that the school develop and administer personal graduation plans under Sections 28.0212 and 28.02121. Makes a nonsubstantive change.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 5. (a) Amends Section 25.083, Education Code, as follows:

Sec. 25.083. SCHOOL DAY INTERRUPTIONS. (a) Creates this subsection from existing text. Makes no further change to this subsection.

(b) Requires the board of trustees of each school district to adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. Prohibits a district from removing a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 6. (a) Amends the heading to Section 25.092, Education Code, to read as follows:

Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 7. (a) Amends Sections 25.092(a), (a-1), (b), and (d), Education Code, as follows:

(a) Prohibits a student in any grade level from kindergarten through grade 12, except as provided by this section, from being given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

(a-1) Authorizes a student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered to be given credit or a final grade for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. Prohibits a student under the jurisdiction of a court in a criminal or juvenile

justice proceeding from receiving credit or a final grade under this subsection without the consent of the judge presiding over the student's case.

(b) Requires the board of trustees of each school district to appoint one or more attendance committees to hear petitions for class credit or a final grade by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit or a final grade under Subsection (a-1). Requires classroom teachers to comprise a majority of the membership of the committee. Authorizes a committee to give class credit or a final grade to a student because of extenuating circumstances. Requires each board of trustees to establish guidelines to determine what constitutes extenuating circumstances and to adopt policies establishing alternative ways for students to make up work or regain credit or a final grade lost because of absences. Requires that the alternative ways include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(15) (relating to authorizing the board of trustees of an independent school district to require payment of a fee, not to exceed \$50, for certain costs). Prohibits a certified public school employee from being assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

(d) Authorizes a student, if the student is denied credit or a final grade for a class by an attendance committee, to appeal the decision to the board of trustees. Authorizes that the decision of the board be appealed by trial de novo to the district court of the county in which the school district's central administrative office is located.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 8. (a) Amends Section 28.002, Education Code, by amending Subsections (c) and (f) and adding Subsection (f-1), as follows:

(c) Requires the State Board of Education (SBOE), as a condition of accreditation, to require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.

(f) Authorizes a district to also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for local credit without obtaining SBOE approval if:

(1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and

(2) the course or other activity allows students to enter:

(A) a career or technology training program in the district's region of the state;

(B) an institution of higher education without remediation;

(C) an apprenticeship training program; or

(D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.

(f-1) Requires each school district to annually report to the Texas Education Agency (TEA) the names of the courses, programs, institutions of higher

education, and internships in which the district's students have enrolled under Subsection (f). Requires TEA to make available information provided under this subsection to other districts.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 9. (a) Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.00222, as follows:

Sec. 28.00222. INCREASE IN CAREER AND TECHNOLOGY EDUCATION COURSES. (a) Requires SBOE, not later than September 1, 2014, to ensure that at least six advanced career and technology education courses are approved to satisfy a fourth credit in mathematics.

(b) Requires the commissioner, not later than January 1, 2015, to review and report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with primary responsibility over public primary and secondary education regarding the progress of increasing the number of courses approved for the career and technology education curriculum. Requires the commissioner to include in the report a detailed description of any new courses, including instructional materials and required equipment, if any.

(c) Provides that this section expires September 1, 2015.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 10. (a) Amends Section 28.006(j), Education Code, as follows:

(j) Requires the commissioner to evaluate the programs that fail to meet the standard of performance under Section 39.301(c)(4), rather than under Section 39.301(c)(5), and authorizes the commissioner to implement interventions or sanctions under Subchapter E (Accreditation Interventions and Sanctions), Chapter 39.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 11. (a) Amends Section 28.014, Education Code, as follows:

Sec. 28.014. COLLEGE PREPARATORY COURSES. (a) Requires that each school district partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. Deletes existing text requiring the commissioner and the commissioner of higher education to develop and recommend to SBOE for adoption under Section 28.002 the essential knowledge and skills of courses in college preparatory mathematics, science, social studies, and English language arts. Requires that the courses 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) or an end-of-course assessment instrument adopted under Section 39.023(c-2) does not meet college readiness standards, rather than who do not meet college readiness standards on an end-of-course assessment instrument required under Section 39.023(c); or

(B) coursework, a college entrance examination, or an assessment instrument designated under Section 51.3062(c)

(relating to requiring SBOE to designate one or more instruments for use by institutions of higher education in assessing students under this section) 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.

(b) Requires that a course developed under this section be provided:

(1) on the campus of the high school offering the course; or

(2) through distance learning or as an online course provided through an institution of higher education with which the school district partners as provided by Subsection (a).

(c) Requires appropriate faculty of each high school offering courses under this section and appropriate faculty of each institution of higher education with which the school district partners to meet regularly as necessary to ensure that each course is aligned with college readiness expectations. Authorizes the commissioner, in coordination with the commissioner of higher education, to adopt rules to administer this subsection.

(d) Requires each school district to provide a notice to each district student to whom Subsection (a) applies and the student's parent or guardian regarding the benefits of enrolling in a course under this section.

(e) Authorizes a student who successfully completes an English language arts course developed under this section to use the credit earned in the course toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Section 28.025(b-1)(1). Authorizes a student who successfully completes a mathematics course developed under this section to use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Section 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Section 28.025(b-1)(2). Deletes existing text authorizing a student who successfully completes a course developed under this section to use the credit earned in the course toward satisfying the applicable mathematics or science curriculum requirement for the recommended or advanced high school program under Section 28.025.

(f) Authorizes a course provided under this section to be offered for dual credit at the discretion of the institution of higher education with which a school district partners under this section.

(g) Requires each school district, in consultation with each institution of higher education with which the district partners, to develop or purchase instructional materials for a course developed under this section consistent with Chapter 31. Requires that the instructional materials include technology resources that enhance the effectiveness of the course and draw on established best practices.

Deletes existing Subsection (c) requiring TEA, in consultation with the Texas Higher Education Coordinating Board (THECB), to adopt an end-of-course assessment instrument for each course developed under this section to ensure the rigor of the course. Deletes existing text requiring a school district to, in accordance with SBOE rules, administer the end-of-course assessment instrument to a student enrolled in a course developed

under this section. Deletes existing text requiring each school district to adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for 15 percent of the student's final grade for the course. Deletes existing text authorizing a student's performance on an end-of-course assessment instrument administered under this subsection to be used, on a scale of 0-40, in calculating whether the student satisfies the graduation requirements established under Section 39.025.

Deletes existing Subsection (d) requiring TEA, in coordination with THECB, to adopt a series of questions to be included in an end-of-course assessment instrument administered under Subsection (c) to be used for purposes of Section 51.3062. Deletes existing text requiring that the questions be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 (Recognition of High School Completion and Success and College Readiness Programs) and 51.3062.

Deletes existing Subsection (e) requiring SBOE to adopt instructional materials for a course developed under this section in accordance with Chapter 31.

(h) Redesignates existing Subsection (f) as Subsection (h). Requires a district, rather than the commissioner, to the extent applicable, to draw from curricula and instructional materials developed under Section 28.008 (Advancement of College Readiness in Curriculum), rather than Sections 28.008 and 61.0763 (Course Redesign Project [expired]), in developing a course and related instructional materials under this section. Requires that a course developed under this section and the related instructional materials be made available to students not later than the 2014-2015 school year. Provides that this subsection expires September 1, 2015. Deletes existing text requiring SBOE, not later than September 1, 2010, to adopt essential knowledge and skills for each course developed under this section. Deletes existing text requiring SBOE to make each course developed under this section and the related instructional materials available to school districts not later than the 2014-2015 school year. Deletes existing text requiring a school district, as required by Subsection (c), to adopt a policy requiring a student's performance on an end-of-course assessment instrument administered under that subsection to account for 15 percent of the student's grade for a course developed under this section not later than the 2014-2015 school year.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 12. (a) Amends the heading to Section 28.0212, Education Code, to read as follows:

Sec. 28.0212. JUNIOR HIGH OR MIDDLE SCHOOL PERSONAL GRADUATION PLAN.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 13. (a) Amends Sections 28.0212(a) and (b), Education Code, as follows:

(a) Requires a principal of a junior high or middle school to designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in the junior high or middle school, rather than for each student enrolled in a junior high, middle, or high school, who does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39, or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.

(b) Requires that a personal graduation plan under this section meet certain criteria.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 14. (a) Amends Subchapter B, Chapter 28, Education Code, by adding Section 28.02121, as follows:

Sec. 28.02121. HIGH SCHOOL PERSONAL GRADUATION PLAN. (a) Requires TEA, in consultation with the Texas Workforce Commission (TWC) and THECB, to prepare and make available to each school district in English and Spanish information that explains the advantages of the distinguished level of achievement described by Section 28.025(b-14) and each endorsement described by Section 28.025(c-1). Requires that the information contain an explanation:

(1) concerning the benefits of choosing a high school personal graduation plan that includes the distinguished level of achievement under the foundation high school program and includes one or more endorsements to enable the student to achieve a class rank in the top 10 percent for students at the campus; and

(2) that encourages parents, to the greatest extent practicable, to have the student choose a high school personal graduation plan described by Subdivision (1).

(b) Requires a school district to publish the information provided to the district under Subsection (a) on the Internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students.

(c) Requires a principal of a high school to designate a guidance counselor or school administrator to review personal graduation plan options with each student entering grade nine together with that student's parent or guardian. Requires that the personal graduation plan options reviewed include the distinguished level of achievement described by Section 28.025(b-14) and the endorsements described by Section 28.025(c-1). Requires the student and the student's parent or guardian, before the conclusion of the school year, to confirm and sign a personal graduation plan for the student.

(d) Requires that a personal graduation plan under Subsection (c) identify a course of study that:

(1) promotes college and workforce readiness and career placement and advancement; and

(2) facilitates the student's transition from secondary to postsecondary education.

(e) Prohibits a school district from preventing a student and the student's parent or guardian from confirming a personal graduation plan that includes pursuit of a distinguished level of achievement or an endorsement.

(f) Authorizes a student to amend the student's personal graduation plan after the initial confirmation of the plan under this section. Requires the school, if a student amends the student's personal graduation plan, to send written notice to the student's parents regarding the change.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 15. (a) Amends Section 28.025, Education Code, by amending Subsections (a), (b), (b-1), (b-2), (b-3), (b-4), (b-5), (b-7), (b-9), (b-10), (b-11), and (e) and adding Subsections (b-12), (b-13), (b-14), (b-15), (b-16), (b-17), (b-18), (c-1), (c-2), (c-3), (e-1), (e-2), (e-3), (h), and (h-1), as follows:

(a) Requires SBOE by rule to determine curriculum requirements for the foundation high school program, rather than to determine curriculum requirements for the minimum, recommended, and advanced high school programs, that are consistent with the required curriculum under Section 28.002. Requires SBOE to designate the specific courses in the foundation curriculum under Section 28.002(a)(1) (relating to requiring certain school districts to offer a certain foundation curriculum) required under the foundation high school program, rather than requiring SBOE, subject to Subsection (b-1), to designate the specific courses in the foundation curriculum required for a student participating in the minimum, recommended, or advanced high school program. Prohibits SBOE, except as provided by this section, rather than except as provided by Subsection (b-1), from designating a specific course or a specific number of credits in the enrichment curriculum as requirements for the program, rather than the recommended program.

(b) Requires a school district to ensure that each student enrolls in the courses necessary to complete the curriculum requirements identified by SBOE under Subsection (a) for the foundation high school program and the courses necessary to complete the curriculum requirements established under Subsection (b-14) for the distinguished level of achievement under the foundation high school program, unless the student and the student's parent or legal guardian:

(1) are provided with the information required to be provided under Section 33.007(b) in a language in which the parent or legal guardian is proficient, or the information is conveyed to the parent or legal guardian by a translator provided by the school district who is proficient in the same language in which the parent or legal guardian is proficient, except that the district is required to provide the information according to this subdivision only if the district has enrolled in any one particular grade at least 20 students who primarily speak the language in which the information is to be provided; and

(2) agree in writing signed by the student and the student's parent or legal guardian that each party understands that the student should be permitted to successfully complete the foundation high school program without meeting the requirements of the distinguished level of achievement established under Subsection (b-14).

Deletes existing text requiring a school district to ensure that each student enrolls in the courses necessary to complete the curriculum requirements identified by SBOE under Subsection (a) for the recommended or advanced high school program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the minimum high school program and the student is at least 16 years of age, has completed two credits required for graduation in each subject of the foundation curriculum under Section 28.002(a)(1), or has failed to be promoted to the tenth grade one or more times as determined by the school district.

(b-1) Requires SBOE by rule to require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:

(1) four credits in English language arts under Section 28.002(a)(1)(A) (relating to requiring certain school districts to offer a required curriculum that includes English language arts), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);

(2) three credits in mathematics under Section 28.002(a)(1)(B) (relating to requiring certain school districts to offer a required curriculum that includes mathematics), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);

(3) three credits in science under Section 28.002(a)(1)(C) (relating to requiring certain school districts to offer a required curriculum that includes science), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);

(4) three credits in social studies under Section 28.002(a)(1)(D) (relating to requiring certain school districts to offer a required curriculum that includes social studies), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics, and one credit in world geography or world history;

(5) except as provided under Subsections (b-12) and (b-13), two credits in the same language in a language other than English under Section 28.002(a)(2)(A) (relating to requiring certain school districts to offer an enrichment curriculum that includes languages other than English);

(6) seven elective credits;

(7) one credit in fine arts under Section 28.002(a)(2)(D) (relating to requiring certain school districts to offer an enrichment curriculum that includes fine arts); and

(8) except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C) (relating to requiring certain school districts to offer an enrichment curriculum that includes physical education).

Deletes existing text requiring SBOE by rule to require that, except as provided by Subsection (b-2), the curriculum requirements for the recommended and advanced high school programs under Subsection (a) include a requirement that students successfully complete four credits in each subject of the foundation curriculum under Section 28.002(a)(1), including at least one-half credit in government and at least one-half credit in economics to meet the social studies requirement, for the recommended high school program, two credits in the same language in a language other than English under Section 28.002(a)(2)(A) and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A), and for the recommended high school program, six elective credits and, for the advanced high school program, five elective credits; one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection

(a) include a requirement that students successfully complete one credit in fine arts under Section 28.002(a)(2)(D) and except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C).

(b-2) Requires SBOE, in adopting rules under Subsection (b-1), to provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1) taken after successful completion of English I, English II, and English III, for an advanced mathematics course under Subsection (b-1)(2) taken after the successful completion of Algebra I and geometry, and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by SBOE rule or that is offered as an advanced course for local credit without SBOE approval as provided by Section 28.002(f).

Deletes existing text requiring SBOE, in adopting rules under Subsection (b-1), to allow a student to comply with the curriculum requirements for a mathematics course under Subsection (b-1)(1) taken after the successful completion of Algebra I and geometry and either after the successful completion of or concurrently with Algebra II or a science course under Subsection (b-1)(1) taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics by successfully completing an advanced career and technical course designated by SBOE as containing substantively similar and rigorous academic content. Deletes existing text authorizing a student to use the option provided by this subsection for not more than two courses.

(b-3) Requires SBOE, in adopting rules for purposes of Subsection (b-2), to approve a variety of advanced English, mathematics, and science courses that may be taken to comply with the foundation high school program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.

Deletes existing text requiring SBOE, in adopting rules to provide students with the option described by Subsection (b-1)(1)(A), to approve a variety of mathematics and science courses that may be taken after the completion of Algebra II and physics to comply with the recommend program requirements.

(b-4) Authorizes a school district to offer the curriculum described in Subsections (b-1)(1) through (4), rather than in Subsection (b-1)(1)(A), in an applied manner.

(b-5) Authorizes a school district to offer a mathematics or science course to be taken by a student after completion of Algebra II and physics, rather than by a student after completion of Algebra II and physics to comply with the recommended program requirements in Subsection (b-1)(1)(A).

(b-7) Requires SBOE, in coordination with THECB, to adopt rules to ensure that a student is authorized to comply with the curriculum requirements under the foundation high school program or for an endorsement under Subsection (c-1) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822 (Core Curriculum), rather than to adopt rules to ensure that a student is authorized to comply with the curriculum requirements under the minimum, recommended, or advanced high school program for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English under Section 28.002(a)(2)(A) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822. Provides that, notwithstanding Subsection (b-14) or (c) of this section, Section 39.025, or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section 61.822, as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of

achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. Authorizes a student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection to apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.

(b-9) Authorizes a school district to allow a student to satisfy the fine arts credit required under Subsection (b-1)(7) by participating in a community-based fine arts program not provided by the school district in which the student is enrolled. Authorizes the fine arts program to be provided on or off a school campus and outside the regular school day. Requires that the fine arts program provide instruction in the essential knowledge and skills identified for the fine arts curriculum under Section 28.002(c).

Deletes existing text requiring TEA to establish a pilot program allowing a student attending school in a county with a population of more than one million and in which more than 75 percent of the population resides in a single municipality to satisfy the fine arts credit required under Subsection (b-1)(3)(A) by participating in a fine arts program not provided by the school district in which the student is enrolled. Deletes existing text requiring TEA, not later than December 1, 2010, to provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.

(b-10) Authorizes a school district, with the approval of the commissioner, to allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8), rather than required under Subsection (b-1)(3)(B), by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.

(b-11) Requires SBOE, in adopting rules under Subsection (b-1), to allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for local credit as provided by Section 28.002(f), or one academic elective credit for the physical education credit required under Subsection (b-1)(8), rather than under Subsection (b-1)(3)(B).

(b-12) Requires SBOE, in adopting rules under Subsection (b-1), to adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages.

(b-13) Requires SBOE, in adopting rules under Subsection (b-1), to adopt criteria to allow a student in a special education program under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), to comply with the curriculum requirements for two credits in a language other than English required under Subsection (b-1)(5) by substituting credits in English language arts, mathematics, science, or social studies or career and technology or another academic elective credit. Prohibits a credit allowed to be substituted under this subsection from also being used by the student to satisfy a graduation requirement other than completion of the language other than English requirement.

(b-14) Authorizes a student to earn a distinguished level of achievement under the foundation high school program by successfully completing:

- (1) four credits in mathematics, which are required to include Algebra II and the courses described by Subsection (b-1)(2);
- (2) four credits in science, which are required to include the courses described by Subsection (b-1)(3);
- (3) the remaining curriculum requirements under Subsection (b-1); and
- (4) the curriculum requirements for at least one endorsement under Subsection (c-1).

(b-15) Authorizes a student to satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). Authorizes this subsection to apply to more than one elective credit.

(b-16) Requires SBOE to adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.

(b-17) Requires SBOE, in adopting rules under Subsection (b-1), to allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.

(b-18) Requires SBOE, in adopting rules under Subsection (b-1), to adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by SBOE.

(c-1) Authorizes a student to earn an endorsement on the student's diploma and transcript by successfully completing curriculum requirements for that endorsement adopted by SBOE by rule. Authorizes an endorsement under this subsection to be earned in any of the following categories:

- (1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, engineering, and advanced mathematics;
- (2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;
- (3) public services, which includes courses directly related to health sciences and occupations, education and training, law enforcement, and culinary arts and hospitality;
- (4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and
- (5) multidisciplinary studies, which allows a student to select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4).

(c-2) Requires SBOE, in adopting rules under Subsection (c-1), to:

(1) require a student in order to earn any endorsement to successfully complete four credits in mathematics, which are required to include:

(A) the courses described by Subsection (b-1)(2); and

(B) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by SBOE as containing substantively similar and rigorous academic content to such an advanced mathematics course; and

(2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and requires SBOE to require each school district to report to TEA the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by SBOE rule. Requires each school district to make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1).

(c-3) Authorizes a student to earn a performance acknowledgment on the student's diploma and transcript by satisfying the requirements for that acknowledgment adopted by SBOE by rule. Provides that an acknowledgment under this subsection may be earned:

(1) for outstanding performance:

(A) in a dual credit course;

(B) on a college advanced placement test or international baccalaureate examination; or

(C) on the PSAT, the ACT-Plan, the SAT, or the ACT; or

(2) for earning a nationally or internationally recognized business or industry certification or license.

(e) Requires each school district to report the academic achievement record of students who have completed the foundation high school program on transcript forms adopted by SBOE, rather than the academic achievement record of students who have completed a minimum, recommended, or advanced high school program on transcript forms adopted by SBOE. Requires that the transcript forms adopted by SBOE be designed to clearly identify whether a student received a diploma or a certificate of coursework completion, rather than be designed to clearly differentiate between each of the high school programs and identify whether a student received a diploma or a certificate of coursework completion.

(e-1) Requires a school district to clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-14), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-3) on the diploma and transcript of a student who satisfies the applicable requirements. Requires SBOE to adopt rules as necessary to administer this subsection.

(e-2) Requires each school district, at the end of each school year, to report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:

(1) enrolled in the foundation high school program;

(2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-14); and

(3) enrolled in a program to earn an endorsement described by Subsection (c-1).

(e-3) Requires that information reported under Subsection (e-2) be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29.

(h) Requires the commissioner by rule to adopt a transition plan to implement and administer the amendments made by \_\_. B. No. \_\_, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2014-2015 school year. Requires a student who entered the ninth grade before the 2014-2015 school year, under the transition plan, to be permitted to complete the curriculum requirements required for high school graduation under:

(1) the foundation high school program, if the student chooses during the 2014-2015 school year to take courses under this program;

(2) the minimum high school program, as that program existed before the adoption of \_\_.B. No. \_\_, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year;

(3) the recommended high school program, as that program existed before the adoption of \_\_.B. No. \_\_, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year; or

(4) the advanced high school program, as that program existed before the adoption of \_\_.B. No. \_\_, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year.

(h-1) Provides that this subsection and Subsection (h) expire September 1, 2018.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 16. (a) Amends Section 28.0253(e), Education Code, as follows:

(e) Provides that a student who receives a high school diploma through the pilot program is considered to have earned a distinguished level of achievement under the foundation high school program adopted under Section 28.025, rather than is considered to have completed the recommended high school program adopted under Section 28.025(a). Provides that the student is not guaranteed admission to any institution of higher education or to any academic program at an institution of higher education solely on the basis of having received the diploma through the program. Authorizes the student to apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student earns a diploma through the pilot program.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 17. (a) Amends Sections 28.027(a) and (b), Education Code, as follows:

(a) Redefines "applied STEM course" in this section.

(b) Requires SBOE to establish a process under which an applied STEM course may be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the foundation high school program under Section 28.025 through substitution of the applied STEM course for a specific mathematics or science course otherwise authorized under the foundation high school program, rather than approved for purposes of satisfying the mathematics and science curriculum requirements for the recommended high school program imposed under Section 28.025(b-1)(1)(A) through substitution of the applied STEM course for a specific mathematics or science course otherwise required under the recommended high school program and completed during the student's fourth year of mathematics or science course work. Authorizes SBOE to only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry, rather than a mathematics course taken after successful completion of Algebra I and geometry and after successful completion of or concurrently with Algebra II. Authorizes SBOE to only approve a course to substitute for a science course taken after successful completion of biology, rather than to substitute for a science course taken after successful completion of biology and chemistry and after successful completion of or concurrently with physics.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 18. (a) Amends Subchapter B, Chapter 28, Education Code, by adding Section 28.030, as follows:

Sec. 28.030. HIGH SCHOOL STUDENT SURVEY. (a) Requires TEA to post on TEA's Internet website a survey to be completed by high school students. Requires that the information requested by the survey include:

- (1) the student's race, ethnicity, socioeconomic status, and gender;
- (2) the name of the school district the student attends;
- (3) whether the student is bilingual;
- (4) details regarding the student's graduation plan, including whether the student will graduate under the foundation high school program or the distinguished level of achievement under the foundation high school program and the reason the student selected the graduation plan;
- (5) any endorsement described by Section 28.025(c-1) earned by the student and the reason the student selected the endorsement; and
- (6) the postgraduation plans of the student, including whether the student will attend a community college, institution of higher education, or trade school and any workforce goals of the student, and the student's reasons for choosing those particular postgraduation plans.

(b) Requires a school district to require each student to complete the survey before the student graduates from high school.

(b) Provides that this section applies beginning with the 2017-2018 school year.

SECTION 19. (a) Amends Section 29.0821(a), Education Code, as follows:

(a) Authorizes a school district to provide a flexible year program for students who did not or are likely not to perform successfully on an assessment instrument administered under Section 39.023(a) (relating to requiring TEA to adopt or develop appropriate criterion-referenced assessment instruments), (c), or (l) (relating to requiring SBOE to adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to certain students), rather than on an assessment instrument administered under Section 39.023, or who would not otherwise be promoted to the next grade level.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 20. (a) Amends Section 29.096(e), Education Code, as follows:

(e) Requires the commissioner to establish minimum standards for a local collaborative agreement, including a requirement that the agreement is required to be signed by an authorized school district or open-enrollment charter school officer and an authorized representative of each of the other participating entities that is a partner in the collaboration. Requires that the program, among other requirements, have as a primary goal graduation from high school, rather than have as a primary goal graduation from high school under at least the recommended high school program.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 21. Amends Section 29.182(b), Education Code, as follows:

(b) Requires that the state plan include procedures designed to ensure that certain criteria are met, including that a school district provides, to the greatest extent possible, to a student participating in a career and technology education program opportunities to enroll in dual credit courses designed to lead to a degree, license, or certification as part of the program. Makes nonsubstantive changes.

SECTION 22. Amends the heading to Section 29.190, Education Code, to read as follows:

Sec. 29.190.      SUBSIDY      FOR      MANUFACTURING      CERTIFICATION  
EXAMINATION.

SECTION 23. (a) Amends Sections 29.190(a) and (c), Education Code, as follows:

(a) Entitles a student to a subsidy under this section if:

(1) the student successfully completes the career and technology program of a school district in which the student receives training and instruction for employment, rather than successfully completes the career and technology program of a school district in which the student receives training and instruction for employment in a current or emerging high-demand, high-wage, high-skill occupation, as determined under Subsection (e) (relating to requiring the commissioner, in collaboration with the commissioner of higher education and TWC, to determine the occupations that qualify for purposes of this section); or is enrolled in a special education program under Subchapter A; and

(2) the student passes a certification examination to qualify for a license or certificate for an occupation in the manufacturing industry.

Deletes existing text entitling a student to a subsidy under this section if the student submits to the district a written application in the form, time, and manner required by the district for the district to subsidize the cost of an examination described by Subdivision (2). Makes nonsubstantive and conforming changes.

(c) Requires TEA, on approval by the commissioner, to pay each school district an amount equal to the cost paid by the district, rather than an amount equal to the cost paid by the district or student, for the certification examination. Requires a district, to obtain reimbursement for a subsidy paid under this section, to:

(1) pay the fee for the examination, rather than pay the fee for the examination or pay the student the amount of the fee paid by the student for the examination; and

(2) submit to the commissioner a written application on a form prescribed by the commissioner stating the amount of the fee paid under Subdivision (1) for the certification examination.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 24. (a) Amends Section 29.402(b), Education Code, as follows:

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

(1) is required to complete not more than three course credits to complete the curriculum requirements to complete the foundation high school program, rather than to complete the curriculum requirements for the minimum, recommended, or advanced high school program, as appropriate, for high school graduation; or

(2) has failed to perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c) or an assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 25. (a) Amends Section 29.904(d), Education Code, as follows:

(d) Provides that a plan developed under this section:

(1) is required to establish clear, achievable goals for increasing the percentage of the school district's graduating seniors, particularly the graduating seniors attending a high school described by Subsection (a) (relating to providing that this section applies only to a school district with one or more high schools that meet certain conditions), who enroll in an institution of higher education for the academic year following graduation;

(2) is required to establish an accurate method of measuring progress toward the goals established under Subdivision (1) that may include the percentage of district high school students and the percentage of students attending a district high school described by Subsection (a) who:

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

(B) are enrolled in courses that meet the curriculum requirements for the distinguished level of achievement under the foundation high school program, rather than the curriculum requirements for the recommended or advanced high school program, as determined under Section 28.025; and

(C)-(G) Makes no change to these paragraphs.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 26. (a) Amends Section 30A.110(b), Education Code, as follows:

(b) Requires each student enrolled under this chapter in an electronic course offered through the state virtual school network to take any assessment instrument under Section 39.023(a), (b), (c), or (l), rather than under Section 39.023, that is administered to students who are provided instruction in the course material in the traditional classroom setting.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 27. (a) Amends Section 31.0211(c), Education Code, as follows:

(c) Authorizes funds allotted under this section, subject to Subsection (d), to be used to:

(1) purchase certain materials and equipment, including instructional materials for use in college preparatory courses under Section 28.014, as provided by Section 31.031;

(2) pay for training for certain educational personnel and for the salary and other expenses of certain employees.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 28. (a) Amends Subchapter B, Chapter 31, Education Code, by adding Section 31.031, as follows:

Sec. 31.031. COLLEGE PREPARATORY INSTRUCTIONAL MATERIALS.

(a) Authorizes a school district to purchase with the district's instructional materials allotment or otherwise acquire instructional materials for use in college preparatory courses under Section 28.014.

(b) Requires the commissioner to adopt rules regarding the purchase of instructional materials under this section.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 29. (a) Amends the heading to Section 33.007, Education Code, to read as follows:

Sec. 33.007. COUNSELING REGARDING POSTSECONDARY EDUCATION.

(b) Provides that this section takes effect beginning with the 2014-2015 school year.

SECTION 30. (a) Amends Sections 33.007(a) and (b), Education Code, as follows:

(a) Requires each school counselor at an elementary, middle, or junior high school, including an open-enrollment charter school offering those grades, to advise students and their parents or guardians regarding the importance of postsecondary education, rather than regarding the importance of higher education, coursework designed to prepare students for postsecondary education, and financial aid availability and requirements. Makes a conforming change.

