

AN ACT

relating to alternative methods for satisfying certain public high school graduation requirements, including the use of individual graduation committees.

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

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

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

SECTION 2. Section 28.025, Education Code, is amended by adding Subsection (c-6) to read as follows:

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

SECTION 3. Subchapter B, Chapter 28, Education Code, is amended by adding Sections 28.0258 and 28.0259 to read as follows:

Sec. 28.0258. HIGH SCHOOL DIPLOMA AWARDED ON BASIS OF INDIVIDUAL GRADUATION COMMITTEE REVIEW. (a) 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 for not more than two courses.

(b) For each student to whom this section applies, the school district that the student attends shall establish an

1 individual graduation committee at the end of or after the
2 student's 11th grade year to determine whether the student may
3 qualify to graduate as provided by this section. A student may not
4 qualify to graduate under this section before the student's 12th
5 grade year. The committee shall be composed of:

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

7 (2) for each end-of-course assessment instrument on
8 which the student failed to perform satisfactorily, the teacher of
9 the course;

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

12 (4) as applicable:

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

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

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

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

27 (c-1) Notwithstanding Subsection (c), for the 2014-2015

1 school year, the school district that the student attends shall
2 establish procedures for appointing alternative committee members
3 as provided by Subsection (c). This subsection expires September
4 1, 2015.

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

8 (d) The school district shall ensure a good faith effort is
9 made to timely notify the appropriate person described under
10 Subsection (b)(4) of the time and place for convening the
11 individual graduation committee and the purpose of the committee.
12 The notice must be:

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

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

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

23 (2) as otherwise provided by the transition plan
24 adopted by the commissioner under Section 28.025(h).

25 (f) Notwithstanding any other law, a student's individual
26 graduation committee established under this section shall
27 recommend additional requirements by which the student may qualify

1 to graduate, including:

2 (1) additional remediation; and

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

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

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

11 (g) For purposes of Subsection (f), a student may submit to
12 the individual graduation committee coursework previously
13 completed to satisfy a recommended additional requirement.

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

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

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

23 (3) the student's score on each end-of-course
24 assessment instrument on which the student failed to perform
25 satisfactorily;

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

1 (5) the number of hours of remediation that the
2 student has attended, including:

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

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

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

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

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

13 (9) the student's successful completion of a high
14 school pre-advanced placement, advanced placement, or
15 international baccalaureate program course in English,
16 mathematics, science, or social studies;

17 (10) the student's rating of advanced high on the most
18 recent high school administration of the Texas English Language
19 Proficiency Assessment System;

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

22 (12) the student's score on the ACT, the SAT, or the
23 Armed Services Vocational Aptitude Battery test;

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

27 (14) the student's overall preparedness for

1 postsecondary success; and

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

4 (i) After considering the criteria under Subsection (h),
5 the individual graduation committee may determine that the student
6 is qualified to graduate. Notwithstanding any other law, a student
7 for whom an individual graduation committee is established may
8 graduate and receive a high school diploma on the basis of the
9 committee's decision only if the student successfully completes all
10 additional requirements recommended by the committee under
11 Subsection (f), the student meets the requirements of Subsection
12 (e), and the committee's vote is unanimous. The commissioner by
13 rule shall establish a timeline for making a determination under
14 this subsection. This subsection does not create a property
15 interest in graduation. The decision of a committee is final and
16 may not be appealed.

17 (i-1) Notwithstanding Subsection (i), for the 2014-2015
18 school year, the school district that the student attends shall
19 establish a timeline for making a determination under Subsection
20 (i). This subsection expires September 1, 2015.

21 (j) Notwithstanding any action taken by an individual
22 graduation committee under this section, a school district shall
23 administer an end-of-course assessment instrument to any student
24 who fails to perform satisfactorily on an end-of-course assessment
25 instrument as provided by Section 39.025(b). For purposes of
26 Section 39.053(c)(1), an assessment instrument administered as
27 provided by this subsection is considered an assessment instrument

1 required for graduation retaken by a student.

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

4 (l) This section expires September 1, 2017.

5 Sec. 28.0259. REPORTING REQUIREMENTS FOR STUDENTS
6 GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW
7 PROCESS. (a) Each school district shall report through the Public
8 Education Information Management System (PEIMS) the number of
9 district students each school year for which an individual
10 graduation committee is established under Section 28.0258 and the
11 number of district students each school year who are awarded a
12 diploma based on the decision of an individual graduation committee
13 as provided by Section 28.0258.

14 (b) A school district shall report the information required
15 by Subsection (a) not later than December 1 of the school year
16 following the school year the student is awarded a diploma.

17 (c) The agency shall make the information reported under
18 this section available on the agency's Internet website.

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

21 (e) This section expires September 1, 2018.

22 SECTION 4. Section 39.025, Education Code, is amended by
23 adding Subsections (a-2) and (a-3) to read as follows:

24 (a-2) Notwithstanding Subsection (a), a student who has
25 failed to perform satisfactorily on end-of-course assessment
26 instruments in the manner provided under this section may receive a
27 high school diploma if the student has qualified for graduation

1 under Section 28.0258. This subsection expires September 1, 2017.

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

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 149 passed the Senate on March 17, 2015, by the following vote: Yeas 28, Nays 2; and that the Senate concurred in House amendments on April 29, 2015, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 149 passed the House, with amendments, on April 22, 2015, by the following vote: Yeas 125, Nays 9, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor