

AN ACT

relating to public school accountability, including assessment, and curriculum requirements; providing a criminal penalty.

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

SECTION 1. (a) Section 7.010(c), Education Code, is amended to read as follows:

(c) The electronic student records system must 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) course or grade completion;

(2) teachers of record;

(3) assessment instrument results;

(4) receipt of special education services, including placement in a special education program and the individualized education program developed; and

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

(b) This section applies beginning with the 2014-2015 school year.

SECTION 2. (a) Section 7.062(e), Education Code, is amended to read as follows:

1 (e) The rules must:

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

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

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

8 (2) require a school district to demonstrate, as a
9 condition of eligibility for a grant, that the existing district
10 science laboratories are insufficient in number to comply with the
11 curriculum requirements imposed for the distinguished level of
12 achievement under the foundation [~~recommended and advanced~~] high
13 school program [~~programs~~] under Section 28.025 [~~28.025(b-1)(1)~~];
14 and

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

18 (b) This section applies beginning with the 2014-2015
19 school year.

20 SECTION 3. Subchapter C, Chapter 7, Education Code, is
21 amended by adding Section 7.064 to read as follows:

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

27 (b) The curricula for the courses must include the

1 appropriate essential knowledge and skills adopted under
2 Subchapter A, Chapter 28.

3 (c) If the commissioner determines that joining a
4 consortium of states for this purpose would be beneficial for the
5 educational and career success of students in the state, the
6 commissioner may join the consortium on behalf of the state.

7 SECTION 4. (a) Section 12.111(b), Education Code, is
8 amended to read as follows:

9 (b) A charter holder of an open-enrollment charter school
10 shall consider including in the school's charter a requirement that
11 the school develop and administer personal graduation plans under
12 Sections [Section] 28.0212 and 28.02121.

13 (b) This section applies beginning with the 2014-2015
14 school year.

15 SECTION 5. (a) Section 25.083, Education Code, is amended
16 to read as follows:

17 Sec. 25.083. SCHOOL DAY INTERRUPTIONS. (a) The board of
18 trustees of each school district shall adopt and strictly enforce a
19 policy limiting interruptions of classes during the school day for
20 nonacademic activities such as announcements and sales promotions.
21 At a minimum, the policy must limit announcements other than
22 emergency announcements to once during the school day.

23 (b) The board of trustees of each school district shall
24 adopt and strictly enforce a policy limiting the removal of
25 students from class for remedial tutoring or test preparation. A
26 district may not remove a student from a regularly scheduled class
27 for remedial tutoring or test preparation if, as a result of the

1 removal, the student would miss more than 10 percent of the school
2 days on which the class is offered, unless the student's parent or
3 another person standing in parental relation to the student
4 provides to the district written consent for removal from class for
5 such purpose.

6 (b) This section applies beginning with the 2013-2014
7 school year.

8 SECTION 6. (a) The heading to Section 25.092, Education
9 Code, is amended to read as follows:

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

12 (b) This section applies beginning with the 2013-2014
13 school year.

14 SECTION 7. (a) Sections 25.092(a), (a-1), (b), and (d),
15 Education Code, are amended to read as follows:

16 (a) Except as provided by this section, a student in any
17 grade level from kindergarten through grade 12 may not be given
18 credit or a final grade for a class unless the student is in
19 attendance for at least 90 percent of the days the class is offered.

20 (a-1) A student who is in attendance for at least 75 percent
21 but less than 90 percent of the days a class is offered may be given
22 credit or a final grade for the class if the student completes a
23 plan approved by the school's principal that provides for the
24 student to meet the instructional requirements of the class. A
25 student under the jurisdiction of a court in a criminal or juvenile
26 justice proceeding may not receive credit or a final grade under
27 this subsection without the consent of the judge presiding over the

1 student's case.

2 (b) The board of trustees of each school district shall
3 appoint one or more attendance committees to hear petitions for
4 class credit or a final grade by students who are in attendance
5 fewer than the number of days required under Subsection (a) and have
6 not earned class credit or a final grade under Subsection (a-1).
7 Classroom teachers shall comprise a majority of the membership of
8 the committee. A committee may give class credit or a final grade
9 to a student because of extenuating circumstances. Each board of
10 trustees shall establish guidelines to determine what constitutes
11 extenuating circumstances and shall adopt policies establishing
12 alternative ways for students to make up work or regain credit or a
13 final grade lost because of absences. The alternative ways must
14 include at least one option that does not require a student to pay a
15 fee authorized under Section 11.158(a)(15). A certified public
16 school employee may not be assigned additional instructional duties
17 as a result of this section outside of the regular workday unless
18 the employee is compensated for the duties at a reasonable rate of
19 pay.

20 (d) If a student is denied credit or a final grade for a
21 class by an attendance committee, the student may appeal the
22 decision to the board of trustees. The decision of the board may be
23 appealed by trial de novo to the district court of the county in
24 which the school district's central administrative office is
25 located.

26 (b) This section applies beginning with the 2013-2014
27 school year.

1 SECTION 8. (a) Section 28.002, Education Code, is amended
2 by amending Subsection (c) and adding Subsections (g-1), (g-2), and
3 (o) to read as follows:

4 (c) The State Board of Education, with the direct
5 participation of educators, parents, business and industry
6 representatives, and employers shall by rule identify the essential
7 knowledge and skills of each subject of the required curriculum
8 that all students should be able to demonstrate and that will be
9 used in evaluating instructional materials under Chapter 31 and
10 addressed on the assessment instruments required under Subchapter
11 B, Chapter 39. As a condition of accreditation, the board shall
12 require each district to provide instruction in the essential
13 knowledge and skills at appropriate grade levels and to make
14 available to each high school student in the district an Algebra II
15 course.

16 (g-1) A district may also offer a course or other activity,
17 including an apprenticeship or training hours needed to obtain an
18 industry-recognized credential or certificate, that is approved by
19 the board of trustees for credit without obtaining State Board of
20 Education approval if:

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

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

27 (A) a career or technology training program in

1 the district's region of the state;

2 (B) an institution of higher education without
3 remediation;

4 (C) an apprenticeship training program; or

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

8 (g-2) Each school district shall annually report to the
9 agency the names of the courses, programs, institutions of higher
10 education, and internships in which the district's students have
11 enrolled under Subsection (g-1). The agency shall make available
12 information provided under this subsection to other districts.

13 (o) In approving career and technology courses, the State
14 Board of Education must determine that at least 50 percent of the
15 approved courses are cost-effective for a school district to
16 implement.

17 (b) This section applies beginning with the 2014-2015
18 school year.

19 SECTION 9. Subchapter A, Chapter 28, Education Code, is
20 amended by adding Section 28.00222 to read as follows:

21 Sec. 28.00222. INCREASE IN ADVANCED TECHNOLOGY AND
22 CAREER-RELATED COURSES. (a) Not later than September 1, 2014, the
23 State Board of Education shall ensure that at least six advanced
24 career and technology education or technology applications
25 courses, including courses in personal financial literacy
26 consistent with Section 28.0021 and in statistics, are approved to
27 satisfy a fourth credit in mathematics.

1 (b) Not later than January 1, 2015, the commissioner shall
2 review and report to the governor, the lieutenant governor, the
3 speaker of the house of representatives, and the presiding officer
4 of each standing committee of the legislature with primary
5 responsibility over public primary and secondary education
6 regarding the progress of increasing the number of courses approved
7 for the career and technology education or technology applications
8 curriculum. The commissioner shall include in the report a
9 detailed description of any new courses, including instructional
10 materials and required equipment, if any.

11 (c) This section expires September 1, 2015.

12 SECTION 10. (a) Section 28.014, Education Code, is amended
13 to read as follows:

14 Sec. 28.014. COLLEGE PREPARATORY COURSES. (a) Each school
15 district shall partner with at least one institution of higher
16 education to develop and provide [~~The commissioner of education and~~
17 ~~the commissioner of higher education shall develop and recommend to~~
18 ~~the State Board of Education for adoption under Section 28.002 the~~
19 ~~essential knowledge and skills of~~] courses in college preparatory
20 mathematics[~~, science, social studies,~~] and English language
21 arts. The courses must be designed:

22 (1) for students at the 12th grade level whose
23 performance on:

24 (A) [who do not meet college readiness standards
25 ~~on]~~ an end-of-course assessment instrument required under Section
26 39.023(c) does not meet college readiness standards; or

27 (B) coursework, a college entrance examination,

1 or an assessment instrument designated under Section 51.3062(c)
2 indicates that the student is not ready to perform entry-level
3 college coursework; and

4 (2) to prepare students for success in entry-level
5 college courses.

6 (b) A course developed under this section must be provided:

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

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

12 (c) Appropriate faculty of each high school offering
13 courses under this section and appropriate faculty of each
14 institution of higher education with which the school district
15 partners shall meet regularly as necessary to ensure that each
16 course is aligned with college readiness expectations. The
17 commissioner of education, in coordination with the commissioner of
18 higher education, may adopt rules to administer this subsection.

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

23 (e) A student who successfully completes an English
24 language arts [a] course developed under this section may use the
25 credit earned in the course toward satisfying the advanced English
26 language arts [~~applicable mathematics or science~~] curriculum
27 requirement for the foundation [~~recommended or advanced~~] high

1 school program under Section 28.025(b-1)(1) [~~28.025~~]. A student
2 who successfully completes a mathematics course developed under
3 this section may use the credit earned in the course toward
4 satisfying an advanced mathematics curriculum requirement under
5 Section 28.025 after completion of the mathematics curriculum
6 requirements for the foundation high school program under Section
7 28.025(b-1)(2).

8 (f) A course provided under this section may be offered for
9 dual credit at the discretion of the institution of higher
10 education with which a school district partners under this section.

11 (g) Each school district, in consultation with each
12 institution of higher education with which the district partners,
13 shall develop or purchase [~~(c) The agency, in consultation with~~
14 ~~the Texas Higher Education Coordinating Board, shall adopt an~~
15 ~~end-of-course assessment instrument for each course developed~~
16 ~~under this section to ensure the rigor of the course. A school~~
17 ~~district shall, in accordance with State Board of Education rules,~~
18 ~~administer the end-of-course assessment instrument to a student~~
19 ~~enrolled in a course developed under this section. Each school~~
20 ~~district shall adopt a policy that requires a student's performance~~
21 ~~on the end-of-course assessment instrument to account for 15~~
22 ~~percent of the student's final grade for the course. A student's~~
23 ~~performance on an end-of-course assessment instrument administered~~
24 ~~under this subsection may be used, on a scale of 0-40, in~~
25 ~~calculating whether the student satisfies the graduation~~
26 ~~requirements established under Section 39.025.~~

27 [~~(d) The agency, in coordination with the Texas Higher~~

1 ~~Education Coordinating Board, shall adopt a series of questions to~~
2 ~~be included in an end-of-course assessment instrument administered~~
3 ~~under Subsection (c) to be used for purposes of Section~~
4 ~~51.3062. The questions must be developed in a manner consistent~~
5 ~~with any college readiness standards adopted under Sections 39.233~~
6 ~~and 51.3062.~~

7 ~~[(c) The State Board of Education shall adopt]~~
8 instructional materials for a course developed under this section
9 consistent ~~[in accordance]~~ with Chapter 31. The instructional
10 materials must include technology resources that enhance the
11 effectiveness of the course and draw on established best practices.

12 (h) ~~[(f)]~~ To the extent applicable, a district ~~[the~~
13 ~~commissioner]~~ shall draw from curricula and instructional
14 materials developed under Section ~~[Sections]~~ 28.008 ~~[and 61.0763]~~
15 in developing a course and related instructional materials under
16 this section. A ~~[Not later than September 1, 2010, the State Board~~
17 ~~of Education shall adopt essential knowledge and skills for each~~
18 ~~course developed under this section. The State Board of Education~~
19 ~~shall make each]~~ course developed under this section and the
20 related instructional materials shall be made available to students
21 ~~[school districts]~~ not later than the 2014-2015 school year. ~~[As~~
22 ~~required by Subsection (c), a school district shall adopt a policy~~
23 ~~requiring a student's performance on an end-of-course assessment~~
24 ~~instrument administered under that subsection to account for 15~~
25 ~~percent of the student's grade for a course developed under this~~
26 ~~section not later than the 2014-2015 school year.]~~ This subsection
27 expires September 1, 2015.

1 (b) This section applies beginning with the 2013-2014
2 school year.

3 SECTION 11. Section 28.0211, Education Code, is amended by
4 amending Subsection (m) and adding Subsection (m-1) to read as
5 follows:

6 (m) The commissioner shall certify, not later than July 1 of
7 each school year or as soon as practicable thereafter, whether
8 sufficient funds have been appropriated statewide for the purposes
9 of this section and Section 28.0217. A determination by the
10 commissioner is final and may not be appealed. For purposes of
11 certification, the commissioner shall consider:

12 (1) the average cost per student per assessment
13 instrument administration;

14 (2) the number of students that require accelerated
15 instruction because the student failed to perform satisfactorily on
16 an assessment instrument;

17 (3) whether sufficient funds have been appropriated to
18 provide support to students in grades three through 12 identified
19 as being at risk of dropping out of school, as defined in Section
20 29.081(d); and

21 (4) whether sufficient funds have been appropriated to
22 provide instructional materials that are aligned with the
23 assessment instruments under Sections 39.023(a) and (c).

24 (m-1) For purposes of certification under Subsection (m),
25 the commissioner may not consider Foundation School Program funds
26 except for compensatory education funds under Section
27 42.152. This section may be implemented only if the commissioner

1 certifies that sufficient funds have been appropriated during a
2 school year for administering the accelerated instruction programs
3 specified under this section and Section 28.0217, including teacher
4 training for that purpose.

5 SECTION 12. (a) The heading to Section 28.0212, Education
6 Code, is amended to read as follows:

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

9 (b) This section applies beginning with the 2014-2015
10 school year.

11 SECTION 13. (a) Sections 28.0212(a) and (b), Education
12 Code, are amended to read as follows:

13 (a) A principal of a junior high or middle school shall
14 designate a school [~~guidance~~] counselor, teacher, or other
15 appropriate individual to develop and administer a personal
16 graduation plan for each student enrolled in the [~~a~~] junior high
17 or [~~7~~] middle [~~7~~ ~~or high~~] school who:

18 (1) does not perform satisfactorily on an assessment
19 instrument administered under Subchapter B, Chapter 39; or

20 (2) is not likely to receive a high school diploma
21 before the fifth school year following the student's enrollment in
22 grade level nine, as determined by the district.