(b) Requires a school counselor, during the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school,

and again during each year of a student's enrollment in high school or at the high school level, rather than during a student's senior year, to provide information about postsecondary education to the student and the student's parent or guardian. Requires that the information include certain information, including information regarding the importance of postsecondary education and the advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program under Section 28.025, rather than the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a). Makes a conforming change.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 31. (a) Amends Section 33.0812(a), Education Code, as follows:

(a) Requires SBOE by rule to prohibit participation in a University Interscholastic League area, regional, or state competition under certain conditions, including on Monday through Thursday of the school week in which the primary administration of assessment instruments under Section 39.023(a), (c), (c-2), or (l) occurs.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 32. (a) Amends Section 39.023, Education Code, by amending Subsections (b), (c), (c-2), (c-3), (e), and (h) and adding Subsections (b-1), (e-1), (e-2), and (e-3), as follows:

(b) Requires TEA to develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee, including assessment instruments approved by the commissioner that measure growth. Requires that the assessment instruments developed or adopted under this subsection, including the assessment instruments approved by the commissioner, to the extent allowed under federal law, provide a district with options for the assessment of students under this subsection.

(b-1) Requires TEA, in conjunction with appropriate interested persons, to redevelop assessment instruments adopted or developed under Subsection (b) for administration to significantly cognitively disabled students in a manner consistent with federal law. Prohibits an assessment instrument under this subsection from requiring a teacher to prepare tasks or materials for a student who will be administered such an assessment instrument. Requires that assessment instruments adopted or developed under this subsection be administered not later than the 2014-2015 school year.

(c) Requires TEA to also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, biology, English II, and United States history, rather than for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. Requires that the Algebra I end-of-course assessment instrument, rather than requires that the Algebra I, Algebra II, and geometry end-of-course assessment instruments, be administered with the aid of technology. Requires a school district to comply with SBOE rules regarding administration of the assessment instruments listed in this subsection, and authorizes a school district, rather requires a school district, to adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to be considered in determining the student's final grade for the course, rather than to

account for 15 percent of the student's final grade for the course. Requires SBOE to adopt a schedule for the administration of end-of-course assessment instruments specified in this subsection and Subsection (c-2) that complies with the requirements of Subsection (c-3).

Deletes existing text providing that, if a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course.

(c-2) Requires TEA to also adopt end-of-course assessment instruments for secondary-level courses in Algebra II and English III, which are required to be administered to a student at the student's option. Requires that the Algebra II end-of-course assessment instrument be administered with the aid of technology. Requires a school district to comply with SBOE rules regarding administration of the Algebra II and English III end-of-course assessment instruments. Deletes existing text authorizing TEA to adopt end-of-course assessment instruments for courses not listed in Subsection (c).

(c-3) Provides that SBOE, in adopting a schedule for the administration of assessment instruments under this section:

(1) is required to require 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;

(2) is required to require the spring administration of end-of-course assessment instruments under Subsection (c) or the end-of-course assessment instrument in Algebra II under Subsection (c-2) to occur in each school district during the latest practicable week as determined by the commissioner, but not earlier than the third full week in May, except that the spring administration of the end-of-course assessment instruments in English II Writing is required to be permitted to occur at an earlier date, rather than to require the spring administration of end-of-course assessment instruments 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, English II, and English III is required to be permitted to occur at an earlier date; and

(3) is required to permit the spring administration of the end-of-course assessment instruments in English III Writing under Subsection (c-2) to occur earlier than the third full week in May.

Makes nonsubstantive and conforming changes.

(e) Requires TEA, under rules adopted by SBOE, every third year, to release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (c-2), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. Requires TEA, during the 2014-2015 and 2015-2016 school years, to release the questions and answer keys to assessment instruments as described by this subsection each year.

(e-1) Requires TEA each year, under rules adopted by the commissioner, for the 2012-2013 school year, to release the questions and answer keys to each

assessment instrument administered under Subsection (a), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. Provides that this subsection expires December 31, 2013.

(e-2) Requires TEA each year, under rules adopted by the commissioner, for the 2013-2014 school year, to release the questions and answer keys to each assessment instrument administered under Subsection (b), (c), (c-2), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument and any assessment instrument covering a subject or course for which the questions and answer keys for the 2012-2013 assessment instrument covering that subject or course were released, after the last time the instrument is administered for the 2013-2014 school year. Provides that this subsection expires December 31, 2014.

(e-3) Requires TEA each year, under rules adopted by the commissioner, for the 2013-2014 school year, to release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l) during the 2011-2012 school year after the last time any assessment instrument is administered for the 2013-2014 school year. Provides that this subsection expires December 31, 2014.

(h) Requires TEA to notify school 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, rather than at the earliest possible date determined by SBOE but not later than the beginning of the subsequent school year. Requires the school district to disclose to each district teacher the results of assessment instruments administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 33. (a) Amends Section 39.0232, Education Code, as follows:

Sec. 39.0232. New heading: USE OF END-OF-COURSE ASSESSMENT INSTRUMENT AS PLACEMENT INSTRUMENT; CERTAIN USES PROHIBITED. (a) Creates this subsection from existing text. Makes no further change to this subsection.

(b) Prohibits a student's performance on an end-of-course assessment instrument from being 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 (Additional Automatic Admissions: Selected Institutions); 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) Provides that 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 in addition to other criteria.

(d) Defines "general academic teaching institution" in this section.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 34. (a) Amends Sections 39.0233(a) and (b), Education Code, as follows:

(a) Requires TEA, in coordination with THECB, to adopt a series of questions to be included in an end-of-course assessment instrument administered under Sections 39.023(c) and (c-2) to be used for purposes of Section 51.3062. Requires that the questions adopted under this subsection be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 and 51.3062, rather than under Section 39.113 (Campus Intervention Team Members) and 51.3062. Makes nonsubstantive changes.

(b) Requires TEA, in addition to the questions adopted under Subsection (a), to adopt a series of questions to be included in an end-of-course assessment instrument administered under Sections 39.023(c) and (c-2) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. Makes nonsubstantive changes.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 35. (a) Amends Section 39.024(b), Education Code, as follows:

(b) Requires TEA and THECB to ensure that the Algebra II and English III end-of-course assessment instruments adopted under Section 39.023(c-2), rather than required under Section 39.023(c), are developed to be capable of, beginning with the 2011-2012 school year, measuring college readiness.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 36. (a) Amends Section 39.0241(a-2), Education Code, as follows:

(a-2) Requires the commissioner, for the purpose of establishing performance across grade levels, to establish:

(1)-(2) Makes no change to these subdivisions;

(3) the performance standards for the grade eight assessment instruments, as determined based on studies under Section 39.0242 that correlate student performance on the grade eight assessment instruments with student performance on the Algebra I and English II end-of-course assessment instruments, rather on the Algebra I and English I end-of-course assessment instruments, in the same content area; and

(4) Redesignates existing Subdivision (5) as Subdivision (4) and makes no further change to this subdivision.

Deletes existing text of Subdivision (3) requiring the commissioner, for the purpose of establishing performance across grade levels, to establish the performance standards for the English I end-of-course assessment instrument, as determined based on studies under Section 39.0242 that correlate student performance on the English I end-of-course assessment instrument with student performance on the English II assessment instrument. Makes nonsubstantive changes.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 37. (a) Amends Section 39.0242(b), Education Code, as follows:

(b) Requires TEA, before the beginning of the 2011-2012 school year, to analyze the data collected under Subsection (a) to substantiate:

(1) Makes no change to this subdivision;

(2) the correlation between satisfactory student performance for each performance standard under Section 39.0241 (Performance Standards) on the grade eight assessment instruments with satisfactory performance under the same performance standard on the Algebra I and English II end-of-course assessment instruments, rather than on the Algebra I and English I end-of-course assessment instruments, in the same content area;

(3) Redesignates existing Subdivision (4) as Subdivision (3) and makes no further change to this subdivision; and

(4) Redesignates existing Subdivision (5) as Subdivision (4) and makes no further change to this subdivision.

Deletes existing text of Subdivision (3) requiring TEA, before the beginning of the 2011-2012 school year, to analyze the data collected under Subsection (a) to substantiate the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the English I end-of-course assessment instrument with satisfactory performance under the same performance standard on the English II end-of-course assessment instrument.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 38. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0243, as follows:

Sec. 39.0243. COLLEGE READINESS ASSESSMENT STUDY. Requires TEA and THECB jointly to conduct a study of the feasibility and costs of:

(1) assessing college readiness of public high school students by substituting the instruments designated for use by institutions of higher education in assessing students' readiness to enroll in freshman-level academic coursework under Section 51.3062 for the Algebra II and English III end-of-course assessments used to measure college readiness under Section 39.024(b); and

(2) providing for a school district or open-enrollment charter school, in cooperation with an institution of higher education, to develop a college readiness preparation plan for students who do not demonstrate readiness to enroll in freshman-level academic coursework.

SECTION 39. (a) Amends Section 39.025, Education Code, by amending Subsections (a), (a-1), (a-2), (b), and (b-2) and adding Subsection (a-4), as follows:

(a) Provides that a student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a), on each end-of-course assessment instrument listed under Section 39.023(c) that is administered to the student as provided by this subsection, rather than provides that a student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a). Requires the commissioner, for each scale score required under this subsection that is not based on a 100-point scale scoring system, to provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system.

Deletes existing text requiring a student to achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score

under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. Deletes existing text providing that, for purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student. Makes nonsubstantive changes.

