

BILL ANALYSIS

Senate Research Center

S.B. 149
By: Seliger et al.
Education
5/28/2015
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Approximately 28,000 students will not graduate in 2015 because of the failure to pass one or more STAAR end-of-course exams. In many cases, these students have passed all of the related coursework and only one or more STAAR exams are holding them back. Without a high school diploma, a student cannot attend college, cannot join the military, and in many cases will not even qualify for a minimum wage job.

S.B. 149 is modeled after the "grade placement committees" implemented under the Student Success Initiative grade advancement requirements. It establishes an individual graduation committee for each student who fails to pass an end-of-course assessment after two attempts. Each committee consists of the principal, teacher, school counselor, and parent and will consider multiple factors related to the student's academic success, including grades in relevant coursework and overall attendance rate.

S.B. 149 amends current law relating to alternative methods for satisfying certain public high school graduation requirements, including the use of individual graduation committees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 28.0258 and Section 28.0259, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

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

(b-2) Provides that an open-enrollment charter school is subject to the requirement to establish an individual graduation committee under Section 28.0258. Provides that this subsection expires September 1, 2017.

SECTION 2. Amends Section 28.025, Education Code, by adding Subsection (c-6), as follows:

(c-6) Authorizes a person, notwithstanding Subsection (c) (relating to alternative means of qualifying for high school graduation) , to receive a diploma if the person is eligible for a diploma under Section 28.0258. Provides that this subsection expires September 1, 2017.

SECTION 3. Amends Subchapter B, Chapter 28, Education Code, by adding Sections 28.0258 and 28.0259, as follows:

Sec. 28.0258. HIGH SCHOOL DIPLOMA AWARDED ON BASIS OF INDIVIDUAL GRADUATION COMMITTEE REVIEW. (a) Provides that this section applies only to an 11th or 12th grade student who has failed to comply with the end-of-course assessment instrument performance requirements under Section 39.025 in not more than two courses.

(b) Requires the school district that the student attends to establish an individual graduation committee at the end of or after the student's 11th grade year to

determine whether the student may qualify to graduate as provided by this section. Prohibits a student from qualifying to graduate under this section before the student's 12th grade year. Requires that the committee be composed of:

- (1) the principal or principal's designee;
- (2) the teacher of the course for each end-of-course assessment instrument on which the student failed to perform satisfactorily;
- (3) the department chair or lead teacher supervising the teacher described by Subdivision (2); and
- (4) as applicable:
 - (A) the student's parent or person standing in parental relation to the student;
 - (B) a designated advocate described by Subsection (c) if the person described by Paragraph (A) is unable to serve; or
 - (C) the student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

(c) Authorizes the commissioner of education (commissioner) by rule to establish a procedure for appointing an alternative committee member if a person described by Subsection (b) is unable to serve, including appointing a designated advocate for the student if the student's parent or person standing in parental relation to the student is unable to serve. Requires the superintendent of each school district to establish procedures for the convening of an individual graduation committee.

(c-1) Requires the school district that the student attends, notwithstanding Subsection (c), for the 2014-2015 school year, to establish procedures for appointing alternative committee members as provided by Subsection (c). Provides that this subsection expires September 1, 2015.

(c-2) Requires a school district to provide an appropriate translator, if available, for the appropriate person described under Subsection (b)(4) who is unable to speak English.

(d) Requires the school district to ensure a good faith effort is made to timely notify the appropriate person described under Subsection (b)(4) of the time and place for convening the individual graduation committee and the purpose of the committee. Requires that the notice be:

- (1) provided in person or by regular mail or e-mail;
- (2) clear and easy to understand; and
- (3) written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person described by Subsection (b)(4).

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

- (1) identified by the State Board of Education under Section 28.025(a); or
- (2) as otherwise provided by the transition plan adopted by the commissioner under Section 28.025(h).

(f) Requires a student's individual graduation committee established under this section, notwithstanding any other law, to recommend additional requirements by which the student may qualify to graduate, including:

(1) additional remediation; and

(2) for each end-of-course assessment instrument on which the student failed to perform satisfactorily:

(A) the completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or

(B) the preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

(g) Authorizes a student, for purposes of Subsection (f), to submit to the individual graduation committee coursework previously completed to satisfy a recommended additional requirement.

(h) Requires the committee, in determining whether a student for whom an individual graduation committee is established is qualified to graduate, to consider certain criteria, and sets forth that criteria.

(i) Authorizes the individual graduation committee, after considering the criteria under Subsection (h), to determine that the student is qualified to graduate. Authorizes a student for whom an individual graduation committee is established to graduate and receive a high school diploma on the basis of the committee's decision, notwithstanding any other law, only if the student successfully completes all additional requirements recommended by the committee under Subsection (f), the student meets the requirements of Subsection (e), and the committee's vote is unanimous. Requires the commissioner by rule to establish a timeline for making a determination under this subsection. Provides that this subsection does not create a property interest in graduation. Provides that the decision of a committee is final and may not be appealed.

(i-1) Requires the school district that the student attends, notwithstanding Subsection (i), to establish for the 2014-2015 school year a timeline for making a determination under Subsection (i). Provides that this subsection expires September 1, 2015.

(j) Requires a school district, notwithstanding any action taken by an individual graduation committee under this section, to administer an end-of-course assessment instrument to any student who fails to perform satisfactorily on an end-of-course assessment instrument as provided by Section 39.025(b). Provides that, for purposes of Section 39.053(c)(1), an assessment instrument administered as provided by this subsection is considered an assessment instrument required for graduation retaken by a student.

(k) Requires the commissioner to adopt rules as necessary to implement this section not later than the 2015-2016 school year.

(l) Provides that this section expires September 1, 2017.

Sec. 28.0259. REPORTING REQUIREMENTS FOR STUDENTS GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW PROCESS. (a) Requires each school district to report through the Public Education Information Management System (PEIMS) the number of district students each school year for which an individual graduation committee is established under Section 28.0258 and the number

of district students each school year who are awarded a diploma based on the decision of an individual graduation committee as provided by Section 28.0258.

(b) Requires a school district to report the information required by Subsection (a) not later than December 1 of the school year following the school year the student is awarded a diploma.

(c) Requires the Texas Education Agency (TEA) to make the information reported under this section available on TEA's Internet website.

(d) Requires the commissioner to adopt rules as necessary to implement this section not later than the 2015-2016 school year.

(e) Provides that this section expires September 1, 2018.

SECTION 4. Amends Section 39.025, Education Code, by adding Subsections (a-2) and (a-3), as follows:

(a-2) Authorizes a student who fails to perform satisfactorily on an end-of-course assessment instrument in the manner provided under this subsection to receive a high school diploma if the student has qualified for graduation under Section 28.0258, notwithstanding Subsection (a) (relating to end-of-course assessment instruments and a student performing satisfactorily). Provides that this subsection expires September 1, 2017.

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

SECTION 5. Effective date: upon passage or September 1, 2015.