23 (b) A personal graduation plan under this section must:

24 (1) identify educational goals for the student;

25 (2) include diagnostic information, appropriate
26 monitoring and intervention, and other evaluation strategies;

27 (3) include an intensive instruction program

1 described by Section 28.0213;

2 (4) address participation of the student's parent or
3 guardian, including consideration of the parent's or guardian's
4 educational expectations for the student; and

5 (5) provide innovative methods to promote the
6 student's advancement, including flexible scheduling, alternative
7 learning environments, on-line instruction, and other
8 interventions that are proven to accelerate the learning process
9 and have been scientifically validated to improve learning and
10 cognitive ability.

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 14. (a) Subchapter B, Chapter 28, Education Code,
14 is amended by adding Section 28.02121 to read as follows:

15 Sec. 28.02121. HIGH SCHOOL PERSONAL GRADUATION PLAN. (a)
16 The agency, in consultation with the Texas Workforce Commission and
17 the Texas Higher Education Coordinating Board, shall prepare and
18 make available to each school district in English and Spanish
19 information that explains the advantages of the distinguished level
20 of achievement described by Section 28.025(b-15) and each
21 endorsement described by Section 28.025(c-1). The information must
22 contain an explanation:

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

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

4 (b) A school district shall publish the information
5 provided to the district under Subsection (a) on the Internet
6 website of the district and ensure that the information is
7 available to students in grades nine and above and the parents or
8 legal guardians of those students in the language in which the
9 parents or legal guardians are most proficient. A district is
10 required to provide information under this subsection in the
11 language in which the parents or legal guardians are most
12 proficient only if at least 20 students in a grade level primarily
13 speak that language.

14 (c) A principal of a high school shall designate a school
15 counselor or school administrator to review personal graduation
16 plan options with each student entering grade nine together with
17 that student's parent or guardian. The personal graduation plan
18 options reviewed must include the distinguished level of
19 achievement described by Section 28.025(b-15) and the endorsements
20 described by Section 28.025(c-1). Before the conclusion of the
21 school year, the student and the student's parent or guardian must
22 confirm and sign a personal graduation plan for the student.

23 (d) A personal graduation plan under Subsection (c) must
24 identify a course of study that:

25 (1) promotes:

26 (A) college and workforce readiness; and

27 (B) career placement and advancement; and

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

3 (e) A school district may not prevent a student and the
4 student's parent or guardian from confirming a personal graduation
5 plan that includes pursuit of a distinguished level of achievement
6 or an endorsement.

7 (f) A student may amend the student's personal graduation
8 plan after the initial confirmation of the plan under this section.
9 If a student amends the student's personal graduation plan, the
10 school shall send written notice to the student's parents regarding
11 the change.

12 (b) This section applies beginning with the 2014-2015
13 school year.

14 SECTION 15. Subchapter B, Chapter 28, Education Code, is
15 amended by adding Section 28.0217 to read as follows:

16 Sec. 28.0217. ACCELERATED INSTRUCTION FOR HIGH SCHOOL
17 STUDENTS. Each time a student fails to perform satisfactorily on an
18 assessment instrument administered under Section 39.023(c), the
19 school district in which the student attends school shall provide
20 to the student accelerated instruction in the applicable subject
21 area, using funds appropriated for accelerated instruction under
22 Section 28.0211. Accelerated instruction may require
23 participation of the student before or after normal school hours
24 and may include participation at times of the year outside normal
25 school operations.

26 SECTION 16. (a) Section 28.025, Education Code, is amended
27 by amending Subsections (a), (b), (b-1), (b-2), (b-3), (b-4),

1 (b-5), (b-7), (b-9), (b-10), (b-11), and (e) and adding Subsections
2 (b-12), (b-13), (b-14), (b-15), (b-16), (b-17), (b-18), (b-19),
3 (c-1), (c-2), (c-3), (c-4), (c-5), (e-1), (e-2), (e-3), (h), (h-1),
4 and (h-2) to read as follows:

5 (a) The State Board of Education by rule shall determine
6 curriculum requirements for the foundation [~~minimum, recommended,~~
7 ~~and advanced~~] high school program [~~programs~~] that are consistent
8 with the required curriculum under Section 28.002. The [~~Subject to~~
9 ~~Subsection (b-1), the~~] State Board of Education shall designate the
10 specific courses in the foundation curriculum under Section
11 28.002(a)(1) required under [~~for a student participating in~~] the
12 foundation [~~minimum, recommended, or advanced~~] high school
13 program. Except as provided by this section [~~Subsection (b-1)~~],
14 the State Board of Education may not designate a specific course or
15 a specific number of credits in the enrichment curriculum as
16 requirements for the [~~recommended~~] program.

17 (b) A school district shall ensure that each student, on
18 entering ninth grade, indicates in writing an endorsement under
19 Subsection (c-1) that the student intends to earn. A district shall
20 permit a student to choose, at any time, to earn an endorsement
21 other than the endorsement the student previously indicated. A
22 student may graduate under the foundation high school program
23 without earning an endorsement if, after the student's sophomore
24 year:

25 (1) the student and the student's parent or person
26 standing in parental relation to the student are advised by a school
27 counselor of the specific benefits of graduating from high school

1 with one or more endorsements; and

2 (2) the student's parent or person standing in
3 parental relation to the student files with a school counselor
4 written permission, on a form adopted by the agency, allowing the
5 student to graduate under the foundation high school program
6 without earning an endorsement [~~enrolls in the courses necessary to~~
7 ~~complete the curriculum requirements identified by the State Board~~
8 ~~of Education under Subsection (a) for the recommended or advanced~~
9 ~~high school program unless the student, the student's parent or~~
10 ~~other person standing in parental relation to the student, and a~~
11 ~~school counselor or school administrator agree in writing signed by~~
12 ~~each party that the student should be permitted to take courses~~
13 ~~under the minimum high school program and the student:~~

14 [~~(1) is at least 16 years of age;~~

15 [~~(2) has completed two credits required for graduation~~
16 ~~in each subject of the foundation curriculum under Section~~
17 ~~28.002(a)(1); or~~

18 [~~(3) has failed to be promoted to the tenth grade one~~
19 ~~or more times as determined by the school district].~~

20 (b-1) The State Board of Education by rule shall require
21 that[+]

22 [~~(1) except as provided by Subsection (b-2),~~] the
23 curriculum requirements for the foundation [~~recommended and~~
24 ~~advanced~~] high school program [~~programs~~] under Subsection (a)
25 include a requirement that students successfully complete:

26 (1) [(A)] four credits in English language arts [~~each~~
27 ~~subject of the foundation curriculum]~~ under Section

1 28.002(a)(1)(A), including one credit in English I, one credit in
2 English II, one credit in English III, and one credit in an advanced
3 English course authorized under Subsection (b-2);

4 (2) three credits in mathematics under Section
5 28.002(a)(1)(B), including one credit in Algebra I, one credit in
6 geometry, and one credit in any advanced mathematics course
7 authorized under Subsection (b-2);

8 (3) three credits in science under Section
9 28.002(a)(1)(C), including one credit in biology, one credit in any
10 advanced science course authorized under Subsection (b-2), and one
11 credit in integrated physics and chemistry or in an additional
12 advanced science course authorized under Subsection (b-2);

13 (4) three credits in social studies under Section
14 28.002(a)(1)(D) [~~28.002(a)(1)~~], including one credit in United
15 States history, at least one-half credit in government and at least
16 one-half credit in economics, and one credit in world geography or
17 world history [~~to meet the social studies requirement~~];

18 (5) except as provided under Subsections (b-12),
19 (b-13), and (b-14) [~~(B) for the recommended high school program~~],
20 two credits in the same language in a language other than English
21 under Section 28.002(a)(2)(A) [~~and, for the advanced high school~~
22 program, three credits in the same language in a language other than
23 English under Section 28.002(a)(2)(A)]; [and]

24 (6) five [~~(C) for the recommended high school~~
25 program, six] elective credits [~~and, for the advanced high school~~
26 program, five elective credits];

27 (7) [~~(2) one or more credits offered in the required~~

1 ~~curriculum for the recommended and advanced high school programs~~
2 ~~include a research writing component, and~~

3 ~~[(3) the curriculum requirements for the minimum,~~
4 ~~recommended, and advanced high school programs under Subsection (a)~~
5 ~~include a requirement that students successfully complete:~~

6 ~~[(A)]~~ one credit in fine arts under Section
7 28.002(a)(2)(D); and

8 (8) ~~[(B)]~~ except as provided by Subsection (b-11), one
9 credit in physical education under Section 28.002(a)(2)(C).

10 (b-2) In adopting rules under Subsection (b-1), the State
11 Board of Education shall provide for ~~[allow]~~ a student to comply
12 with the curriculum requirements for an advanced English course
13 under Subsection (b-1)(1) taken after successful completion of
14 English I, English II, and English III, for an advanced [a]
15 mathematics course under Subsection (b-1)(2) [(b-1)(1)] taken
16 after the successful completion of Algebra I and geometry, and for
17 any advanced ~~[either after the successful completion of or~~
18 ~~concurrently with Algebra II or a]~~ science course under Subsection
19 (b-1)(3) [(b-1)(1) taken after the successful completion of biology
20 and chemistry and either after the successful completion of or
21 concurrently with physics] by successfully completing a course in
22 the appropriate content area that has been approved as an advanced
23 course by board rule or that is offered as an advanced course for
24 credit without board approval as provided by Section 28.002(g-1)
25 ~~[career and technical course designated by the State Board of~~
26 ~~Education as containing substantively similar and rigorous~~
27 ~~academic content. A student may use the option provided by this~~

1 ~~subsection for not more than two courses].~~

2 (b-3) In adopting rules for purposes of Subsection (b-2) [~~to~~
3 ~~provide students with the option described by Subsection~~
4 ~~(b-1)(1)(A)]~~, the State Board of Education must approve a variety
5 of advanced English, mathematics, and science courses that may be
6 taken [~~after the completion of Algebra II and physics~~] to comply
7 with the foundation high school [~~recommended~~] program
8 requirements, provided that each approved course prepares students
9 to enter the workforce successfully or postsecondary education
10 without remediation.

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

17 (b-5) A school district may offer a mathematics or science
18 course to be taken by a student after completion of Algebra II and
19 physics [~~to comply with the recommended program requirements in~~
20 ~~Subsection (b-1)(1)(A)]~~. A course approved under this subsection
21 must be endorsed by an institution of higher education as a course
22 for which the institution would award course credit or as a
23 prerequisite for a course for which the institution would award
24 course credit.

25 (b-7) The State Board of Education, in coordination with the
26 Texas Higher Education Coordinating Board, shall adopt rules to
27 ensure that a student may comply with the curriculum requirements

1 under the foundation [~~minimum, recommended, or advanced~~] high
 2 school program or for an endorsement under Subsection (c-1) [~~for~~
 3 ~~each subject of the foundation curriculum under Section~~
 4 ~~28.002(a)(1) and for languages other than English under Section~~
 5 ~~28.002(a)(2)(A)] by successfully completing appropriate courses in
 6 the core curriculum of an institution of higher education under
 7 Section 61.822. Notwithstanding Subsection (b-15) or (c) of this
 8 section, Section 39.025, or any other provision of this code and
 9 notwithstanding any school district policy, a student who has
 10 completed the core curriculum of an institution of higher education
 11 under Section 61.822, as certified by the institution in accordance
 12 with commissioner rule, is considered to have earned a
 13 distinguished level of achievement under the foundation high school
 14 program and is entitled to receive a high school diploma from the
 15 appropriate high school as that high school is determined in
 16 accordance with commissioner rule. A student who is considered to
 17 have earned a distinguished level of achievement under the
 18 foundation high school program under this subsection may apply for
 19 admission to an institution of higher education for the first
 20 semester or other academic term after the semester or other
 21 academic term in which the student completes the core curriculum.~~

22 (b-9) A school district, with the approval of the
 23 commissioner, may allow [~~The agency shall establish a pilot program~~
 24 ~~allowing~~] a student [~~attending school in a county with a population~~
 25 ~~of more than one million and in which more than 75 percent of the~~
 26 ~~population resides in a single municipality] to satisfy the fine
 27 arts credit required under Subsection (b-1)(7) [~~(b-1)(3)(A)~~] by~~

1 participating in a community-based fine arts program not provided
2 by the school district in which the student is enrolled. The fine
3 arts program must provide instruction in the essential knowledge
4 and skills identified for fine arts by the State Board of Education
5 under Section 28.002(c). The fine arts program may be provided on or
6 off a school campus and outside the regular school day. [~~Not later~~
7 ~~than December 1, 2010, the agency shall provide to the legislature a~~
8 ~~report regarding the pilot program, including the feasibility of~~
9 ~~expanding the pilot program statewide.~~]

10 (b-10) A school district, with the approval of the
11 commissioner, may allow a student to comply with the curriculum
12 requirements for the physical education credit required under
13 Subsection (b-1)(8) [~~(b-1)(3)(B)~~] by participating in a private or
14 commercially sponsored physical activity program provided on or off
15 a school campus and outside the regular school day.

16 (b-11) In adopting rules under Subsection (b-1), the State
17 Board of Education shall allow a student who is unable to
18 participate in physical activity due to disability or illness to
19 substitute one credit in English language arts, mathematics,
20 science, or social studies, one credit in a course that is offered
21 for credit as provided by Section 28.002(g-1), or one academic
22 elective credit for the physical education credit required under
23 Subsection (b-1)(8) [~~(b-1)(3)(B)~~]. A credit allowed to be
24 substituted under this subsection may not also be used by the
25 student to satisfy a graduation requirement other than completion
26 of the physical education credit. The rules must provide that the
27 determination regarding a student's ability to participate in

1 physical activity will be made by:

2 (1) if the student receives special education services
3 under Subchapter A, Chapter 29, the student's admission, review,
4 and dismissal committee;

5 (2) if the student does not receive special education
6 services under Subchapter A, Chapter 29, but is covered by Section
7 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the
8 committee established for the student under that Act; or

9 (3) if each of the committees described by
10 Subdivisions (1) and (2) is inapplicable, a committee established
11 by the school district of persons with appropriate knowledge
12 regarding the student.

13 (b-12) In adopting rules under Subsection (b-1), the State
14 Board of Education shall adopt criteria to allow a student to comply
15 with the curriculum requirements for the two credits in a language
16 other than English required under Subsection (b-1)(5) by
17 substituting two credits in computer programming languages.

18 (b-13) In adopting rules under Subsection (b-1), the State
19 Board of Education shall allow a student to substitute credit in
20 another appropriate course for the second credit in the same
21 language in a language other than English otherwise required by
22 Subsection (b-1)(5) if the student, in completing the first credit
23 required under Subsection (b-1)(5), demonstrates that the student
24 is unlikely to be able to complete the second credit. The board
25 rules must establish:

26 (1) the standards and, as applicable, the appropriate
27 school personnel for making a determination under this subsection;

1 and

2 (2) appropriate substitute courses for purposes of
3 this subsection.