(a-1) Provides that a student enrolled in a college preparatory course under Section 28.014 who satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by THECB under Section 51.3062(f) (relating to requiring that each assessment instrument designated by the board for use under this section meet certain requirements) on an assessment instrument designated by THECB under Section 51.3062(c) administered at the end of the college preparatory course satisfies the requirements concerning an end-of-course assessment in an equivalent course as prescribed by Subsection (a). Requires the commissioner, rather than requires the commissioner by rule, to 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 required to be used to satisfy the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by Subsection (a), rather than to determine a method by which a student's satisfactory performance on an advanced placement test, international baccalaureate examination, an SAT Subject Test, or another assessment instrument determined by the commissioner to be at least as rigorous as an end-of-course assessment instrument adopted under Section 39.023(c) is authorized to be used as a factor in determining whether the student satisfies the requirements of Subsection (a), including the cumulative score requirement of that subsection. Requires the commissioner to determine a method by which a student's satisfactory performance on the PSAT or the ACT-Plan is required to be used to satisfy the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by Subsection (a), rather than authorizes the commissioner by rule to determine a method by which a student's satisfactory performance on a Preliminary Scholastic Assessment Test (PSAT) assessment or a preliminary American College Test (ACT) assessment is authorized to be used as a factor in determining whether the student satisfies the requirements of Subsection (a). Authorizes 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, to retake that test or other assessment instrument for purposes of this subsection or authorizes a student to take the appropriate end-of-course assessment instrument. Requires a student who fails to perform satisfactorily on the PSAT or the ACT-Plan to take the appropriate end-of-course assessment instrument. Requires the commissioner to adopt rules as necessary for the administration of this subsection.

(a-2) Provides that this subsection applies only to a student who, before entering the ninth grade in the 2011-2012 or 2012-2013 school year, completed a course before the 2011-2012 school year in a subject for which the student received high school credit and for which an end-of-course assessment instrument under Section 39.023 is required during the 2013-2014 school year or a later school year, such as Algebra I. Requires the commissioner to determine a method by which a student's satisfactory performance on an end-of-course assessment instrument for a course in the same general subject area in which the student is enrolled during or after the ninth grade, such as geometry, is required to be used to satisfy the requirements for the end-of-course assessment instrument for the course completed before entering the ninth grade and before the 2011-2012 school year. Requires the commissioner to adopt rules as necessary for the administration of this section. Provides that this subsection expires September 1, 2016.

Deletes existing text of Subsection (a-2) requiring a student, in addition to the cumulative score requirements under Subsection (a), to achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) for English III and Algebra II end-of-course assessment instruments to graduate under the recommended high school program.

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

(b) Authorizes a student who failed to achieve a score requirement under Subsection (a), each time an end-of-course assessment instrument adopted under Section 39.023(c) is administered, to retake the assessment instrument, rather than requires a student who failed to achieve a minimum score under Subsection (a), each time an end-of-course assessment instrument is administered, to retake the assessment instrument.

Deletes existing text authorizing any other student to retake an end-of-course assessment instrument for any reason.

(b-2) Requires a school district, if the district determines that a student, on completion of grade 11, is unlikely to achieve the score requirement under this section for one or more end-of-course assessment instruments prescribed under Subsection (a) for receiving a high school diploma, rather than if the district determines that a student, on completion of grade 11, is unlikely to achieve the cumulative score requirements for one or more subjects prescribed by Subsection (a) for receiving a high school diploma, to require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. Requires a student who enrolls in a college preparatory course described by this subsection to be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner, rather than with the end-of-course assessment instrument scored on a scale as determined by the commissioner not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a). Authorizes a student to use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the score requirement under this section, rather than towards satisfying the cumulative score requirements prescribed by Subsection (a).

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 40. (a) Amends, effective September 1, 2014, Section 39.025(a), Education Code, as follows:

(a) Requires the commissioner to adopt rules requiring a student in the foundation high school program under Section 28.025 to be administered each end-of-course assessment instrument listed in Section 39.023(c), rather than requires the commissioner to adopt rules requiring a student participating in the recommended or advanced high school program to be administered each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. Provides that a student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a), on each end-of-course assessment instrument listed under Section 39.023(c), rather than provides that a student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1), a

cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a). Requires the commissioner, for each scale score required under this subsection that is not based on a 100-point scale scoring system, to provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system.

Deletes existing text requiring a student to achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. Deletes existing text providing that, for purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student. Makes nonsubstantive changes.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 41. (a) Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0263, as follows:

Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) Defines "benchmark assessment instrument" in this section.

(b) Prohibits a school district, except as provided by Subsection (c), from administering to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.

(c) Provides that the prohibition prescribed by this section does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an independent classroom examination designed or adopted and administered by a classroom teacher.

(d) Authorizes a parent of or person standing in parental relation to a student who has special needs, as determined in accordance with commissioner rule, to request administration to the student of additional benchmark assessment instruments.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 42. (a) Amends Section 39.027, Education Code, by adding Subsection (a-2), as follows:

(a-2) Prohibits a student, unless the student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, from being considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Subsection (a)(1) (relating to authorizing a student to be administered an accommodated or alternative assessment instrument or to be granted an exemption from or a postponement of the administration of an assessment instrument under Section 39.023(a), (b), (c), or (l) for a period of up to one year under certain conditions), (2) (relating to authorizing a student to be administered an accommodated or alternative assessment instrument or to be granted an exemption from or a postponement of the administration of an assessment instrument under Section 39.023(a), (b), (c), or (l) for a period of up to two years under certain conditions), or (3) (relating to authorizing a student to be administered an accommodated or alternative assessment instrument or to be granted an exemption from or a postponement of

the administration of an assessment instrument under Section 39.023(a), (b), (c), or (l) for a period of up to four years under certain conditions).

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 43. (a) Amends Sections 39.034(a) and (c), Education Code, as follows:

(a) Requires the commissioner to determine a method by which TEA is authorized to measure annual improvement in student achievement from one school year to the next on an assessment instrument required under this subchapter or on an end-of-course assessment instrument adopted under Section 39.023(c-2).

(c) Requires TEA to use a student's previous years' performance data on an assessment instrument described by Subsection (a), rather than on an assessment instrument required under this subchapter, to determine the student's expected annual improvement.

(b) Provides that this section takes effect beginning with the 2013-2014 school year.

SECTION 44. (a) Amends Section 39.035(a), Education Code, as follows:

(a) Authorizes TEA, subject to Subsection (b), to conduct field testing of questions for any assessment instrument administered under Section 39.023(a), (b), (c), (c-2), (d), or (l) that is separate from the administration of the assessment instrument not more frequently than every other school year.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 45. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.038, as follows:

**Sec. 39.038. RESTRICTION ON APPOINTMENTS TO ADVISORY COMMITTEES.** Prohibits the commissioner from appointing a person to a committee or panel that advises the commissioner or TEA regarding state accountability systems under this title or the content or administration of an assessment instrument if the person is reimbursed, retained, or employed by an assessment instrument vendor.

SECTION 46. (a) Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.039, as follows:

**Sec. 39.039. PROHIBITION ON POLITICAL CONTRIBUTION OR ACTIVITY BY CERTAIN CONTRACTORS.** (a) Provides that a person who is an agent of an entity that has been contracted to develop or implement assessment instruments required under Section 39.023 commits an offense if the person makes or authorizes a political contribution to or takes part in, directly or indirectly, the campaign of any person seeking election to or serving on SBOE.

(b) Provides that a person who is an agent of an entity that has been contracted to develop or implement assessment instruments required under Section 39.023 commits an offense if the person serves as a member of a formal or informal advisory committee established by the commissioner, TEA staff, or SBOE to advise the commissioner, TEA staff, or SBOE regarding policies or implementation of the requirements of this subchapter.

(c) Provides that an offense under this section is a Class B misdemeanor.

(b) Provides that this section applies September 1, 2013.

SECTION 47. (a) Amends Section 39.053, Education Code, by amending Subsections (c) and (g-1) and adding Subsections (c-1) and (d-2), as follows:

(c) Requires that indicators of student achievement adopted under this section include:

(1) Makes no change to this subdivision;

(2)-(3) Makes nonsubstantive changes;

(4) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;

(5) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(c-1); and

(6) at least three additional indicators of student achievement to evaluate district and campus performance, which are required to include either:

(A) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by THECB under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by THECB under Section 51.3062(c); or

(B) the number of students who earn:

(i) at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);

(ii) at least 30 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);

(iii) an associate's degree; or

(iv) an industry certification.

(A) Provides that an indicator adopted under this subsection that would measure improvements in student achievement cannot negatively affect the commissioner's review of a school district or campus if that district or campus is already achieving at the highest level for that indicator.

(c-1) Requires the commissioner by rule to determine a method by which a student's performance may be included in determining the performance rating of a school district or campus under Section 39.054 (Methods and Standards for Evaluating Performance) if, before the student graduates, the student:

(1) satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by THECB under Section 51.3062(f) on an assessment instrument designated by THECB under Section 51.3062(c); or

(2) performs satisfactorily on an assessment instrument under Section 39.023(c), notwithstanding Subsection (d).

(d-2) Prohibits an end-of-course assessment instrument adopted under Section 39.023(c-2) from being used as an indicator of student achievement in determining the performance rating of a school district or campus under Section 39.054.

(g-1) Requires the commissioner, in computing dropout and completion rates under Subsection (c)(2), to exclude certain students, including students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 48. (a) Amends Section 39.053(f), Education Code, as follows:

(f) Requires the commissioner to periodically raise the state standards for the student achievement indicator described by Subsection (c)(1)(B)(i) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year, student performance, with no significant achievement gaps by race, ethnicity, and socioeconomic status, rather than student performance, including the percentage of students graduating under the recommended or advanced high school program with no significant achievement gaps by race, ethnicity, and socioeconomic status.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 49. (a) Amends Sections 39.054(a) and (b), Education Code, as follows:

(a) Requires the commissioner to adopt rules to evaluate school district and campus performance and assign each district and campus a performance rating of A, B, C, D, or F, rather than requires the commissioner to adopt rules to evaluate school district and campus performance and, not later than August 8 of each year, assign each district and campus a performance rating that reflects acceptable performance or unacceptable performance. Requires the commissioner, in adopting rules under this subsection, to determine the criteria for each designated letter performance rating and designate A, B, and C letter performance ratings as reflecting acceptable performance and the D and F letter performance ratings as reflecting unacceptable performance. Requires that the performance rating of each district and campus, not later than August 8 of each year, be made publicly available as provided by rules adopted under this subsection.