4 (b-14) In adopting rules under Subsection (b-1), the State
5 Board of Education shall allow a student who, due to disability, is
6 unable to complete two courses in the same language in a language
7 other than English, as provided under Subsection (b-1)(5), to
8 substitute for those credits two credits in English language arts,
9 mathematics, science, or social studies or two credits in career
10 and technology education, technology applications, or other
11 academic electives. A credit allowed to be substituted under this
12 subsection may not also be used by the student to satisfy a
13 graduation credit requirement other than credit for completion of a
14 language other than English. The rules must provide that the
15 determination regarding a student's ability to participate in
16 language-other-than-English courses will be made by:

17 (1) if the student receives special education services
18 under Subchapter A, Chapter 29, the student's admission, review,
19 and dismissal committee; or

20 (2) if the student does not receive special education
21 services under Subchapter A, Chapter 29, but is covered by Section
22 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the
23 committee established for the student under that Act.

24 (b-15) A student may earn a distinguished level of
25 achievement under the foundation high school program by
26 successfully completing:

27 (1) four credits in mathematics, which must include

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

8 (b-16) A student may satisfy an elective credit required
9 under Subsection (b-1)(6) with a credit earned to satisfy the
10 additional curriculum requirements for the distinguished level of
11 achievement under the foundation high school program or an
12 endorsement under Subsection (c-1). This subsection may apply to
13 more than one elective credit.

14 (b-17) The State Board of Education shall adopt rules to
15 ensure that a student may comply with the curriculum requirements
16 under Subsection (b-1)(6) by successfully completing an advanced
17 career and technical course, including a course that may lead to an
18 industry-recognized credential or certificate or an associate
19 degree.

20 (b-18) In adopting rules under Subsection (b-1), the State
21 Board of Education shall allow a student to comply with the
22 curriculum requirements under Subsection (b-1) by successfully
23 completing a dual credit course.

24 (b-19) In adopting rules under Subsection (b-1), the State
25 Board of Education shall adopt criteria to allow a student to comply
26 with curriculum requirements for the world geography or world
27 history credit under Subsection (b-1)(4) by successfully

1 completing a combined world history and world geography course
2 developed by the State Board of Education.

3 (c-1) A student may earn an endorsement on the student's
4 diploma and transcript by successfully completing curriculum
5 requirements for that endorsement adopted by the State Board of
6 Education by rule. The State Board of Education by rule shall
7 provide students with multiple options for earning each
8 endorsement, including, to the greatest extent possible, coherent
9 sequences of courses. The State Board of Education by rule must
10 permit a student to enroll in courses under more than one
11 endorsement curriculum before the student's junior year. An
12 endorsement under this subsection may be earned in any of the
13 following categories:

14 (1) science, technology, engineering, and mathematics
15 (STEM), which includes courses directly related to science,
16 including environmental science, technology, including computer
17 science, engineering, and advanced mathematics;

18 (2) business and industry, which includes courses
19 directly related to database management, information technology,
20 communications, accounting, finance, marketing, graphic design,
21 architecture, construction, welding, logistics, automotive
22 technology, agricultural science, and heating, ventilation, and
23 air conditioning;

24 (3) public services, which includes courses directly
25 related to health sciences and occupations, education and training,
26 law enforcement, and culinary arts and hospitality;

27 (4) arts and humanities, which includes courses

1 directly related to political science, world languages, cultural
2 studies, English literature, history, and fine arts; and

3 (5) multidisciplinary studies, which allows a student
4 to:

5 (A) select courses from the curriculum of each
6 endorsement area described by Subdivisions (1) through (4); and

7 (B) earn credits in a variety of advanced courses
8 from multiple content areas sufficient to complete the
9 distinguished level of achievement under the foundation high school
10 program.

11 (c-2) In adopting rules under Subsection (c-1), the State
12 Board of Education shall:

13 (1) require a student in order to earn any endorsement
14 to successfully complete:

15 (A) four credits in mathematics, which must
16 include:

17 (i) the courses described by Subsection
18 (b-1)(2); and

19 (ii) an additional advanced mathematics
20 course authorized under Subsection (b-2) or an advanced career and
21 technology course designated by the State Board of Education;

22 (B) four credits in science, which must include:

23 (i) the courses described by Subsection
24 (b-1)(3); and

25 (ii) an additional advanced science course
26 authorized under Subsection (b-2) or an advanced career and
27 technology course designated by the State Board of Education; and

1 (C) two elective credits in addition to the
2 elective credits required under Subsection (b-1)(6); and

3 (2) develop additional curriculum requirements for
4 each endorsement with the direct participation of educators and
5 business, labor, and industry representatives, and shall require
6 each school district to report to the agency the categories of
7 endorsements under Subsection (c-1) for which the district offers
8 all courses for curriculum requirements, as determined by board
9 rule.

10 (c-3) In adopting rules under Subsection (c-1), the State
11 Board of Education shall adopt criteria to allow a student
12 participating in the arts and humanities endorsement under
13 Subsection (c-1)(4), with the written permission of the student's
14 parent or a person standing in parental relation to the student, to
15 comply with the curriculum requirements for science required under
16 Subsection (c-2)(1)(B)(ii) by substituting for an advanced course
17 requirement a course related to that endorsement.

18 (c-4) Each school district must make available to high
19 school students courses that allow a student to complete the
20 curriculum requirements for at least one endorsement under
21 Subsection (c-1). A school district that offers only one
22 endorsement curriculum must offer the multidisciplinary studies
23 endorsement curriculum.

24 (c-5) A student may earn a performance acknowledgment on the
25 student's diploma and transcript by satisfying the requirements for
26 that acknowledgment adopted by the State Board of Education by
27 rule. An acknowledgment under this subsection may be earned:

1 (1) for outstanding performance:

2 (A) in a dual credit course;

3 (B) in bilingualism and biliteracy;

4 (C) on a college advanced placement test or
5 international baccalaureate examination; or

6 (D) on the PSAT, the ACT-Plan, the SAT, or the
7 ACT; or

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

10 (e) Each school district shall report the academic
11 achievement record of students who have completed the foundation [~~a~~
12 ~~minimum, recommended, or advanced~~] high school program on
13 transcript forms adopted by the State Board of Education. The
14 transcript forms adopted by the board must be designed to clearly
15 [~~differentiate between each of the high school programs and~~]
16 identify whether a student received a diploma or a certificate of
17 coursework completion.

18 (e-1) A school district shall clearly indicate a
19 distinguished level of achievement under the foundation high school
20 program as described by Subsection (b-15), an endorsement described
21 by Subsection (c-1), and a performance acknowledgment described by
22 Subsection (c-5) on the diploma and transcript of a student who
23 satisfies the applicable requirements. The State Board of
24 Education shall adopt rules as necessary to administer this
25 subsection.

26 (e-2) At the end of each school year, each school district
27 shall report through the Public Education Information Management

1 System (PEIMS) the number of district students who, during that
2 school year, were:

3 (1) enrolled in the foundation high school program;

4 (2) pursuing the distinguished level of achievement
5 under the foundation high school program as provided by Subsection
6 (b-15); and

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

9 (e-3) Information reported under Subsection (e-2) must be
10 disaggregated by all student groups served by the district,
11 including categories of race, ethnicity, socioeconomic status,
12 sex, and populations served by special programs, including students
13 in special education programs under Subchapter A, Chapter 29.

14 (h) The commissioner by rule shall adopt a transition plan
15 to implement and administer the amendments made by H.B. No. 5, 83rd
16 Legislature, Regular Session, 2013, replacing the minimum,
17 recommended, and advanced high school programs with the foundation
18 high school program beginning with the 2014-2015 school year.
19 Under the transition plan, a student who entered the ninth grade
20 before the 2014-2015 school year must be permitted to complete the
21 curriculum requirements required for high school graduation under:

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

25 (2) the minimum high school program, as that program
26 existed before the adoption of H.B. No. 5, 83rd Legislature,
27 Regular Session, 2013, if the student was participating in that

1 program before the 2014-2015 school year;

2 (3) the recommended high school program, as that
3 program existed before the adoption of H.B. No. 5, 83rd
4 Legislature, Regular Session, 2013, if the student was
5 participating in that program before the 2014-2015 school year; or

6 (4) the advanced high school program, as that program
7 existed before the adoption of H.B. No. 5, 83rd Legislature,
8 Regular Session, 2013, if the student was participating in that
9 program before the 2014-2015 school year.

10 (h-1) This subsection and Subsection (h) expire September
11 1, 2018.

12 (h-2) This subsection applies only to a student
13 participating in the minimum, recommended, or advanced high school
14 program who is completing the fourth year of high school during the
15 2013-2014 school year. The commissioner by rule shall permit a
16 student who does not satisfy the curriculum requirements of the
17 high school program in which the student is participating to
18 graduate if the student satisfies the curriculum requirements
19 established for the foundation high school program under this
20 section as amended by H.B. No. 5, 83rd Legislature, Regular
21 Session, 2013, and any other requirement required for graduation.
22 This subsection expires September 1, 2015.

23 (b) Except as provided by Subsection (c) of this section,
24 this section applies beginning with the 2014-2015 school year.

25 (c) Section 28.025(h-2), Education Code, as added by this
26 section, applies during the 2013-2014 school year.

27 SECTION 17. (a) Section 28.0253(e), Education Code, is

1 amended to read as follows:

2 (e) A student who receives a high school diploma through the
3 pilot program is considered to have earned a distinguished level of
4 achievement under ~~[completed]~~ the foundation ~~[recommended]~~ high
5 school program adopted under Section 28.025 ~~[28.025(a)]~~. The
6 student is not guaranteed admission to any institution of higher
7 education or to any academic program at an institution of higher
8 education solely on the basis of having received the diploma
9 through the program. The student may apply for admission to an
10 institution of higher education for the first semester or other
11 academic term after the semester or other academic term in which the
12 student earns a diploma through the pilot program.

13 (b) This section applies beginning with the 2014-2015
14 school year.

15 SECTION 18. (a) Section 28.026, Education Code, is amended
16 to read as follows:

17 Sec. 28.026. NOTICE OF REQUIREMENTS FOR AUTOMATIC COLLEGE
18 ADMISSION AND FINANCIAL AID. (a) The board of trustees of a school
19 district and the governing body of each open-enrollment charter
20 school that provides a high school shall require each high school in
21 the district or provided by the charter school, as applicable, to
22 post appropriate signs in each counselor's office, in each
23 principal's office, and in each administrative building indicating
24 the substance of Section 51.803 regarding automatic college
25 admission and stating the curriculum requirements for financial aid
26 authorized under Title 3. To assist in the dissemination of that
27 ~~[this]~~ information, the ~~[school]~~ district or charter school shall:

1 (1) require that each high school counselor and class
2 advisor be provided a detailed explanation of the substance of
3 Section 51.803 and the curriculum requirements for financial aid
4 authorized under Title 3;

5 (2) provide each district or school student, at the
6 time the student first registers for one or more classes required
7 for high school graduation, with a written notification, including
8 a detailed explanation in plain language, of the substance of
9 Section 51.803, the curriculum requirements for financial aid
10 authorized under Title 3, and the benefits of completing the
11 requirements for that automatic admission and financial aid;

12 (3) require that each high school counselor and senior
13 class advisor explain to eligible students the substance of Section
14 51.803; and

15 (4) not later than the 14th day after the last day of
16 classes for the fall semester or an equivalent date in the case of a
17 school operated on a year-round system under Section 25.084,
18 provide each [~~eligible~~] senior student eligible under Section
19 51.803 and each student enrolled in the junior year of high school
20 who has a grade point average in the top 10 percent of the student's
21 high school class, and the student's parent or guardian, with a
22 written notification of the student's eligibility with a detailed
23 explanation in plain language of the substance of Section 51.803.

24 (b) The commissioner shall adopt forms, including specific
25 language, to use in providing notice under Subsections (a)(2) and
26 (4). In providing notice under Subsection (a)(2) or (4), a school
27 district or open-enrollment charter school shall use the

1 appropriate form adopted by the commissioner. The notice to a
2 student and the student's parent or guardian under Subsections
3 (a)(2) and (4) [~~Subsection (a)(4)~~] must be on a single form that
4 contains [~~may contain one or more~~] signature lines to indicate
5 receipt of notice by the student and [~~or~~] the student's parent or
6 guardian. The notice under Subsection (a)(2) must be signed by the
7 student's counselor in addition to being signed by the student and
8 the student's parent or guardian.

9 (b) This section applies beginning with the 2014-2015
10 school year.

11 SECTION 19. (a) Sections 28.027(a) and (b), Education
12 Code, are amended to read as follows:

13 (a) In this section, "applied STEM course" means an applied
14 science, technology, engineering, or mathematics course offered as
15 part of a school district's career and technology education or
16 technology applications curriculum.

17 (b) The State Board of Education shall establish a process
18 under which an applied STEM course may be reviewed and approved for
19 purposes of satisfying the mathematics and science curriculum
20 requirements for the foundation [~~recommended~~] high school program
21 [~~imposed~~] under Section 28.025 [~~28.025(b-1)(1)(A)~~] through
22 substitution of the applied STEM course for a specific mathematics
23 or science course otherwise required under the foundation
24 [~~recommended~~] high school program [~~and completed during the~~
25 ~~student's fourth year of mathematics or science course work~~]. [~~The~~
26 ~~State Board of Education may only approve a course to substitute for~~
27 ~~a mathematics course taken after successful completion of Algebra I~~

1 ~~and geometry and after successful completion of or concurrently~~
2 ~~with Algebra II.]~~ The State Board of Education may only approve a
3 course to substitute for a science course taken after successful
4 completion of biology [~~and chemistry and after successful~~
5 ~~completion of or concurrently with physics)].~~

6 (b) This section applies beginning with the 2014-2015
7 school year.

8 SECTION 20. Section 29.081, Education Code, is amended by
9 adding Subsections (b-1), (b-2), and (b-3) and amending Subsection
10 (d) to read as follows:

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

17 (b-2) A district that is required to provide accelerated
18 instruction under Subsection (b-1) shall separately budget
19 sufficient funds, including funds under Section 42.152, for that
20 purpose. A district may not budget funds received under Section
21 42.152 for any other purpose until the district adopts a budget to
22 support additional accelerated instruction under Subsection (b-1).

23 (b-3) A district shall evaluate the effectiveness of
24 accelerated instruction programs under Subsection (b-1) and
25 annually hold a public hearing to consider the results.