(b) Requires the commissioner, in evaluating performance, to evaluate against state standards and consider the performance of each campus in a school district and each open-enrollment charter school on the basis of the campus's or school's performance on the student achievement indicators adopted under Section 39.053, other than, to the greatest extent possible, the student achievement indicator adopted under Section 39.053(c)(1), rather than on the basis of the campus's or school's performance on the student achievement indicators adopted under Section 39.053(c).

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 50. (a) Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0541, as follows:

Sec. 39.0541. STANDARDS FOR EVALUATING COMPLETION AND DROPOUT RATES. Provides that, for purposes of evaluating a school district or campus or an open-enrollment charter school for adequate yearly progress under the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.) and,

notwithstanding Section 39.053(c)(2), for accountability under this chapter and for performance under a TEA performance-based monitoring analysis system:

(1) a student who graduates from a school district campus or open-enrollment charter school is considered a high school graduate of the campus or school regardless of whether the student graduates with the student's ninth grade cohort; and

(2) consistent with Section 39.053(g-1)(2), a student who was previously reported to the state as a dropout, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out, is required to be excluded in computing completion and dropout rates.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 51. (a) Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0545, as follows:

Sec. 39.0545. SCHOOL DISTRICT EVALUATION OF PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT; COMPLIANCE. (a) Requires each school district to evaluate the district's performance and the performance of each campus in the district in community and student engagement and in compliance as provided by this section and assign the district and each campus an acceptable performance rating of A, B, or C, or an unacceptable performance rating of D or F for both overall performance and each individual evaluation factor listed under Subsection (b). Requires the district, not later than August 8 of each year, to report each performance rating to TEA and make the performance ratings publicly available as provided by commissioner rule.

(b) Requires a school district, for purposes of assigning the performance ratings under Subsection (a), to evaluate:

(1) the following programs or specific categories of performance at each campus:

(A) fine arts;

(B) wellness and physical education;

(C) community and parental involvement, such as:

(i) opportunities for parents to assist students in preparing for assessments under Section 39.023;

(ii) tutoring programs that support students taking assessments under Section 39.023; and

(iii) opportunities for students to participate in community service projects;

(D) the 21st Century Workforce Development program;

(E) the second language acquisition program;

(F) the digital learning environment;

(G) dropout prevention strategies; and

(H) educational programs for gifted and talented students;  
and

(2) the record of the district and each campus regarding compliance with statutory reporting and policy requirements.

(c) Requires a school district to use criteria developed by the commissioner as described by Subsection (d)(1) in conjunction with criteria developed by a local committee established as provided by Subsection (d)(2) to evaluate the performance of a campus under Subsection (b)(1).

(d) Requires the commissioner to:

(1) in accordance with commissioner rule, establish a separate committee that includes members as described by Sections 39.204(c) and (d) to develop criteria for each program or category of performance under Subsection (b)(1) in the manner provided for developing criteria for a distinction designation under Section 39.204(e); and

(2) by commissioner rule, prescribe requirements for school districts to use to establish a local committee to develop district criteria.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 52. (a) Amends Section 39.056, Education Code, by amending Subsections (d) and (e) and adding Subsection (f), as follows:

(d)-(e) Makes no change to these subdivisions.

(f) Requires a district which takes action with regard to the recommendations provided by the investigators as prescribed by Subsection (e) to make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal oriented and research based.

SECTION 53. (a) Amends Section 39.057(a), Education Code, as follows:

(a) Requires the commissioner to authorize special accreditation investigations to be conducted in certain circumstances, including when excessive numbers of students eligible to enroll fail to complete an advanced mathematics course or any other advanced course determined by the commissioner; when a disproportionate number of students of a particular demographic group is graduating with a particular category of endorsement under Section 28.025(c-1); and when an excessive number of students is graduating with a particular category of endorsement under Section 28.025(c-1).

Deletes existing text requiring the commissioner to authorize special accreditation investigations to be conducted in certain circumstances, including when excessive numbers of students graduate under the minimum high school program and when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other course determined by the commissioner as distinguishing between students participating in the recommended high school program from students participating in the minimum high school program. Makes nonsubstantive changes.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 54. (a) Amends Section 39.082, Education Code, by amending Subsections (a) and (b) and adding Subsections (b-1), (d), (e), (f), (g), (h), (h-1), and (i), as follows:

(a) Requires the commissioner, in consultation with the comptroller of public accounts of the State of Texas (comptroller), to develop and implement separate financial accountability rating systems for school districts and open-enrollment charter schools in this state that, in addition to other requirements, include processes for anticipating the future financial solvency of each school district and open-enrollment charter school, including analysis of district and school revenues and expenditures for preceding school years.

(b) Requires that the system include uniform indicators adopted by commissioner rule by which to measure the financial management performance and future financial solvency of a district or open-enrollment charter school. Requires the commissioner, in adopting indicators under this subsection, to assign a point value to each indicator to be used in a scoring matrix developed by the commissioner. Provides that any reference to a teacher in an indicator adopted by the commissioner under this subsection means a classroom teacher.

(b-1) Requires the commissioner by rule, in adopting uniform indicators under Subsection (b), to adopt an indicator that recognizes a school district or open-enrollment charter school that publishes the district's or school's check register on the district's or school's Internet website. Provides that a district or school achieves the highest level of financial management performance under this indicator by updating its published check register at least monthly. Provides that a district or school that updates its register less frequently achieves a lower level of financial management performance as provided by rule.

(d) Requires the commissioner to evaluate indicators adopted under Subsection (b) at least once every three years.

(e) Requires each school district or open-enrollment charter school, as applicable, under the financial accountability rating system developed under this section, to be assigned a financial accountability rating of A, B, C, D, or F. Requires the commissioner, in consultation with the comptroller, in adopting rules under this section, to determine the criteria for each designated letter performance rating and designate A, B, and C letter performance ratings as passing ratings and the D and F letter performance ratings as failing ratings.

(f) Requires a district or open-enrollment charter school to receive a failing rating under the system if the district or school fails to achieve a satisfactory rating on:

(1) an indicator adopted under Subsection (b) relating to financial management or solvency that the commissioner determines to be critical; or

(2) a category of indicators that suggest trends leading to financial distress as determined by the commissioner.

(g) Requires the commissioner to assign each district or open-enrollment charter school a preliminary rating before assigning a final rating under the system. Authorizes a district or school to submit additional information to the commissioner relating to any indicator on which performance was considered unsatisfactory. Requires the commissioner to consider any additional information submitted by a district or school before assigning a final rating. Prohibits the commissioner from penalizing the district or school on the basis of the indicator if the commissioner determines that the additional information negates the concern raised by the indicator on which performance was considered unsatisfactory.

(h) Requires the commissioner to adopt rules for the implementation of this section.

(h-1) Requires the commissioner to adopt initial rules necessary to implement the changes to this section made by the 83rd Legislature, Regular Session, 2013, not later than March 1, 2015. Provides that this subsection expires April 1, 2015.

(i) Requires that the financial accountability rating of each school district and open-enrollment charter school under the financial accountability rating system developed under this section, not later than August 8 of each year, be made publicly available as provided by rules adopted under this section.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 55. (a) Amends Section 39.0823, Education Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires TEA to provide the district or school interim financial reports, including projected revenues and expenditures, to evaluate the current budget status of the district or school, if the commissioner, based on the indicators adopted under Section 39.082 or other relevant information, projects a deficit for a school district or open-enrollment charter school general fund within the following three school years.

Deletes existing text requiring the district to provide TEA interim financial reports, supplemented by staff and student count data, as needed, to evaluate the district's current budget status if the review process under Section 39.0822 indicates a projected deficit for a school district general fund within the following three school years.

(d) Authorizes TEA to require a district or open-enrollment charter school to submit additional information needed to produce a financial report under Subsection (a). Authorizes the commissioner to order the district or school to acquire professional services as provided by Section 39.109 (Acquisition of Professional Services) if a district or school fails to provide information requested under this subsection or if the commissioner determines that the information submitted by a district or school is unreliable.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 56. (a) Amends Subchapter D, Chapter 39, Education Code, by adding Section 39.0824 as follows:

Sec. 39.0824. CORRECTIVE ACTION PLAN. (a) Requires a school district or open-enrollment charter school assigned a failing rating under Section 39.082 to submit to the commissioner a corrective action plan to address the financial weaknesses of the district or school. Requires that a corrective action plan identify the specific areas of financial weaknesses, such as financial weaknesses in transportation, curriculum, or teacher development, and include strategies for improvement.

(b) Authorizes the commissioner to impose appropriate sanctions under Subchapter E against a district or school failing to submit or implement a corrective action plan required under Subsection (a).

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 57. (a) Amends Section 39.083(b), Education Code, as follows:

(b) Requires that the annual financial management report include:

(1) a description of the district's financial management performance based on a comparison, provided by TEA, of the district's performance on the indicators adopted under Section 39.082(b) to state-established standards and the district's previous performance on the indicators; and

(2) Redesignates existing Subdivision (3) as Subdivision (2) and makes no further change to this subdivision.

Deletes existing text requiring that the annual financial management report include a description of the data submitted using the electronic-based program developed under Section 39.0822.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 58. (a) Amends Section 39.201(a), Education Code, as follows:

(a) Requires the commissioner, not later than August 8 of each year, to award distinction designations for outstanding performance as provided by this subchapter. Requires that a distinction designation awarded to a district or campus under this subchapter be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the performance ratings as provided by rules adopted under Section 39.054(a). Makes a nonsubstantive change.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 59. (a) Amends Section 39.202, Education Code, as follows:

Sec. 39.202. New heading: ACADEMIC DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES. Requires the commissioner by rule to establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness, rather than requiring the commissioner by rule to establish a recognized and exemplary rating for awarding districts and campuses an academic distinction designation under this subchapter. Requires the commissioner to adopt criteria for the designation under this section, rather than requiring the commissioner, in establishing the recognized and exemplary ratings, to adopt criteria for the ratings, including:

(1) percentages of students who:

(A) performed satisfactorily, as determined under the college readiness performance standard under Section 39.0241, on assessment instruments required under Section 39.023(a), (b), (c), or (l) or on end-of-course assessment instruments adopted under Section 39.023(c-2), aggregated across grade levels by subject area; or

(B) met the standard for annual improvement, as determined by TEA under Section 39.034, on assessment instruments required under Section 39.023(a), (b), (c), or (l) or on end-of-course assessment instruments adopted under Section 39.023(c-2), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A);

(2) percentages of:

(A) students who earned a nationally or internationally recognized business or industry certification or license;

(B) students who completed a coherent sequence of career and technical courses;

(C) students who completed a dual credit course or an articulated postsecondary course provided for local credit;

(D) students who achieved applicable College Readiness Benchmarks or the equivalent on the Preliminary Scholastic Assessment Test (PSAT), the Scholastic Assessment Test (SAT), the American College Test (ACT), or the ACT-Plan assessment program; and

(E) students who received a score on either an advanced placement test or an international baccalaureate examination to be awarded college credit; and

(3) other factors for determining sufficient student attainment of postsecondary readiness.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 60. (a) Amends Section 39.203, Education Code, as follows:

Sec. 39.203. CAMPUS DISTINCTION DESIGNATIONS. (a) Requires the commissioner to award a campus a distinction designation for outstanding performance in improvement in student achievement if the campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement as determined under Section 39.034.