26 (d) For purposes of this section, "student at risk of
27 dropping out of school" includes each student who is under 26 [~~21~~]

1 years of age and who:

2 (1) was not advanced from one grade level to the next
3 for one or more school years;

4 (2) if the student is in grade 7, 8, 9, 10, 11, or 12,
5 did not maintain an average equivalent to 70 on a scale of 100 in two
6 or more subjects in the foundation curriculum during a semester in
7 the preceding or current school year or is not maintaining such an
8 average in two or more subjects in the foundation curriculum in the
9 current semester;

10 (3) did not perform satisfactorily on an assessment
11 instrument administered to the student under Subchapter B, Chapter
12 39, and who has not in the previous or current school year
13 subsequently performed on that instrument or another appropriate
14 instrument at a level equal to at least 110 percent of the level of
15 satisfactory performance on that instrument;

16 (4) if the student is in prekindergarten,
17 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on
18 a readiness test or assessment instrument administered during the
19 current school year;

20 (5) is pregnant or is a parent;

21 (6) has been placed in an alternative education
22 program in accordance with Section 37.006 during the preceding or
23 current school year;

24 (7) has been expelled in accordance with Section
25 37.007 during the preceding or current school year;

26 (8) is currently on parole, probation, deferred
27 prosecution, or other conditional release;

1 (9) was previously reported through the Public
2 Education Information Management System (PEIMS) to have dropped out
3 of school;

4 (10) is a student of limited English proficiency, as
5 defined by Section 29.052;

6 (11) is in the custody or care of the Department of
7 Protective and Regulatory Services or has, during the current
8 school year, been referred to the department by a school official,
9 officer of the juvenile court, or law enforcement official;

10 (12) is homeless, as defined by 42 U.S.C. Section
11 11302, and its subsequent amendments; or

12 (13) resided in the preceding school year or resides
13 in the current school year in a residential placement facility in
14 the district, including a detention facility, substance abuse
15 treatment facility, emergency shelter, psychiatric hospital,
16 halfway house, or foster group home.

17 SECTION 21. (a) Section 29.096(e), Education Code, is
18 amended to read as follows:

19 (e) The commissioner shall establish minimum standards for
20 a local collaborative agreement, including a requirement that the
21 agreement must be signed by an authorized school district or
22 open-enrollment charter school officer and an authorized
23 representative of each of the other participating entities that is
24 a partner in the collaboration. The program must:

25 (1) limit participation in the program to students
26 authorized to participate by a parent or other person standing in
27 parental relationship;

1 (2) have as a primary goal graduation from high school
2 [~~under at least the recommended high school program~~];

3 (3) provide for local businesses or other employers to
4 offer paid employment or internship opportunities and advanced
5 career and vocational training;

6 (4) include an outreach component and a lead
7 educational staff member to identify and involve eligible students
8 and public and private entities in participating in the program;

9 (5) serve a population of students of which at least 50
10 percent are identified as students at risk of dropping out of
11 school, as described by Section 29.081(d);

12 (6) allocate not more than 15 percent of grant funds
13 and matching funds, as determined by the commissioner, to
14 administrative expenses;

15 (7) include matching funds from any of the
16 participating entities; and

17 (8) include any other requirements as determined by
18 the council.

19 (b) This section applies beginning with the 2014-2015
20 school year.

21 SECTION 22. Section 29.182(b), Education Code, is amended
22 to read as follows:

23 (b) The state plan must include procedures designed to
24 ensure that:

25 (1) all secondary and postsecondary students have the
26 opportunity to participate in career and technology education
27 programs;

1 (2) the state complies with requirements for
2 supplemental federal career and technology education funding;
3 ~~and~~

4 (3) career and technology education is established as
5 a part of the total education system of this state and constitutes
6 an option for student learning that provides a rigorous course of
7 study consistent with the required curriculum under Section 28.002
8 and under which a student may receive specific education in a career
9 and technology program that:

10 (A) incorporates competencies leading to
11 academic and technical skill attainment;

12 (B) leads to:

13 (i) an industry-recognized license,
14 credential, or certificate; or

15 (ii) at the postsecondary level, an
16 associate or baccalaureate degree;

17 (C) includes opportunities for students to earn
18 college credit for coursework; and

19 (D) includes, as an integral part of the program,
20 participation by students and teachers in activities of career and
21 technical student organizations supported by the agency and the
22 State Board of Education; and

23 (4) a school district provides, to the greatest extent
24 possible, to a student participating in a career and technology
25 education program opportunities to enroll in dual credit courses
26 designed to lead to a degree, license, or certification as part of
27 the program.

1 SECTION 23. (a) Sections 29.190(a) and (c), Education
2 Code, are amended to read as follows:

3 (a) A student is entitled to a subsidy under this section
4 if:

5 (1) the student:

6 (A) successfully completes the career and
7 technology program of a school district in which the student
8 receives training and instruction for employment [~~in a current or~~
9 ~~emerging high-demand, high-wage, high-skill occupation, as~~
10 ~~determined under Subsection (e)] ; or~~

11 (B) is enrolled in a special education program
12 under Subchapter A; and

13 (2) the student passes a certification examination to
14 qualify for a license or certificate [~~for the occupation; and~~

15 [~~(3) the student submits to the district a written~~
16 ~~application in the form, time, and manner required by the district~~
17 ~~for the district to subsidize the cost of an examination described~~
18 ~~by Subdivision (2)].~~

19 (c) On approval by the commissioner, the agency shall pay
20 each school district an amount equal to the cost paid by the
21 district [~~or student~~] for the certification examination. To obtain
22 reimbursement for a subsidy paid under this section, a district
23 must:

24 (1) pay the fee for the examination [~~or pay the student~~
25 ~~the amount of the fee paid by the student for the examination]~~; and

26 (2) submit to the commissioner a written application
27 on a form prescribed by the commissioner stating the amount of the

1 fee paid under Subdivision (1) for the certification examination.

2 (b) This section applies beginning with the 2013-2014
3 school year.

4 SECTION 24. (a) Section 29.402(b), Education Code, is
5 amended to read as follows:

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

9 (1) must complete not more than three course credits
10 to complete the curriculum requirements for the foundation
11 [~~minimum, recommended, or advanced~~] high school program[~~, as~~
12 ~~appropriate,~~] for high school graduation; or

13 (2) has failed to perform satisfactorily on an
14 end-of-course assessment instrument administered under Section
15 39.023(c) or an assessment instrument administered under Section
16 39.023(c) as that section existed before amendment by Chapter 1312
17 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

18 (b) This section applies beginning with the 2014-2015
19 school year.

20 SECTION 25. (a) Section 29.904(d), Education Code, is
21 amended to read as follows:

22 (d) A plan developed under this section:

23 (1) must establish clear, achievable goals for
24 increasing the percentage of the school district's graduating
25 seniors, particularly the graduating seniors attending a high
26 school described by Subsection (a), who enroll in an institution of
27 higher education for the academic year following graduation;

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

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

11 (B) are enrolled in courses that meet the
12 curriculum requirements for the distinguished level of achievement
13 under the foundation [~~recommended or advanced~~] high school program
14 as determined under Section 28.025;

15 (C) have submitted a free application for federal
16 student aid (FAFSA);

17 (D) are exempt under Section 51.3062(p) or (q)
18 from administration of an assessment instrument under Section
19 51.3062 or have performed successfully on an assessment instrument
20 under Section 51.3062;

21 (E) graduate from high school;

22 (F) graduate from an institution of higher
23 education; and

24 (G) have taken college entrance examinations and
25 the average score of those students on the examinations;

26 (3) must cover a period of at least five years; and

27 (4) may be directed at district students at any level

1 of primary or secondary education.

2 (b) This section applies beginning with the 2014-2015
3 school year.

4 SECTION 26. (a) Section 31.0211(c), Education Code, is
5 amended to read as follows:

6 (c) Subject to Subsection (d), funds allotted under this
7 section may be used to:

8 (1) purchase:

9 (A) materials on the list adopted by the
10 commissioner, as provided by Section 31.0231;

11 (B) instructional materials, regardless of
12 whether the instructional materials are on the list adopted under
13 Section 31.024;

14 (C) consumable instructional materials,
15 including workbooks;

16 (D) instructional materials for use in bilingual
17 education classes, as provided by Section 31.029;

18 (E) instructional materials for use in college
19 preparatory courses under Section 28.014, as provided by Section
20 31.031;

21 (F) supplemental instructional materials, as
22 provided by Section 31.035;

23 (G) [~~(F)~~] state-developed open-source
24 instructional materials, as provided by Subchapter B-1;

25 (H) [~~(G)~~] instructional materials and
26 technological equipment under any continuing contracts of the
27 district in effect on September 1, 2011; and

1 (I) [~~(H)~~] technological equipment necessary to
2 support the use of materials included on the list adopted by the
3 commissioner under Section 31.0231 or any instructional materials
4 purchased with an allotment under this section; and

5 (2) pay:

6 (A) for training educational personnel directly
7 involved in student learning in the appropriate use of
8 instructional materials and for providing for access to
9 technological equipment for instructional use; and

10 (B) the salary and other expenses of an employee
11 who provides technical support for the use of technological
12 equipment directly involved in student learning.

13 (b) This section applies beginning with the 2014-2015
14 school year.

15 SECTION 27. Subchapter B, Chapter 31, Education Code, is
16 amended by adding Section 31.0215 to read as follows:

17 Sec. 31.0215. INSTRUCTIONAL MATERIAL ALLOTMENT PURCHASES.

18 (a) The commissioner shall, as early as practicable during each
19 fiscal year, notify each school district and open-enrollment
20 charter school of the estimated amount to which the district or
21 charter school will be entitled under Section 31.0211 during the
22 next fiscal year.

23 (b) The commissioner may allow a school district or
24 open-enrollment charter school to place an order for instructional
25 materials before the beginning of a fiscal year and to receive
26 instructional materials before payment. The commissioner shall
27 limit the cost of an order placed under this section to 80 percent

1 of the estimated amount to which a school district or
2 open-enrollment charter school is estimated to be entitled as
3 provided by Subsection (a) and shall first credit any balance in a
4 district or charter school instructional materials account to pay
5 for an order placed under this section.

6 (c) The commissioner shall make payments for orders placed
7 under this section as funds become available to the instructional
8 materials fund and shall prioritize payment of orders placed under
9 this section over reimbursement of purchases made directly by a
10 school district or open-enrollment charter school.

11 (d) The commissioner shall ensure that publishers of
12 instructional materials are informed of any potential delay in
13 payment and that payment is subject to the availability of
14 appropriated funds. A publisher may decline to accept an order
15 placed under this section.

16 (e) Chapter 2251, Government Code, does not apply to
17 purchases of instructional materials under this section.

18 (f) The commissioner may adopt rules to implement this
19 section.

20 SECTION 28. (a) Subchapter B, Chapter 31, Education Code,
21 is amended by adding Section 31.031 to read as follows:

22 Sec. 31.031. COLLEGE PREPARATORY INSTRUCTIONAL MATERIALS.

23 (a) A school district may purchase with the district's
24 instructional materials allotment or otherwise acquire
25 instructional materials for use in college preparatory courses
26 under Section 28.014.

27 (b) The commissioner shall adopt rules regarding the

1 purchase of instructional materials under this section.

2 (b) This section applies beginning with the 2014-2015
3 school year.

4 SECTION 29. (a) The heading to Section 33.007, Education
5 Code, is amended to read as follows:

6 Sec. 33.007. COUNSELING REGARDING POSTSECONDARY [~~HIGHER~~]
7 EDUCATION.

8 (b) This section takes effect beginning with the 2014-2015
9 school year.

10 SECTION 30. (a) Sections 33.007(a) and (b), Education
11 Code, are amended to read as follows:

12 (a) Each school counselor at an elementary, middle, or
13 junior high school, including an open-enrollment charter school
14 offering those grades, shall advise students and their parents or
15 guardians regarding the importance of postsecondary [~~higher~~]
16 education, coursework designed to prepare students for
17 postsecondary [~~higher~~] education, and financial aid availability
18 and requirements.

19 (b) During the first school year a student is enrolled in a
20 high school or at the high school level in an open-enrollment
21 charter school, and again during each [~~a student's senior~~] year of a
22 student's enrollment in high school or at the high school level, a
23 school counselor shall provide information about postsecondary
24 [~~higher~~] education to the student and the student's parent or
25 guardian. The information must include information regarding:

26 (1) the importance of postsecondary [~~higher~~]
27 education;

1 (2) the advantages of earning an endorsement and a
2 performance acknowledgment and completing the distinguished level
3 of achievement under the foundation [~~recommended or advanced~~] high
4 school program [~~adopted~~] under Section 28.025 [~~28.025(a)~~];

5 (3) the disadvantages of taking courses to prepare for
6 a high school equivalency examination relative to the benefits of
7 taking courses leading to a high school diploma;

8 (4) financial aid eligibility;

9 (5) instruction on how to apply for federal financial
10 aid;

11 (6) the center for financial aid information
12 established under Section 61.0776;

13 (7) the automatic admission of certain students to
14 general academic teaching institutions as provided by Section
15 51.803;

16 (8) the eligibility and academic performance
17 requirements for the TEXAS Grant as provided by Subchapter M,
18 Chapter 56; and

19 (9) the availability of programs in the district under
20 which a student may earn college credit, including advanced
21 placement programs, dual credit programs, joint high school and
22 college credit programs, and international baccalaureate programs.

23 (b) This section applies beginning with the 2014-2015
24 school year.

25 SECTION 31. (a) Section 39.023, Education Code, is amended
26 by amending Subsections (a-2), (b), (c), (c-3), (e), and (h) and
27 adding Subsections (b-1), (e-1), (e-2), and (e-3) to read as

1 follows:

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

5 (1) is enrolled in a course in the subject intended for
6 students above the student's grade level and will be administered
7 an assessment instrument adopted or developed under Subsection (a)
8 that aligns with the curriculum for the course in which the student
9 is enrolled; or

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

14 (b) The agency shall develop or adopt appropriate
15 criterion-referenced alternative assessment instruments to be
16 administered to each student in a special education program under
17 Subchapter A, Chapter 29, for whom an assessment instrument adopted
18 under Subsection (a), even with allowable accommodations, would not
19 provide an appropriate measure of student achievement, as
20 determined by the student's admission, review, and dismissal
21 committee, including assessment instruments approved by the
22 commissioner that measure growth. The assessment instruments
23 developed or adopted under this subsection, including the
24 assessment instruments approved by the commissioner, must, to the
25 extent allowed under federal law, provide a district with options
26 for the assessment of students under this subsection.

27 (b-1) The agency, in conjunction with appropriate

1 interested persons, shall redevelop assessment instruments adopted
2 or developed under Subsection (b) for administration to
3 significantly cognitively disabled students in a manner consistent
4 with federal law. An assessment instrument under this subsection
5 may not require a teacher to prepare tasks or materials for a
6 student who will be administered such an assessment instrument.
7 Assessment instruments adopted or developed under this subsection
8 shall be administered not later than the 2014-2015 school year.

9 (c) The agency shall also adopt end-of-course assessment
10 instruments for secondary-level courses in Algebra I, [~~Algebra II,~~
11 ~~geometry,~~] biology, [~~chemistry, physics,~~] English I, English II,
12 [~~English III, world geography, world history,~~] and United States
13 history. The Algebra I [~~, Algebra II, and geometry~~] end-of-course
14 assessment instrument [~~instruments~~] must be administered with the
15 aid of technology. The English I and English II end-of-course
16 assessment instruments must each assess essential knowledge and
17 skills in both reading and writing in the same assessment
18 instrument and must provide a single score. A school district shall
19 comply with State Board of Education rules regarding administration
20 of the assessment instruments listed in this subsection [~~and shall~~
21 ~~adopt a policy that requires a student's performance on an~~
22 ~~end-of-course assessment instrument for a course listed in this~~
23 ~~subsection in which the student is enrolled to account for 15~~
24 ~~percent of the student's final grade for the course. If a student~~
25 ~~retakes an end-of-course assessment instrument for a course listed~~
26 ~~in this subsection, as provided by Section 39.025, a school~~
27 ~~district is not required to use the student's performance on the~~

1 ~~subsequent administration or administrations of the assessment~~
2 ~~instrument to determine the student's final grade for the course].~~
3 If a student is in a special education program under Subchapter A,
4 Chapter 29, the student's admission, review, and dismissal
5 committee shall determine whether any allowable modification is
6 necessary in administering to the student an assessment instrument
7 required under this subsection. The State Board of Education shall
8 administer the assessment instruments. The State Board of
9 Education shall adopt a schedule for the administration of
10 end-of-course assessment instruments that complies with the
11 requirements of Subsection (c-3).

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

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

20 (2) the spring administration of end-of-course
21 assessment instruments under Subsection (c) to occur in each school
22 district not earlier than the first full week in May, except that
23 the spring administration of the end-of-course assessment
24 instruments in English I and[7] English II[7, ~~and English III~~] must
25 be permitted to occur at an earlier date.

26 (e) Under rules adopted by the State Board of Education,
27 every third year, the agency shall release the questions and answer

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

14 (e-1) Under rules adopted by the commissioner, for the
15 2012-2013 school year, the agency each year shall release the
16 questions and answer keys to each assessment instrument
17 administered under Subsection (a), (c), (d), or (l), excluding any
18 assessment instrument administered to a student for the purpose of
19 retaking the assessment instrument, after the last time the
20 instrument is administered for that school year. This subsection
21 expires December 31, 2013.

22 (e-2) Under rules adopted by the commissioner, for the
23 2013-2014 school year, the agency each year shall release the
24 questions and answer keys to each assessment instrument
25 administered under Subsection (b), (c), or (l), excluding any
26 assessment instrument administered to a student for the purpose of
27 retaking the assessment instrument and any assessment instrument

1 covering a subject or course for which the questions and answer keys
2 for the 2012-2013 assessment instrument covering that subject or
3 course were released, after the last time the instrument is
4 administered for the 2013-2014 school year. This subsection expires
5 December 31, 2014.

6 (e-3) Under rules adopted by the commissioner, for the
7 2013-2014 school year, the agency each year shall release the
8 questions and answer keys to each assessment instrument
9 administered under Subsection (a), (b), (c), (d), or (l) during the
10 2013-2014 school year after the last time any assessment instrument
11 is administered for the 2013-2014 school year. This subsection
12 expires December 31, 2014.

13 (h) The agency shall notify school districts and campuses of
14 the results of assessment instruments administered under this
15 section [~~at the earliest possible date determined by the State~~
16 ~~Board of Education but~~] not later than the 21st day after the date
17 the assessment instrument is administered [~~beginning of the~~
18 ~~subsequent school year~~]. The school district shall disclose to
19 each district teacher the results of assessment instruments
20 administered to students taught by the teacher in the subject for
21 the school year in which the assessment instrument is administered.

22 (b) This section applies beginning with the 2013-2014
23 school year.

24 SECTION 32. (a) Section 39.0232, Education Code, is
25 amended to read as follows:

26 Sec. 39.0232. USE OF END-OF-COURSE ASSESSMENT INSTRUMENT AS
27 PLACEMENT INSTRUMENT; CERTAIN USES PROHIBITED. (a) To the extent

1 practicable, the agency shall ensure that any high school
2 end-of-course assessment instrument developed by the agency is
3 developed in such a manner that the assessment instrument may be
4 used to determine the appropriate placement of a student in a course
5 of the same subject matter at an institution of higher education.

6 (b) A student's performance on an end-of-course assessment
7 instrument may not be used:

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

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

14 (c) Subsection (b)(2) does not prohibit a general academic
15 teaching institution from implementing an admission policy that
16 takes into consideration a student's performance on an
17 end-of-course assessment instrument in addition to other criteria.

18 (d) In this section, "general academic teaching
19 institution" has the meaning assigned by Section 61.003.

20 (b) This section applies beginning with the 2013-2014
21 school year.

22 SECTION 33. (a) Section 39.0233(a), Education Code, is
23 amended to read as follows:

24 (a) The agency, in coordination with the Texas Higher
25 Education Coordinating Board, shall adopt a series of questions to
26 be included in an end-of-course assessment instrument administered
27 under Section 39.023(c) to be used for purposes of Section 51.3062.

1 The questions adopted under this subsection must be developed in a
2 manner consistent with any college readiness standards adopted
3 under Sections 39.233 [~~39.113~~] and 51.3062.

4 (b) This section applies beginning with the 2013-2014
5 school year.

6 SECTION 34. (a) Subchapter B, Chapter 39, Education Code,
7 is amended by adding Section 39.0238 to read as follows:

8 Sec. 39.0238. ADOPTION AND ADMINISTRATION OF POSTSECONDARY
9 READINESS ASSESSMENT INSTRUMENTS. (a) In addition to other
10 assessment instruments adopted and developed under this
11 subchapter, the agency shall adopt or develop appropriate
12 postsecondary readiness assessment instruments for Algebra II and
13 English III that a school district may administer at the district's
14 option.

15 (b) To the extent practicable, the agency shall ensure that
16 each postsecondary readiness assessment instrument:

17 (1) assesses essential knowledge and skills and
18 growth;

19 (2) is developed in a manner that measures a student's
20 performance under the college readiness standards established
21 under Section 28.008; and

22 (3) is validated by national postsecondary education
23 experts for college readiness content and performance standards.

24 (c) In adopting a schedule for the administration of
25 postsecondary readiness assessment instruments under this section,
26 the State Board of Education shall require the annual
27 administration of the postsecondary readiness assessment

1 instruments to occur not earlier than the second full week in May.

2 (d) The agency shall adopt a policy requiring each school
3 district that elects to administer postsecondary readiness
4 assessment instruments under Subsection (a) to annually:

5 (1) administer the applicable postsecondary readiness
6 assessment instrument to each student enrolled in a course for
7 which a postsecondary readiness assessment instrument is adopted or
8 developed under Subsection (a), including applied Algebra II; and

9 (2) report the results of the postsecondary readiness
10 assessment instruments to the agency.

11 (e) The agency shall annually deliver a report to the
12 governor, the lieutenant governor, the speaker of the house of
13 representatives, and the presiding officers of the standing
14 committees of the legislature with jurisdiction over public
15 education. The report must include a summary of student performance
16 on the preceding year's postsecondary readiness assessment
17 instruments.

18 (f) The results of a postsecondary readiness assessment
19 instrument administered under this section may not be used by:

20 (1) the agency for accountability purposes for a
21 school campus or school district;

22 (2) a school district:

23 (A) for the purpose of teacher evaluations; or

24 (B) in determining a student's final course grade
25 or determining a student's class rank for the purpose of high school
26 graduation; or

27 (3) an institution of higher education:

1 (A) for admission purposes; or

2 (B) to determine eligibility for a TEXAS grant.

3 (g) A school district may not administer an additional
4 benchmark assessment instrument solely for the purpose of preparing
5 for a postsecondary readiness assessment instrument administered
6 under this section. In this subsection, "benchmark assessment
7 instrument" means a district-required assessment instrument
8 designed to prepare students for a postsecondary readiness
9 assessment instrument administered under this section.

10 (h) The agency shall acknowledge a school district that
11 elects to administer the postsecondary readiness assessment
12 instruments as provided by Subsection (a).

13 (b) This section applies beginning with the 2015-2016
14 school year.

15 SECTION 35. (a) Section 39.025, Education Code, is amended
16 by amending Subsections (a), (a-1), (b), and (b-2) and adding
17 Subsection (a-4) to read as follows:

18 (a) The commissioner shall adopt rules requiring a student
19 participating in the recommended or advanced high school program to
20 be administered each end-of-course assessment instrument listed in
21 Section 39.023(c) and requiring a student participating in the
22 minimum high school program to be administered an end-of-course
23 assessment instrument listed in Section 39.023(c) only for a course
24 in which the student is enrolled and for which an end-of-course
25 assessment instrument is administered. A student is required to
26 achieve~~[, in each subject in the foundation curriculum under~~
27 ~~Section 28.002(a)(1), a cumulative score that is at least equal to~~

1 ~~the product of the number of end-of-course assessment instruments~~
2 ~~administered to the student in that subject and] a scale score that~~
3 indicates satisfactory performance, as determined by the
4 commissioner under Section 39.0241(a), on each end-of-course
5 assessment instrument listed under Section 39.023(c) that is
6 administered to the student as provided by this subsection. For
7 each scale score required under this subsection that is not based on
8 a 100-point scale scoring system, the commissioner shall provide
9 for conversion, in accordance with commissioner rule, of the scale
10 score to an equivalent score based on a 100-point scale scoring
11 system. [~~A student must achieve a minimum score as determined by~~
12 ~~the commissioner to be within a reasonable range of the scale score~~
13 ~~under Section 39.0241(a) on an end-of-course assessment instrument~~
14 ~~for the score to count towards the student's cumulative score. For~~
15 ~~purposes of this subsection, a student's cumulative score is~~
16 ~~determined using the student's highest score on each end-of-course~~
17 ~~assessment instrument administered to the student.] A student may
18 not receive a high school diploma until the student has performed
19 satisfactorily on [~~the~~] end-of-course assessment instruments in
20 the manner provided under this subsection. This subsection does
21 not require a student to demonstrate readiness to enroll in an
22 institution of higher education.~~

23 (a-1) A student enrolled in a college preparatory course
24 under Section 28.014 who satisfies the Texas Success Initiative
25 (TSI) college readiness benchmarks prescribed by the Texas Higher
26 Education Coordinating Board under Section 51.3062(f) on an
27 assessment instrument designated by the Texas Higher Education

1 Coordinating Board under Section 51.3062(c) administered at the end
2 of the college preparatory course satisfies the requirements
3 concerning an end-of-course assessment in an equivalent course as
4 prescribed by Subsection (a). The commissioner [~~by rule~~] shall
5 determine a method by which a student's satisfactory performance on
6 an advanced placement test, an international baccalaureate
7 examination, an SAT Subject Test, the SAT, the ACT, or any
8 nationally recognized norm-referenced [~~another~~] assessment
9 instrument used by institutions of higher education to award course
10 credit based on satisfactory performance on the [~~determined by the~~
11 ~~commissioner to be at least as rigorous as an end-of-course~~]
12 assessment instrument shall [~~adopted under Section 39.023(c) may~~]
13 be used to satisfy [~~as a factor in determining whether the student~~
14 ~~satisfies~~] the requirements concerning an end-of-course assessment
15 instrument in an equivalent course as prescribed by [~~of~~] Subsection
16 (a) [~~, including the cumulative score requirement of that~~
17 ~~subsection~~]. The commissioner shall [~~by rule may~~] determine a
18 method by which a student's satisfactory performance on the PSAT [~~a~~
19 ~~Preliminary Scholastic Assessment Test (PSAT) assessment~~] or the
20 ACT-Plan shall [~~a preliminary American College Test (ACT)~~
21 ~~assessment may~~] be used to satisfy [~~as a factor in determining~~
22 ~~whether the student satisfies~~] the requirements concerning an
23 end-of-course assessment instrument in an equivalent course as
24 prescribed by [~~of~~] Subsection (a). A student who fails to perform
25 satisfactorily on a test or other assessment instrument authorized
26 under this subsection, other than the PSAT or the ACT-Plan, may
27 retake that test or other assessment instrument for purposes of

1 this subsection or may take the appropriate end-of-course
2 assessment instrument. A student who fails to perform
3 satisfactorily on the PSAT or the ACT-Plan must take the
4 appropriate end-of-course assessment instrument. The commissioner
5 shall adopt rules as necessary for the administration of this
6 subsection.

7 (a-4) The admission, review, and dismissal committee of a
8 student in a special education program under Subchapter A, Chapter
9 29, shall determine whether, to receive a high school diploma, the
10 student is required to achieve satisfactory performance on
11 end-of-course assessment instruments.

12 (b) Each time an end-of-course assessment instrument
13 adopted under Section 39.023(c) is administered, a student who
14 failed to achieve a [~~minimum~~] score requirement under Subsection
15 (a) may [~~shall~~] retake the assessment instrument. [~~A student who~~
16 ~~fails to perform satisfactorily on an Algebra II or English III~~
17 ~~end-of-course assessment instrument under the college readiness~~
18 ~~performance standard, as provided under Section 39.024(b), may~~
19 ~~retake the assessment instrument. Any other student may retake an~~
20 ~~end-of-course assessment instrument for any reason.] A student is
21 not required to retake a course as a condition of retaking an
22 end-of-course assessment instrument.~~

23 (b-2) If a school district determines that a student, on
24 completion of grade 11, is unlikely to achieve the [~~cumulative~~]
25 score requirement under Subsection (a) [~~requirements~~] for one or
26 more end-of-course assessment instruments administered to the
27 student as provided [~~subjects prescribed~~] by Subsection (a) for

1 receiving a high school diploma, the district shall require the
 2 student to enroll in a corresponding content-area college
 3 preparatory course for which an end-of-course assessment
 4 instrument has been adopted, if available. A student who enrolls in
 5 a college preparatory course described by this subsection shall be
 6 administered an end-of-course assessment instrument for the
 7 course, with the end-of-course assessment instrument scored on a
 8 scale as determined by the commissioner [~~not to exceed 20 percent of~~
 9 ~~the cumulative score requirements required to graduate as~~
 10 ~~determined under Subsection (a)]]. A student may use the student's
 11 score on the end-of-course assessment instrument for the college
 12 preparatory course towards satisfying the [~~cumulative~~] score
 13 requirement [~~requirements~~] prescribed by Subsection (a).~~

14 (b) This section applies beginning with the 2013-2014
 15 school year.