(b) Requires the commissioner, in addition to the distinction designation described by Subsection (a), to award a campus a distinction designation for outstanding performance in closing student achievement differentials if the campus demonstrates an ability to significantly diminish or eliminate performance differentials between student subpopulations and is ranked in the top 25 percent of campuses in this state under the performance criteria described by this subsection.

(c) Requires that a campus that satisfies the criteria developed under Section 39.204, in addition to the distinction designations described by Subsections (a) and (b), be awarded a distinction designation by the commissioner for outstanding performance in academic achievement in English language arts, mathematics, science, or social studies.

Deletes existing text requiring that a campus that satisfies the criteria developed under Section 39.204, in addition to the distinction designations described by Subsections (a) and (b), be awarded a distinction designation by the commissioner for the certain programs or certain specific categories of performance.

(d) Authorizes the commissioner, in addition to the distinction designations otherwise described by this section, to award a distinction designation for outstanding performance in advanced middle or junior high school student achievement to a campus with a significant number of students below grade nine who perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c).

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 61. (a) Amends Section 39.235(b), Education Code, as follows:

(b) Authorizes the commissioner, before awarding a grant under this section, to require a campus or school district to:

(1) obtain local matching funds; or

(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 for each student enrolled at the campus or in a district middle or junior high school, rather than in a district middle, junior high, or high school.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 62. (a) Amends Section 39.301(c), Education Code, as follows:

(c) Requires that indicators for reporting purposes include:

(1) the percentage of graduating students who meet the course requirements established by SBOE rule for:

(A) the foundation high school program;

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

(C) each endorsement described by Section 28.025 (c-1);

Deletes existing text requiring that indicators for reporting purposes include the percentage of graduating students who meet the course requirements established by SBOE rule for the minimum high school program, the recommended high school program, and the advanced high school program. Makes nonsubstantive changes.

(2)-(3) Makes no change to these subdivisions;

(4) Deletes existing text requiring that indicators for reporting purposes include for each campus, the number of students, disaggregated by major student subpopulations, that agree under Section 28.025(b) to take courses under the minimum high school program. Redesignates existing Subdivision (5) as Subdivision (4) and makes no further change to this subdivision;

(5)-(11) Makes nonsubstantive changes; and

(12) for each campus, the number of students, disaggregated by major student subpopulations, that graduate:

(A) under the foundation high school program;

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

(C) with each category of endorsement under Section 28.025(c-1).

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 63. (a) Amends Section 39.305(b), Education Code, as follows:

(b) Requires that the report card include certain information, including, where applicable, the student achievement indicators described by Section 39.053(c) and

the reporting indicators described by Sections 39.301(c)(1) through (4), rather than through (5).

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 64. (a) Amends Section 39.332(b), Education Code, by amending Subdivision (23) and adding Subdivision (24), as follows:

(23) Requires that the report contain an evaluation of the availability of categories of endorsements under Section 28.025(c-1), including the following information for each school district:

(A) the categories of endorsements under Section 28.025(c-1) for which the district offers all courses for curriculum requirements as determined by SBOE rule; and

(B) the district's economic, geographic, and demographic information, as determined by the commissioner.

(24) Requires that the report contain any additional information considered important by the commissioner or SBOE.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 65. (a) Amends Subchapter L, Chapter 39, Education Code, by adding Section 39.363, as follows:

Sec. 39.363. NOTICE ON AGENCY WEBSITE. Requires TEA, not later than August 31 of each year, to make the following information available to the public on TEA's Internet website:

(1) the letter performance rating assigned to each school district and campus under Section 39.054 and each distinction designation awarded to a school district or campus under Subchapter G (Distinction Designations), Chapter 39;

(2) the letter performance rating assigned to a school district and each campus in the district by the district under Section 39.0545; and

(3) the letter financial accountability rating assigned to each school district and open-enrollment charter school under Section 39.082.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 66. (a) Amends Section 51.3062, Education Code, by adding Subsection (q-3), as follows:

(q-3) Provides that a student who successfully completes a college preparatory course under Section 28.014 is exempt from the requirements of this section with respect to the content area of the course. Requires the commissioner of higher education by rule to establish the period for which an exemption under this subsection is valid.

(b) Provides that this section applies beginning with the 2013-2014 school year.

SECTION 67. (a) Amends Section 51.803, Education Code, by amending Subsections (a), (b), and (d) and adding Subsection (m), as follows:

(a) Requires each general academic teaching institution, subject to Subsection (a-1) (relating to setting forth requirements for offering admission to applicants), to

admit an applicant for admission to the institution as an undergraduate student if the applicant meets certain conditions, including:

(1) Makes no change to this subdivision;

(2) the applicant successfully completed at a public high school the curriculum requirements established under Section 28.025 for the distinguished level of achievement under the foundation high school program, rather than for the recommended or advanced high school program, or at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the distinguished level of achievement under the foundation school program, rather than the recommended or advanced high school program; or satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and

(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 (Determination of Resident Status) or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.241(d) (relating to entitling a spouse or dependent child of a member of the Armed Forces of the United States, who meets certain conditions, to pay the tuition fees and other fees or charges provided for Texas residents for a term or semester at an institution of higher education if the member meets certain conditions), rather than Section 54.058(d), for the term or semester to which admitted.

(b) Provides that an applicant who does not satisfy the curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) is considered to have satisfied those requirements if the student completed the portion of the distinguished level of achievement under the foundation high school program curriculum, rather than the recommended or advanced curriculum, or of the curriculum equivalent in content and rigor, as applicable, that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

(d) Requires that a student's official transcript or diploma, for purposes of Subsection (c)(2) (relating to requiring an applicant, to qualify for admission under this section, to provide a high school transcript or diploma that satisfies the requirements of Subsection (d)), not later than the end of the student's junior year, indicate, among other requirements, if Subsection (b) applies to the student, whether the student has completed the portion of the distinguished level of achievement under the foundation high school program curriculum, rather than the recommended or advanced curriculum, or of the curriculum equivalent in content and rigor, as applicable, that was available to the student.

(m) Requires THECB and the commissioner to jointly adopt rules to establish eligibility requirements for admission under this section as to curriculum requirements for high school graduation under Subsection (a)(2)(A) for students participating under the transition plan described by Section 28.025(h) regarding high school curriculum completion. Provides that this subsection expires September 1, 2020.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 68. (a) Amends Section 51.805, Education Code, by amending Subsection (a) and adding Subsection (g), as follows:

(a) Authorizes a graduating student who does not qualify for admission under Section 51.803 or 51.804 to apply to any general academic teaching institution if the student:

(1) successfully completed:

(A) at a public high school, the curriculum requirements established under Section 28.025 for the foundation high school program; or

(B) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the foundation high school program; or

(2) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent.

Deletes existing text authorizing a graduating student who does not qualify for admission under Section 51.803 or 51.804 to apply to any general academic teaching institution if the student satisfies the requirements of Section 51.803(a)(2)(A) or 51.803(b), as applicable to the student, or Section 51.803(a)(2)(B) and Sections 51.803(c)(2) and 51.803(d).

(g) Requires THECB and the commissioner to jointly adopt rules to establish eligibility requirements for admission under this section as to curriculum requirements for high school graduation under Subsection (a) for students participating under the transition plan described by Section 28.025(h) regarding high school curriculum completion. Provides that this subsection expires September 1, 2020.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 69. (a) Amends Section 51.807(b), Education Code, as follows:

(b) Requires THECB by rule, after consulting with TEA, to establish certain standards for determining for purposes of this subchapter, including whether a person completed a high school curriculum that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 for the foundation high school program or the distinguished level of achievement under the foundation high school program, rather than for the recommended or advanced high school program.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 70. (a) Amends Subchapter A, Chapter 56, Education Code, by adding Section 56.009, as follows:

Sec. 56.009. ELIGIBILITY BASED ON GRADUATION UNDER CERTAIN HIGH SCHOOL PROGRAMS. Requires THECB and the commissioner, to the extent that a person's eligibility to participate in any program under this chapter, including Subchapters K, Q, and R, is contingent on the person graduating under the recommended or advanced high school program, as those programs existed before the adoption of \_\_.B. No. \_\_\_\_, 83rd Legislature, Regular Session, 2013, to jointly adopt rules to modify, clarify, or otherwise establish for affected programs appropriate eligibility requirements regarding high school curriculum completion.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 71. (a) Amends Section 56.3041, Education Code, as follows:

Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM HIGH SCHOOL ON OR AFTER MAY 1, 2013, AND ENROLLING IN A GENERAL ACADEMIC TEACHING INSTITUTION. (a) Creates this subsection from existing text. Requires that a person graduating from high school on or after May 1, 2013, and enrolling in a general academic teaching institution, notwithstanding Section 56.304(a) (relating to requiring a person to meet certain requirements to be eligible for a TEXAS grant), to be eligible initially for a TEXAS grant, to:

(1) Makes no change to this subdivision;