16 SECTION 36. (a) Effective September 1, 2014, Section
 17 39.025(a), Education Code, is amended to read as follows:

18 (a) The commissioner shall adopt rules requiring a student
 19 [~~participating~~] in the foundation [~~recommended or advanced~~] high
 20 school program under Section 28.025 to be administered each
 21 end-of-course assessment instrument listed in Section 39.023(c)
 22 [~~and requiring a student participating in the minimum high school~~
 23 ~~program to be administered an end-of-course assessment instrument~~
 24 ~~listed in Section 39.023(c) only for a course in which the student~~
 25 ~~is enrolled and for which an end-of-course assessment instrument is~~
 26 ~~administered~~]. A student is required to achieve[, ~~in each subject~~
 27 ~~in the foundation curriculum under Section 28.002(a)(1), a~~

1 ~~cumulative score that is at least equal to the product of the number~~
2 ~~of end-of-course assessment instruments administered to the~~
3 ~~student in that subject and] a scale score that indicates~~
4 satisfactory performance, as determined by the commissioner under
5 Section 39.0241(a), on each end-of-course assessment instrument
6 listed under Section 39.023(c). For each scale score required
7 under this subsection that is not based on a 100-point scale scoring
8 system, the commissioner shall provide for conversion, in
9 accordance with commissioner rule, of the scale score to an
10 equivalent score based on a 100-point scale scoring system. [A
11 ~~student must achieve a minimum score as determined by the~~
12 ~~commissioner to be within a reasonable range of the scale score~~
13 ~~under Section 39.0241(a) on an end-of-course assessment instrument~~
14 ~~for the score to count towards the student's cumulative score. For~~
15 ~~purposes of this subsection, a student's cumulative score is~~
16 ~~determined using the student's highest score on each end-of-course~~
17 ~~assessment instrument administered to the student.] A student may
18 not receive a high school diploma until the student has performed
19 satisfactorily on [~~the~~] end-of-course assessment instruments in
20 the manner provided under this subsection. This subsection does
21 not require a student to demonstrate readiness to enroll in an
22 institution of higher education.~~

23 (b) This section applies beginning with the 2014-2015
24 school year.

25 SECTION 37. (a) Subchapter B, Chapter 39, Education Code,
26 is amended by adding Section 39.0263 to read as follows:

27 Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED

1 BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR
2 STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) In this section,
3 "benchmark assessment instrument" means a district-required
4 assessment instrument designed to prepare students for a
5 corresponding state-administered assessment instrument.

6 (b) Except as provided by Subsection (c), a school district
7 may not administer to any student more than two benchmark
8 assessment instruments to prepare the student for a corresponding
9 state-administered assessment instrument.

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

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

20 (b) This section applies beginning with the 2013-2014
21 school year.

22 SECTION 38. (a) Section 39.027, Education Code, is amended
23 by adding Subsection (a-2) to read as follows:

24 (a-2) Unless a student is enrolled in a school in the United
25 States for a period of at least 60 consecutive days during a year,
26 the student may not be considered to be enrolled in a school in the
27 United States for that year for the purpose of determining a number

1 of years under Subsection (a)(1), (2), or (3).

2 (b) This section applies beginning with the 2013-2014
3 school year.

4 SECTION 39. Section 39.0301, Education Code, is amended by
5 adding Subsection (a-1) to read as follows:

6 (a-1) In establishing procedures under Subsection (a)(1)
7 for the administration of assessment instruments, the commissioner
8 shall ensure that the procedures are designed to minimize
9 disruptions to school operations and the classroom environment. In
10 implementing the procedures established under Subsection (a)(1)
11 for the administration of assessment instruments, a school district
12 shall minimize disruptions to school operations and the classroom
13 environment.

14 SECTION 40. Subchapter B, Chapter 39, Education Code, is
15 amended by adding Section 39.038 to read as follows:

16 Sec. 39.038. RESTRICTION ON APPOINTMENTS TO ADVISORY
17 COMMITTEES. The commissioner may not appoint a person to a
18 committee or panel that advises the commissioner or agency
19 regarding state accountability systems under this title or the
20 content or administration of an assessment instrument if the person
21 is retained or employed by an assessment instrument vendor.

22 SECTION 41. (a) Subchapter B, Chapter 39, Education Code,
23 is amended by adding Section 39.039 to read as follows:

24 Sec. 39.039. PROHIBITION ON POLITICAL CONTRIBUTION OR
25 ACTIVITY BY CERTAIN CONTRACTORS. (a) A person who is an agent of an
26 entity that has been contracted to develop or implement assessment
27 instruments required under Section 39.023 commits an offense if the

1 person makes or authorizes a political contribution to or takes
2 part in, directly or indirectly, the campaign of any person seeking
3 election to or serving on the State Board of Education.

4 (b) A person who is an agent of an entity that has been
5 contracted to develop or implement assessment instruments required
6 under Section 39.023 commits an offense if the person serves as a
7 member of a formal or informal advisory committee established by
8 the commissioner, agency staff, or the State Board of Education to
9 advise the commissioner, agency staff, or the State Board of
10 Education regarding policies or implementation of the requirements
11 of this subchapter.

12 (c) An offense under this section is a Class B misdemeanor.

13 (b) This section applies September 1, 2013.

14 SECTION 42. (a) Section 39.053, Education Code, is amended
15 by amending Subsections (c) and (g-1) and adding Subsections (c-1)
16 and (c-2) to read as follows:

17 (c) Indicators of student achievement adopted under this
18 section must include:

19 (1) the results of assessment instruments required
20 under Sections 39.023(a), (c), and (l), including the results of
21 assessment instruments required for graduation retaken by a
22 student, aggregated across grade levels by subject area, including:

23 (A) for the performance standard determined by
24 the commissioner under Section 39.0241(a):

25 (i) the percentage of students who
26 performed satisfactorily on the assessment instruments, aggregated
27 across grade levels by subject area; and

1 (ii) for students who did not perform
2 satisfactorily, the percentage of students who met the standard for
3 annual improvement, as determined by the agency under Section
4 39.034, on the assessment instruments, aggregated across grade
5 levels by subject area; and

6 (B) for the college readiness performance
7 standard as determined under Section 39.0241:

8 (i) the percentage of students who
9 performed satisfactorily on the assessment instruments, aggregated
10 across grade levels by subject area; and

11 (ii) for students who did not perform
12 satisfactorily, the percentage of students who met the standard for
13 annual improvement, as determined by the agency under Section
14 39.034, on the assessment instruments, aggregated across grade
15 levels by subject area;

16 (2) dropout rates, including dropout rates and
17 district completion rates for grade levels 9 through 12, computed
18 in accordance with standards and definitions adopted by the
19 National Center for Education Statistics of the United States
20 Department of Education; ~~and~~

21 (3) high school graduation rates, computed in
22 accordance with standards and definitions adopted in compliance
23 with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et
24 seq.);

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

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

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

7 (A) the percentage of students who satisfy the
8 Texas Success Initiative (TSI) college readiness benchmarks
9 prescribed by the Texas Higher Education Coordinating Board under
10 Section 51.3062(f) on an assessment instrument in reading,
11 writing, or mathematics designated by the Texas Higher Education
12 Coordinating Board under Section 51.3062(c); or

13 (B) the number of students who earn:

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

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

20 (iii) an associate's degree; or

21 (iv) an industry certification.

22 (c-1) An indicator adopted under Subsection (c) that would
23 measure improvements in student achievement cannot negatively
24 affect the commissioner's review of a school district or campus if
25 that district or campus is already achieving at the highest level
26 for that indicator.

27 (c-2) The commissioner by rule shall determine a method by

1 which a student's performance may be included in determining the
2 performance rating of a school district or campus under Section
3 39.054 if, before the student graduates, the student:

4 (1) satisfies the Texas Success Initiative (TSI)
5 college readiness benchmarks prescribed by the Texas Higher
6 Education Coordinating Board under Section 51.3062(f) on an
7 assessment instrument designated by the Texas Higher Education
8 Coordinating Board under Section 51.3062(c); or

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

12 (g-1) In computing dropout and completion rates under
13 Subsection (c)(2), the commissioner shall exclude:

14 (1) students who are ordered by a court to attend a
15 high school equivalency certificate program but who have not yet
16 earned a high school equivalency certificate;

17 (2) students who were previously reported to the state
18 as dropouts, including a student who is reported as a dropout,
19 reenrolls, and drops out again, regardless of the number of times of
20 reenrollment and dropping out;

21 (3) students in attendance who are not in membership
22 for purposes of average daily attendance;

23 (4) students whose initial enrollment in a school in
24 the United States in grades 7 through 12 was as unschooled refugees
25 or asylees as defined by Section 39.027(a-1);

26 (5) students who are in the district exclusively as a
27 function of having been detained at a county detention facility but

1 are otherwise not students of the district in which the facility is
2 located; and

3 (6) students who are incarcerated in state jails and
4 federal penitentiaries as adults and as persons certified to stand
5 trial as adults.

6 (b) This section applies beginning with the 2013-2014
7 school year.

8 SECTION 43. (a) Section 39.053(f), Education Code, is
9 amended to read as follows:

10 (f) Annually, the commissioner shall define the state
11 standard for the current school year for each student achievement
12 indicator described by Subsection (c) and shall project the state
13 standards for each indicator for the following two school years.
14 The commissioner shall periodically raise the state standards for
15 the student achievement indicator described by Subsection
16 (c)(1)(B)(i) for accreditation as necessary to reach the goals of
17 achieving, by not later than the 2019-2020 school year:

18 (1) student performance in this state, disaggregated
19 by race, ethnicity, and socioeconomic status, that ranks nationally
20 in the top 10 states in terms of college readiness; and

21 (2) student performance, [~~including the percentage of~~
22 ~~students graduating under the recommended or advanced high school~~
23 ~~program,~~] with no significant achievement gaps by race, ethnicity,
24 and socioeconomic status.

25 (b) This section applies beginning with the 2014-2015
26 school year.

27 SECTION 44. (a) Section 39.054(a), Education Code, is

1 amended to read as follows:

2 (a) The commissioner shall adopt rules to evaluate school
3 district and campus performance and~~[, not later than August 8 of~~
4 ~~each year,]~~ assign each district ~~[and campus]~~ a performance rating
5 of A, B, C, D, or F. In adopting rules under this subsection, the
6 commissioner shall determine the criteria for each designated
7 letter performance rating. A district performance rating of A, B,
8 or C ~~[that]~~ reflects acceptable performance and a district
9 performance rating of D or F reflects ~~[or]~~ unacceptable
10 performance. The commissioner shall also assign each campus a
11 performance rating of exemplary, recognized, acceptable, or
12 unacceptable. A campus performance rating of exemplary,
13 recognized, or acceptable reflects acceptable performance, and a
14 campus performance rating of unacceptable reflects unacceptable
15 performance. A district may not receive a performance rating of A
16 if the district includes any campus with a performance rating of
17 unacceptable. Not later than August 8 of each year, the performance
18 rating of each district and campus shall be made publicly available
19 as provided by rules adopted under this subsection. If a district
20 or campus received a performance rating that reflected ~~[of]~~
21 unacceptable performance for the preceding school year, the
22 commissioner shall notify the district of a subsequent such
23 designation on or before June 15.

24 (b) This section applies beginning with the 2016-2017
25 school year.

26 SECTION 45. (a) Section 39.054(b), Education Code, is
27 amended to read as follows:

1 (b) In evaluating performance, the commissioner shall
2 evaluate against state standards and consider the performance of
3 each campus in a school district and each open-enrollment charter
4 school on the basis of the campus's or school's performance on the
5 student achievement indicators adopted under Section 39.053, other
6 than, to the greatest extent possible, the student achievement
7 indicator adopted under Section 39.053(c)(1) [~~39.053(e)~~].

8 (b) This section applies beginning with the 2013-2014
9 school year.

10 SECTION 46. (a) Subchapter C, Chapter 39, Education Code,
11 is amended by adding Section 39.0545 to read as follows:

12 Sec. 39.0545. SCHOOL DISTRICT EVALUATION OF PERFORMANCE IN
13 COMMUNITY AND STUDENT ENGAGEMENT; COMPLIANCE. (a) Each school
14 district shall evaluate the district's performance and the
15 performance of each campus in the district in community and student
16 engagement and in compliance as provided by this section and assign
17 the district and each campus a performance rating of exemplary,
18 recognized, acceptable, or unacceptable for both overall
19 performance and each individual evaluation factor listed under
20 Subsection (b). Not later than August 8 of each year, the district
21 shall report each performance rating to the agency and make the
22 performance ratings publicly available as provided by commissioner
23 rule.

24 (b) For purposes of assigning the performance ratings under
25 Subsection (a), a school district must evaluate:

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

1 (A) fine arts;
2 (B) wellness and physical education;
3 (C) community and parental involvement, such as:
4 (i) opportunities for parents to assist
5 students in preparing for assessments under Section 39.023;
6 (ii) tutoring programs that support
7 students taking assessments under Section 39.023; and
8 (iii) opportunities for students to
9 participate in community service projects;
10 (D) the 21st Century Workforce Development
11 program;
12 (E) the second language acquisition program;
13 (F) the digital learning environment;
14 (G) dropout prevention strategies; and
15 (H) educational programs for gifted and talented
16 students; and
17 (2) the record of the district and each campus
18 regarding compliance with statutory reporting and policy
19 requirements.
20 (c) A school district shall use criteria developed by a
21 local committee to evaluate:
22 (1) the performance of the district's campus programs
23 and categories of performance under Subsection (b)(1); and
24 (2) the record of the district and each campus
25 regarding compliance under Subsection (b)(2).
26 (b) This section applies beginning with the 2013-2014
27 school year.

1 SECTION 47. Section 39.056, Education Code, is amended by
2 adding Subsection (f) to read as follows:

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

9 SECTION 48. (a) Section 39.057(a), Education Code, is
10 amended to read as follows:

11 (a) The commissioner shall authorize special accreditation
12 investigations to be conducted:

13 (1) when excessive numbers of absences of students
14 eligible to be tested on state assessment instruments are
15 determined;

16 (2) when excessive numbers of allowable exemptions
17 from the required state assessment instruments are determined;

18 (3) in response to complaints submitted to the agency
19 with respect to alleged violations of civil rights or other
20 requirements imposed on the state by federal law or court order;

21 (4) in response to established compliance reviews of
22 the district's financial accounting practices and state and federal
23 program requirements;

24 (5) when extraordinary numbers of student placements
25 in disciplinary alternative education programs, other than
26 placements under Sections 37.006 and 37.007, are determined;

27 (6) in response to an allegation involving a conflict

1 between members of the board of trustees or between the board and
2 the district administration if it appears that the conflict
3 involves a violation of a role or duty of the board members or the
4 administration clearly defined by this code;

5 (7) when excessive numbers of students in special
6 education programs under Subchapter A, Chapter 29, are assessed
7 through assessment instruments developed or adopted under Section
8 39.023(b);

9 (8) in response to an allegation regarding or an
10 analysis using a statistical method result indicating a possible
11 violation of an assessment instrument security procedure
12 established under Section 39.0301, including for the purpose of
13 investigating or auditing a school district under that section;

14 (9) when a significant pattern of decreased academic
15 performance has developed as a result of the promotion in the
16 preceding two school years of students who did not perform
17 satisfactorily as determined by the commissioner under Section
18 39.0241(a) on assessment instruments administered under Section
19 39.023(a), (c), or (l);

20 (10) ~~when excessive numbers of students graduate~~
21 ~~under the minimum high school program;~~

22 [~~11~~] when excessive numbers of students eligible to
23 enroll fail to complete an Algebra II course or any other advanced
24 course as determined by the commissioner [~~as distinguishing between~~
25 ~~students participating in the recommended high school program from~~
26 ~~students participating in the minimum high school program~~];

27 (11) [~~12~~] when resource allocation practices as

1 evaluated under Section 39.0821 indicate a potential for
2 significant improvement in resource allocation;

3 (12) when a disproportionate number of students of a
4 particular demographic group is graduating with a particular
5 endorsement under Section 28.025(c-1);

6 (13) when an excessive number of students is
7 graduating with a particular endorsement under Section
8 28.025(c-1); or

9 (14) [~~(13)~~] as the commissioner otherwise determines
10 necessary.