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

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

(i) successful completion of the course requirements of the international baccalaureate diploma program or earning of the equivalent of at least 12 semester credit hours of college credit in high school through courses described in Sections 28.009(a)(1) (relating to authorizing that college credit hours in high school be earned through international baccalaureate, advanced placement, or dual credit courses), (2) (relating to authorizing that college credit hours in high school be earned through articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit), and (3) (relating to authorizing that college credit hours in high school be earned through any combination of the courses described by Subdivisions (1) and (2), rather than graduation under the advanced high school program established under Section 28.025 or its equivalent, successful completion of the course requirements of the international baccalaureate diploma program, or earning of the equivalent of at least 12 semester credit hours of college credit in high school through courses described in Section 28.009(a)(1), (2), and (3);

(ii) satisfaction of the Texas Success Initiative (TSI) college readiness benchmarks prescribed by THECB under Section 51.3062(f) on any assessment instrument designated by THECB under Section 51.3062(c), rather than under Section 51.3062(c) or (e), or qualification for an exemption as described by Section 51.3062(p) (relating to providing that a student who has achieved a score set by the board on the SAT or Act is exempt from the requirements of this section and providing that an exemption under this subsection is effective for a certain period), (q) (relating to providing that a student who has achieved scores set by the board on the questions developed for end-of-course assessments instruments under Section 39.0233(a) is exempt from the requirements of this section and providing that the exemption is effective for a certain period), or (q-1)

(relating to providing that certain students are exempt from the requirements of this section and requiring the commissioner of higher education by rule to establish the period for which an exemption under this subsection is valid);

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

(iv) completion for high school credit of at least one advanced mathematics course following the successful completion of an Algebra II course or at least one advanced career and technical course, rather than following the successful completion of an Algebra II course, as permitted by Section 28.025(b-3), or at least one advanced career and technical course, as permitted by Section 28.025(b-2);

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

(C) if sufficient money is available, meet the eligibility criteria described by Section 56.304(a)(2)(A) (relating to requiring a person to be a graduate of a public or accredited private high school in this state who graduated not earlier than the 1998-1999 school year and who completed the recommended or advanced high school curriculum established under Section 28.002 or 28.025 or its equivalent to be initially eligible for a TEXAS grant); and

(3)-(7) Makes no change to these subdivisions.

(b) Requires THECB and the commissioner to jointly adopt rules to establish eligibility requirements for a grant under this section as to curriculum requirements for high school graduation under Subsection (a)(2)(A) for students participating under the transition plan described by Section 28.025(h) regarding high school curriculum completion. Provides that this subsection expires September 1, 2020.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 72. (a) Amends Section 61.0517(a), Education Code, to redefine "applied STEM course" in this section.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 73. (a) Amends Section 61.792(b), Education Code, to require a student, to qualify for a scholarship under this section, to, among other requirements, have graduated from high school with a grade point average of at least 3.5 on a four-point scale or the equivalent in mathematics and science courses offered under the foundation high school program under Section 28.025, rather than under the recommended or advanced high school program under Section 28.025(a).

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 74. (a) Amends Section 61.852(a), Education Code, as follows:

(a) Provides that a tech-prep program is a program of study that:

(1) combines at least two years of secondary education with at least two years of postsecondary education in a nonduplicative, sequential course of study based on the foundation high school program adopted by SBOE under Section 28.025, rather than on the recommended high school program adopted by SBOE under Section 28.025(a); and

(2)-(7) Makes no change to these subdivisions.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 75. (a) Amends Section 61.855(d), Education Code, as follows:

(d) Requires that a tech-prep program:

(1)-(2) Makes no change to these subdivisions;

(3) have a common core of required proficiency based on the foundation high school program adopted by SBOE under Section 28.025, rather than have a common core of required proficiency based on the recommended high school program adopted by SBOE under Section 28.025(a), with proficiencies in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or postsecondary certificate in a specific career field; and

(4)-(8) Makes no change to these subdivisions.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 76. (a) Amends Section 61.861(c), Education Code, to require that a course developed for purposes of this section fulfill certain requirements, including satisfy a mathematics or science requirement under the foundation high school program, rather than a recommended or advanced high school program, as determined under Section 28.025.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 77. (a) Amends Section 61.864, Education Code, as follows:

Sec. 61.864. REVIEW OF COURSES. Requires that courses for which a grant is awarded under this subchapter be reviewed by the commissioner of higher education and the commissioner, in consultation with the comptroller and TWC, once every four years to determine whether the course fulfills certain requirements, including satisfies a mathematics or science requirement for the foundation high school program, rather than the recommended or advanced high school program, as determined under Section 28.025.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 78. (a) Amends Section 78.10(b), Education Code, as follows:

(b) Provides that the Texas Academy of Mathematics and Science (academy) is a division of The University of Texas at Brownsville and is under the management and control of the board of regents of The University of Texas System. Provides that the academy serves certain purposes, such as providing academically gifted and highly motivated junior and senior high school students with a challenging university-level curriculum that, among other provisions, allows students to complete high school graduation requirements for the foundation high school program and the distinguished level of achievement under the foundation high school program and earn appropriate endorsements as provided by Section 28.025, rather than allows students to complete high school graduation requirements, including requirements adopted under Section 28.025 for the

advanced high school program, while attending for academic credit a public institution of higher education.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 79. (a) Amends Section 87.505(b), Education Code, as follows:

(b) Provides that the Texas Academy of International Studies (academy) is a division of Texas A&M International University and is under the management and control of the board of regents of The Texas A&M University System. Provides that the academy serves certain purposes, such as providing academically gifted and highly motivated junior and senior high school students with a challenging university-level curriculum that, among other provisions, allows students to complete high school graduation requirements for the foundation high school program and the distinguished level of achievement under the foundation high school program and earn appropriate endorsements as provided by Section 28.025, rather than allows students to complete high school graduation requirements, including requirements adopted under Section 28.025 for the advanced high school program, while attending for academic credit a public institution of higher education.

(b) Provides that this section applies beginning with the 2014-2015 school year.

SECTION 80. (a) Repealers, effective September 1, 2013:

(1) Sections 29.190(b) (relating to requiring the commissioner to adopt guidelines for determining financial need consistent with the definition of financial need adopted by the College Board and Education Testing Service) and (e) (relating to requiring the commissioner, in collaboration with the commissioner of higher education and TWC, to determine as necessary the occupations that qualify for purposes of this section), Education Code; and

(2) Section 39.025(a-3) (relating to requiring a student to achieve a score that meets or exceeds a certain score on English III and Algebra II end-of-course instruments in order to graduate under the advanced high school program), Education Code.

(b) Repealers, effective September 1, 2014:

(1) Section 28.002(q) (relating to prohibiting a school district from varying the curriculum for a course in certain required curriculum), Education Code;

(2) Sections 28.0212(e) (relating to encouraging school districts to establish for students entering grade nine a personal graduation plan that identifies certain courses of study) and (g) (relating to encouraging school districts to establish for students entering grade nine a personal graduation plan that identifies certain courses of study), Education Code;

(3) Sections 28.025(b-6) (relating to requiring a school district to provide written notice to a student's parent or person standing in parental relation explaining the benefits of the recommended high school program before the parent or other person is authorized to agree that the student be permitted to take courses under the minimum high school program), (b-8) (relating to authorizing a student agreeing to take courses under the minimum high school program to, upon request, resume taking courses under the recommended high school program), and (g) (relating to requiring a school district to indicate on a student's transcript form that the student was unable to complete the recommended or advanced high school program if that inability is solely because necessary courses were unavailable to the student at the appropriate times due to course scheduling, lack

of enrollment capacity, or another cause not within the student's control), Education Code;

(4) Section 39.0822 (Financial Solvency Review Required), Education Code; and

(5) Sections 39.0823(b) (relating to requiring the school district to develop a financial plan and submit the plan to TEA for approval under certain conditions and authorizing TEA to approve the plan only if it determines the plan will permit the district to avoid the projected insolvency) and (c) (relating to requiring the commissioner to assign a school district an accredited warning status under certain conditions), Education Code.

SECTION 81. (a) Provides that except as provided by Subsection (b) of this section, Section 39.025, Education Code, as amended by Sections 39 and 40 of this Act, as related to reducing end-of-course testing requirements, applies only to students who have entered or will enter the ninth grade during the 2011-2012 school year or a later school year.

(b) Authorizes students who have entered the ninth grade during or after the 2011-2012 school year and before the 2014-2015 school year and who choose to complete the curriculum requirements under the minimum high school program to be administered only those end-of-course assessment instruments that would have been administered to those students under Section 39.025, Education Code, as amended by Section 39 of this Act. Provides that Section 39.025, Education Code, as amended by Section 39 of this Act, is continued in effect for purposes of satisfying those end-of-course testing requirements.

SECTION 82. Requires the commissioner, not later than October 1, 2013, to adopt rules to administer Sections 39.025(a-1) and (a-2), Education Code, as amended by this Act.

SECTION 83. Provides that Section 39.034(a-2), Education Code, as added by this Act, applies to a student regardless of the date on which the student initially enrolled in a school in the United States.

SECTION 84. Provides that if, on September 1, 2013, a person is serving on a committee or panel that advises the commissioner or TEA who would not be eligible for appointment under Section 39.038, Education Code, as added by this Act, the person's position on the committee or panel becomes vacant, and requires that the vacancy be filled in accordance with applicable law.

SECTION 85. (a) Requires TEA, in collaboration with THECB and TWC, to, through an external evaluator at a center for education research authorized by Section 1.005 (Education Research Centers; Sharing Student Information), Education Code, evaluate the implementation of the changes made by this Act to the curriculum requirements for high school graduation. Requires that the evaluation include an estimation of this Act's effect on high school graduation rates, college readiness, college admissions, college completion, obtainment of workforce certificates, employment rates, and earnings.

(b) Requires the commissioner to submit an initial report regarding the review to the governor, lieutenant governor, and members of the legislature not later than December 1, 2015. Requires the commissioner to submit a final report regarding the review to the governor, lieutenant governor, and members of the legislature not later than December 1, 2017.

SECTION 86. Effective date: upon passage or September 1, 2013.