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 49. (a) Section 39.082, Education Code, is amended
14 by amending Subsections (a) and (b) and adding Subsections (d),
15 (e), (f), (g), (h), (h-1), and (i) to read as follows:

16 (a) The commissioner shall, in consultation with the
17 comptroller, develop and implement separate financial
18 accountability rating systems for school districts and
19 open-enrollment charter schools in this state that:

20 (1) distinguish among school districts and
21 distinguish among open-enrollment charter schools, as applicable,
22 based on levels of financial performance; [~~and~~]

23 (2) include procedures to:

24 (A) provide additional transparency to public
25 education finance; and

26 (B) enable the commissioner and school district
27 and open-enrollment charter school administrators to provide

1 meaningful financial oversight and improvement; and

2 (3) include processes for anticipating the future
3 financial solvency of each school district and open-enrollment
4 charter school, including analysis of district and school revenues
5 and expenditures for preceding school years.

6 (b) The system must include uniform indicators adopted by
7 ~~[the]~~ commissioner rule by which to measure the financial
8 management performance and future financial solvency of a district
9 or open-enrollment charter school. In adopting indicators under
10 this subsection, the commissioner shall assign a point value to
11 each indicator to be used in a scoring matrix developed by the
12 commissioner. Any reference to a teacher in an indicator adopted by
13 the commissioner under this subsection means a classroom teacher.

14 (d) The commissioner shall evaluate indicators adopted
15 under Subsection (b) at least once every three years.

16 (e) Under the financial accountability rating system
17 developed under this section, each school district or
18 open-enrollment charter school, as applicable, shall be assigned a
19 financial accountability rating. In adopting rules under this
20 section, the commissioner, in consultation with the comptroller,
21 shall determine the criteria for each designated performance
22 rating.

23 (f) A district or open-enrollment charter school shall
24 receive the lowest rating under the system if the district or school
25 fails to achieve a satisfactory rating on:

26 (1) an indicator adopted under Subsection (b) relating
27 to financial management or solvency that the commissioner

1 determines to be critical; or

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

4 (g) Before assigning a final rating under the system, the
5 commissioner shall assign each district or open-enrollment charter
6 school a preliminary rating. A district or school may submit
7 additional information to the commissioner relating to any
8 indicator on which performance was considered unsatisfactory. The
9 commissioner shall consider any additional information submitted
10 by a district or school before assigning a final rating. If the
11 commissioner determines that the additional information negates
12 the concern raised by the indicator on which performance was
13 considered unsatisfactory, the commissioner may not penalize the
14 district or school on the basis of the indicator.

15 (h) The commissioner shall adopt rules for the
16 implementation of this section.

17 (h-1) The commissioner shall adopt initial rules necessary
18 to implement the changes to this section made by the 83rd
19 Legislature, Regular Session, 2013, not later than March 1, 2015.
20 This subsection expires April 1, 2015.

21 (i) Not later than August 8 of each year, the financial
22 accountability rating of each school district and open-enrollment
23 charter school under the financial accountability rating system
24 developed under this section shall be made publicly available as
25 provided by rules adopted under this section.

26 (b) This section applies beginning with the 2014-2015
27 school year.

1 SECTION 50. (a) Section 39.0823, Education Code, is
2 amended by amending Subsection (a) and adding Subsection (d) to
3 read as follows:

4 (a) If the commissioner, based on the indicators adopted
5 under Section 39.082 or other relevant information, projects a
6 ~~[review process under Section 39.0822 indicates a projected]~~
7 deficit for a school district or open-enrollment charter school
8 general fund within the following three school years, the agency
9 ~~[district]~~ shall provide the district or school [agency] interim
10 financial reports, including projected revenues and expenditures
11 ~~[supplemented by staff and student count data, as needed]~~, to
12 evaluate the ~~[district's]~~ current budget status of the district or
13 school.

14 (d) The agency may require a district or open-enrollment
15 charter school to submit additional information needed to produce a
16 financial report under Subsection (a). If a district or school
17 fails to provide information requested under this subsection or if
18 the commissioner determines that the information submitted by a
19 district or school is unreliable, the commissioner may order the
20 district or school to acquire professional services as provided by
21 Section 39.109.

22 (b) This section applies beginning with the 2014-2015
23 school year.

24 SECTION 51. (a) Subchapter D, Chapter 39, Education Code,
25 is amended by adding Section 39.0824 to read as follows:

26 Sec. 39.0824. CORRECTIVE ACTION PLAN. (a) A school
27 district or open-enrollment charter school assigned the lowest

1 rating under Section 39.082 shall submit to the commissioner a
2 corrective action plan to address the financial weaknesses of the
3 district or school. A corrective action plan must identify the
4 specific areas of financial weaknesses, such as financial
5 weaknesses in transportation, curriculum, or teacher development,
6 and include strategies for improvement.

7 (b) The commissioner may impose appropriate sanctions under
8 Subchapter E against a district or school failing to submit or
9 implement a corrective action plan required under Subsection (a).

10 (b) This section applies beginning with the 2014-2015
11 school year.

12 SECTION 52. (a) Section 39.083(b), Education Code, is
13 amended to read as follows:

14 (b) The annual financial management report must include:

15 (1) a description of the district's financial
16 management performance based on a comparison, provided by the
17 agency, of the district's performance on the indicators adopted
18 under Section 39.082(b) to:

19 (A) state-established standards; and

20 (B) the district's previous performance on the
21 indicators; and

22 (2) ~~[a description of the data submitted using the~~
23 ~~electronic-based program developed under Section 39.0822, and~~

24 ~~(3)]~~ any descriptive information required by the
25 commissioner.

26 (b) This section applies beginning with the 2014-2015
27 school year.

1 SECTION 53. (a) Section 39.201(a), Education Code, is
2 amended to read as follows:

3 (a) Not later than August 8 of each year, the commissioner
4 shall award distinction designations for outstanding performance
5 as provided by ~~under~~ this subchapter. A distinction designation
6 awarded to a district or campus under this subchapter shall be
7 referenced directly in connection with the performance rating
8 assigned to the district or campus and made publicly available
9 together with the performance ratings as provided by rules adopted
10 under Section 39.054(a).

11 (b) This section applies beginning with the 2013-2014
12 school year.

13 SECTION 54. (a) Section 39.202, Education Code, is amended
14 to read as follows:

15 Sec. 39.202. ACADEMIC [~~EXCELLENCE~~] DISTINCTION DESIGNATION
16 FOR DISTRICTS AND CAMPUSES. The commissioner by rule shall
17 establish [~~a recognized and exemplary rating for awarding districts~~
18 ~~and campuses~~] an academic distinction designation for districts and
19 campuses for outstanding performance in attainment of
20 postsecondary readiness ~~under this subchapter~~. The [~~In~~
21 ~~establishing the recognized and exemplary ratings, the~~]
22 commissioner shall adopt criteria for the designation under this
23 section ~~ratings~~, including:

- 24 (1) percentages of students who:
- 25 (A) performed satisfactorily, as determined
26 under the college readiness performance standard under Section
27 39.0241, on assessment instruments required under Section

1 39.023(a), (b), (c), or (1), aggregated across grade levels by
2 subject area; or

3 (B) met the standard for annual improvement, as
4 determined by the agency under Section 39.034, on assessment
5 instruments required under Section 39.023(a), (b), (c), or (1),
6 aggregated across grade levels by subject area, for students who
7 did not perform satisfactorily as described by Paragraph (A);

8 (2) percentages of:

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

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

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

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

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

24 (3) [~~2~~] other factors for determining sufficient
25 student attainment of postsecondary readiness.

26 (b) This section applies beginning with the 2013-2014
27 school year.

1 SECTION 55. (a) Section 39.203, Education Code, is amended
2 to read as follows:

3 Sec. 39.203. CAMPUS DISTINCTION DESIGNATIONS. (a) The
4 commissioner shall award a campus a distinction designation for
5 outstanding performance in improvement in student achievement if
6 the campus is ranked in the top 25 percent of campuses in the state
7 in annual improvement in student achievement as determined under
8 Section 39.034.

9 (b) In addition to the distinction designation described by
10 Subsection (a), the commissioner shall award a campus a distinction
11 designation for outstanding performance in closing student
12 achievement differentials if the campus demonstrates an ability to
13 significantly diminish or eliminate performance differentials
14 between student subpopulations and is ranked in the top 25 percent
15 of campuses in this state under the performance criteria described
16 by this subsection. The commissioner shall adopt rules related to
17 the distinction designation under this subsection to ensure that a
18 campus does not artificially diminish or eliminate performance
19 differentials through inhibiting the achievement of the highest
20 achieving student subpopulation.

21 (c) In addition to the distinction designations described
22 by Subsections (a) and (b), a campus that satisfies the criteria
23 developed under Section 39.204 shall be awarded a distinction
24 designation by the commissioner for outstanding performance in [~~for~~
25 ~~the following programs or the following specific categories of~~
26 ~~performance.~~

27 [~~(1)~~] academic achievement in English language arts,

1 mathematics, science, or social studies[+
2 ~~[(2) fine arts,~~
3 ~~[(3) physical education,~~
4 ~~[(4) 21st Century Workforce Development program, and~~
5 ~~[(5) second language acquisition program].~~

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

13 (b) This section applies beginning with the 2013-2014
14 school year.

15 SECTION 56. (a) Section 39.235(b), Education Code, is
16 amended to read as follows:

17 (b) Before awarding a grant under this section, the
18 commissioner may require a campus or school district to:

- 19 (1) obtain local matching funds; or
20 (2) meet other conditions, including developing a
21 personal graduation plan under Section 28.0212 or 28.02121, as
22 applicable, for each student enrolled at the campus or in a district
23 middle, junior high, or high school.

24 (b) This section applies beginning with the 2014-2015
25 school year.

26 SECTION 57. (a) Section 39.301(c), Education Code, is
27 amended to read as follows:

1 (c) Indicators for reporting purposes must include:

2 (1) the percentage of graduating students who meet the
3 course requirements established by State Board of Education rule
4 for:

5 (A) the foundation [~~minimum~~] high school
6 program;

7 (B) [~~7~~] the distinguished level of achievement
8 under the foundation [~~recommended~~] high school program; [~~7~~] and

9 (C) each endorsement described by Section
10 28.025(c-1) [~~the advanced high school program~~];

11 (2) the results of the SAT, ACT, articulated
12 postsecondary degree programs described by Section 61.852, and
13 certified workforce training programs described by Chapter 311,
14 Labor Code;

15 (3) for students who have failed to perform
16 satisfactorily, under each performance standard under Section
17 39.0241, on an assessment instrument required under Section
18 39.023(a) or (c), the performance of those students on subsequent
19 assessment instruments required under those sections, aggregated
20 by grade level and subject area;

21 (4) for each campus, the number of students,
22 disaggregated by major student subpopulations, that [~~agree under~~
23 ~~Section 28.025(b) to~~] take courses under the foundation [~~minimum~~]
24 high school program and take additional courses to earn an
25 endorsement under Section 28.025(c-1), disaggregated by type of
26 endorsement;

27 (5) the percentage of students, aggregated by grade

1 level, provided accelerated instruction under Section 28.0211(c),
2 the results of assessment instruments administered under that
3 section, the percentage of students promoted through the grade
4 placement committee process under Section 28.0211, the subject of
5 the assessment instrument on which each student failed to perform
6 satisfactorily under each performance standard under Section
7 39.0241, and the performance of those students in the school year
8 following that promotion on the assessment instruments required
9 under Section 39.023;

10 (6) the percentage of students of limited English
11 proficiency exempted from the administration of an assessment
12 instrument under Sections 39.027(a)(1) and (2);

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

16 (8) the percentage of students who satisfy the college
17 readiness measure;

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

21 (10) the percentage of students who are not
22 educationally disadvantaged;

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

26 (12) the percentage of students who successfully
27 complete the first year of instruction at an institution of higher

1 education without needing a developmental education course.

2 (b) This section applies beginning with the 2014-2015
3 school year.

4 SECTION 58. Subchapter J, Chapter 39, Education Code, is
5 amended by adding Section 39.309 to read as follows:

6 Sec. 39.309. TEXAS SCHOOL ACCOUNTABILITY DASHBOARD. (a)
7 The agency shall develop and maintain an Internet website, separate
8 from the agency's Internet website, to be known as the Texas School
9 Accountability Dashboard for the public to access school district
10 and campus accountability information.

11 (b) The commissioner shall adopt, for use on the Texas
12 School Accountability Dashboard, a performance index in each of the
13 following areas:

- 14 (1) student achievement;
15 (2) student progress;
16 (3) closing performance gaps; and
17 (4) postsecondary readiness.

18 (c) The Texas School Accountability Dashboard developed
19 under Subsection (a) must include:

20 (1) performance information for each school district
21 and campus in areas specified by Subsection (b) and must allow for
22 comparison between districts and campuses in each of the areas;

23 (2) a comparison of the number of students enrolled in
24 each school district, including:

25 (A) the percentage of students of limited English
26 proficiency, as defined by Section 29.052;

27 (B) the percentage of students who are unschooled

1 asylees or refugees, as defined by Section 39.027(a-1);

2 (C) the percentage of students who are
3 educationally disadvantaged; and

4 (D) the percentage of students with
5 disabilities;

6 (3) a comparison of performance information for each
7 district and campus disaggregated by race, ethnicity, and
8 populations served by special programs, including special
9 education, bilingual education, and special language programs; and

10 (4) a comparison of performance information by subject
11 area.

12 SECTION 59. (a) Section 39.332(b), Education Code, is
13 amended by amending Subdivision (23) and adding Subdivision (24) to
14 read as follows:

15 (23) The report must contain an evaluation of the
16 availability of endorsements under Section 28.025(c-1), including
17 the following information for each school district:

18 (A) the endorsements under Section 28.025(c-1)
19 for which the district offers all courses for curriculum
20 requirements as determined by board rule; and

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

23 (24) The report must contain any additional
24 information considered important by the commissioner or the State
25 Board of Education.

26 (b) This section applies beginning with the 2014-2015
27 school year.

1 SECTION 60. (a) Subchapter L, Chapter 39, Education Code,
2 is amended by adding Section 39.363 to read as follows:

3 Sec. 39.363. NOTICE ON AGENCY WEBSITE. Not later than
4 October 1 of each year, the agency shall make the following
5 information available to the public on the agency's Internet
6 website:

7 (1) the letter performance rating assigned to each
8 school district and campus under Section 39.054 and each
9 distinction designation awarded to a school district or campus
10 under Subchapter G;

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

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

17 (b) This section applies beginning with the 2013-2014
18 school year.

19 [The bill does not contain a SECTION 61.]

20 SECTION 62. (a) Section 51.3062(q-1), Education Code, is
21 amended to read as follows:

22 (q-1) A student who has [~~completed a recommended or advanced~~
23 ~~high school program as determined under Section 28.025 and~~
24 demonstrated the performance standard for college readiness as
25 provided by Section 28.008 [~~39.024~~] on the postsecondary readiness
26 assessment instruments adopted under Section 39.0238 for Algebra II
27 and English III [~~end-of-course assessment instruments~~] is exempt

1 from the requirements of this section with respect to those content
2 areas. The commissioner of higher education by rule shall
3 establish the period for which an exemption under this subsection
4 is valid.

5 (b) This section applies beginning with the 2015-2016
6 school year.

7 SECTION 63. (a) Section 51.3062, Education Code, is amended
8 by adding Subsection (q-2) to read as follows:

9 (q-2) A student who successfully completes a college
10 preparatory course under Section 28.014 is exempt from the
11 requirements of this section with respect to the content area of the
12 course. The commissioner of higher education by rule shall
13 establish the period for which an exemption under this subsection
14 is valid. The exemption applies only at the institution of higher
15 education that partners with the school district in which the
16 student is enrolled to provide the course, except that the
17 commissioner by rule may determine the manner in which the
18 exemption may be applied to institutions of higher education other
19 than the partnering institution.

20 (b) This section applies beginning with the 2013-2014
21 school year.

22 SECTION 64. (a) Section 51.803, Education Code, is amended
23 by amending Subsections (a), (b), and (d) and adding Subsection (m)
24 to read as follows:

25 (a) Subject to Subsection (a-1), each general academic
26 teaching institution shall admit an applicant for admission to the
27 institution as an undergraduate student if the applicant graduated

1 with a grade point average in the top 10 percent of the student's
2 high school graduating class in one of the two school years
3 preceding the academic year for which the applicant is applying for
4 admission and:

5 (1) the applicant graduated from a public or private
6 high school in this state accredited by a generally recognized
7 accrediting organization or from a high school operated by the
8 United States Department of Defense;

9 (2) the applicant:

10 (A) successfully completed:

11 (i) at a public high school, the curriculum
12 requirements established under Section 28.025 for the
13 distinguished level of achievement under the foundation
14 ~~[recommended or advanced]~~ high school program; or

15 (ii) at a high school to which Section
16 28.025 does not apply, a curriculum that is equivalent in content
17 and rigor to the distinguished level of achievement under the
18 foundation ~~[recommended or advanced]~~ high school program; or

19 (B) satisfied ACT's College Readiness Benchmarks
20 on the ACT assessment applicable to the applicant or earned on the
21 SAT assessment a score of at least 1,500 out of 2,400 or the
22 equivalent; and

23 (3) if the applicant graduated from a high school
24 operated by the United States Department of Defense, the applicant
25 is a Texas resident under Section 54.052 or is entitled to pay
26 tuition fees at the rate provided for Texas residents under Section
27 54.241(d) ~~[54.058(d)]~~ for the term or semester to which admitted.

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

13 (d) For purposes of Subsection (c)(2), a student's official
14 transcript or diploma must, not later than the end of the student's
15 junior year, indicate:

16 (1) whether the student has satisfied or is on
17 schedule to satisfy the requirements of Subsection (a)(2)(A)(i) or
18 (ii), as applicable; or

19 (2) if Subsection (b) applies to the student, whether
20 the student has completed the portion of the distinguished level of
21 achievement under the foundation high school program [~~recommended~~
22 ~~or advanced~~] curriculum or of the curriculum equivalent in content
23 and rigor, as applicable, that was available to the student.

24 (m) The Texas Higher Education Coordinating Board and the
25 commissioner of education shall jointly adopt rules to establish
26 eligibility requirements for admission under this section as to
27 curriculum requirements for high school graduation under

1 Subsection (a)(2)(A) for students participating under the
2 recommended or advanced high school program so that the admission
3 of those students is not affected by their participation in the
4 recommended or advanced high school program. This subsection
5 expires September 1, 2020.

6 (b) This section applies beginning with the 2014-2015
7 school year.

8 SECTION 65. (a) Section 51.805, Education Code, is amended
9 by amending Subsection (a) and adding Subsection (g) to read as
10 follows:

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

14 (1) successfully completed [~~satisfies the~~
15 ~~requirements of~~]:

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

19 (B) at a high school to which Section 28.025 does
20 not apply, a curriculum that is equivalent in content and rigor to
21 the foundation high school program [~~(1) Section 51.803(a)(2)(A)~~
22 ~~or 51.803(b), as applicable to the student, or Section~~
23 ~~51.803(a)(2)(B)]; or [~~and~~]~~

24 (2) satisfied ACT's College Readiness Benchmarks on
25 the ACT assessment applicable to the applicant or earned on the SAT
26 assessment a score of at least 1,500 out of 2,400 or the equivalent
27 [~~Sections 51.803(c)(2) and 51.803(d)~~].

1 (g) The Texas Higher Education Coordinating Board and the
2 commissioner of education shall jointly adopt rules to establish
3 eligibility requirements for admission under this section as to
4 curriculum requirements for high school graduation under
5 Subsection (a)(1) for students participating in the minimum,
6 recommended, or advanced high school program so that the admission
7 requirements for those students under this section are not more
8 stringent than the admission requirements under this section for
9 students participating in the foundation high school program. This
10 subsection expires September 1, 2020.

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 66. (a) Section 51.807(b), Education Code, is
14 amended to read as follows:

15 (b) The Texas Higher Education Coordinating Board, after
16 consulting with the Texas Education Agency, by rule shall establish
17 standards for determining for purposes of this subchapter:

18 (1) whether a private high school is accredited by a
19 generally recognized accrediting organization; and

20 (2) whether a person completed a high school
21 curriculum that is equivalent in content and rigor to the
22 curriculum requirements established under Section 28.025 for the
23 foundation [~~recommended or advanced~~] high school program or the
24 distinguished level of achievement under the foundation high school
25 program.

26 (b) This section applies beginning with the 2014-2015
27 school year.

1 SECTION 67. (a) Subchapter A, Chapter 56, Education Code,
2 is amended by adding Section 56.009 to read as follows:

3 Sec. 56.009. ELIGIBILITY BASED ON GRADUATION UNDER CERTAIN
4 HIGH SCHOOL PROGRAMS. To the extent that a person's eligibility to
5 participate in any program under this chapter, including
6 Subchapters K, Q, and R, is contingent on the person graduating
7 under the recommended or advanced high school program, as those
8 programs existed before the adoption of H.B. No. 5, 83rd
9 Legislature, Regular Session, 2013, the Texas Higher Education
10 Coordinating Board and the commissioner of education shall jointly
11 adopt rules to modify, clarify, or otherwise establish for affected
12 programs appropriate eligibility requirements regarding high
13 school curriculum completion.

14 (b) This section applies beginning with the 2014-2015
15 school year.

16 SECTION 68. (a) Section 56.3041, Education Code, is
17 amended to read as follows:

18 Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM
19 HIGH SCHOOL ON OR AFTER MAY 1, 2013, AND ENROLLING IN A GENERAL
20 ACADEMIC TEACHING INSTITUTION. (a) Notwithstanding Section
21 56.304(a), to be eligible initially for a TEXAS grant, a person
22 graduating from high school on or after May 1, 2013, and enrolling
23 in a general academic teaching institution must:

24 (1) be a resident of this state as determined by
25 coordinating board rules;

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

1 (A) be a graduate of a public or accredited
2 private high school in this state who completed the foundation
3 ~~[recommended]~~ high school program established under Section 28.025
4 or its equivalent and have accomplished any two or more of the
5 following:

6 (i) ~~[graduation under the advanced high~~
7 ~~school program established under Section 28.025 or its equivalent,]~~
8 successful completion of the course requirements of the
9 international baccalaureate diploma program~~[,]~~ or earning of the
10 equivalent of at least 12 semester credit hours of college credit in
11 high school through courses described in Sections 28.009(a)(1),
12 (2), and (3);

13 (ii) satisfaction of the Texas Success
14 Initiative (TSI) college readiness benchmarks prescribed by the
15 coordinating board under Section 51.3062(f) on any assessment
16 instrument designated by the coordinating board under Section
17 51.3062(c) ~~[or (e)]~~ or qualification for an exemption as described
18 by Section 51.3062(p), (q), or (q-1);

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

23 (iv) completion for high school credit of
24 at least one advanced mathematics course following the successful
25 completion of an Algebra II course~~[, as permitted by Section~~
26 ~~28.025(b-3),]~~ or at least one advanced career and technical or
27 technology applications course~~[, as permitted by Section~~

1 ~~28.025(b-2)]~~;

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

4 (C) if sufficient money is available, meet the
5 eligibility criteria described by Section 56.304(a)(2)(A);

6 (3) meet financial need requirements established by
7 the coordinating board;

8 (4) be enrolled in an undergraduate degree or
9 certificate program at the general academic teaching institution;

10 (5) except as provided under rules adopted under
11 Section 56.304(h), be enrolled as:

12 (A) an entering undergraduate student for at
13 least three-fourths of a full course load, as determined by the
14 coordinating board, not later than the 16th month after the
15 calendar month in which the person graduated from high school;

16 (B) an entering undergraduate student who
17 entered military service not later than the first anniversary of
18 the date the person graduated from high school and who enrolled for
19 at least three-fourths of a full course load, as determined by the
20 coordinating board, at the general academic teaching institution
21 not later than 12 months after being honorably discharged from
22 military service; or

23 (C) a continuing undergraduate student for at
24 least three-fourths of a full course load, as determined by the
25 coordinating board, not later than the 12th month after the
26 calendar month in which the person received an associate degree
27 from a public or private institution of higher education;

1 (6) have applied for any available financial aid or
2 assistance; and

3 (7) comply with any additional nonacademic
4 requirements adopted by the coordinating board under this
5 subchapter.

6 (b) For purposes of Subsection (a)(2)(A), a student who
7 graduated under the recommended or advanced high school program is
8 considered to have successfully completed the curriculum
9 requirements of Section 51.803(a)(2)(A)(i). This subsection
10 expires September 1, 2020.

11 (b) This section applies beginning with the 2014-2015
12 school year.

13 SECTION 69. (a) Section 61.0517(a), Education Code, is
14 amended to read as follows:

15 (a) In this section, "applied STEM course" means an applied
16 science, technology, engineering, or mathematics course offered as
17 part of a school district's career and technology education or
18 technology applications curriculum and approved, as provided by
19 Section 28.027, by the State Board of Education for purposes of
20 satisfying the mathematics and science curriculum requirements for
21 the foundation [~~recommended~~] high school program [~~imposed~~] under
22 Section 28.025 [~~28.025(b-1)(1)(A)~~].

23 (b) This section applies beginning with the 2014-2015
24 school year.

25 SECTION 70. (a) Section 61.792(b), Education Code, is
26 amended to read as follows:

27 (b) To qualify for a scholarship under this section, a

1 student must:

2 (1) have graduated with a grade point average in the
3 top 20 percent of the student's high school graduating class;

4 (2) have graduated from high school with a grade point
5 average of at least 3.5 on a four-point scale or the equivalent in
6 mathematics and science courses offered under the foundation
7 [~~recommended or advanced~~] high school program under Section 28.025
8 [~~28.025(a)~~]; and

9 (3) maintain an overall grade point average of at
10 least 3.0 on a four-point scale at the general academic teaching
11 institution or the private or independent institution of higher
12 education in which the student is enrolled.

13 (b) This section applies beginning with the 2014-2015
14 school year.

15 SECTION 71. (a) Section 61.852(a), Education Code, is
16 amended to read as follows:

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

18 (1) combines at least two years of secondary education
19 with at least two years of postsecondary education in a
20 nonduplicative, sequential course of study based on the foundation
21 [~~recommended~~] high school program adopted by the State Board of
22 Education under Section 28.025 [~~28.025(a)~~];

23 (2) integrates academic instruction and vocational
24 and technical instruction;

25 (3) uses work-based and worksite learning where
26 available and appropriate;

27 (4) provides technical preparation in a career field

1 such as engineering technology, applied science, a mechanical,
2 industrial, or practical art or trade, agriculture, health
3 occupations, business, or applied economics;

4 (5) builds student competence in mathematics,
5 science, reading, writing, communications, economics, and
6 workplace skills through applied, contextual academics and
7 integrated instruction in a coherent sequence of courses;

8 (6) leads to an associate degree, two-year
9 postsecondary certificate, or postsecondary two-year
10 apprenticeship with provisions, to the extent applicable, for
11 students to continue toward completion of a baccalaureate degree;
12 and

13 (7) leads to placement in appropriate employment or to
14 further education.

15 (b) This section applies beginning with the 2014-2015
16 school year.

17 SECTION 72. (a) Section 61.855(d), Education Code, is
18 amended to read as follows:

19 (d) A tech-prep program must:

20 (1) be implemented under an articulation agreement
21 between the participants in the consortium;

22 (2) consist of two to four years of secondary school
23 preceding graduation and:

24 (A) two or more years of higher education; or

25 (B) two or more years of apprenticeship following
26 secondary instruction;

27 (3) have a common core of required proficiency based

1 on the foundation [~~recommended~~] high school program adopted by the
2 State Board of Education under Section 28.025 [~~28.025(a)~~], with
3 proficiencies in mathematics, science, reading, writing,
4 communications, and technologies designed to lead to an associate's
5 degree or postsecondary certificate in a specific career field;

6 (4) include the development of tech-prep program
7 curricula for both secondary and postsecondary participants in the
8 consortium that:

9 (A) meets academic standards developed by the
10 state;

11 (B) links secondary schools and two-year
12 postsecondary institutions, and, if practicable, four-year
13 institutions of higher education through nonduplicative sequences
14 of courses in career fields, including the investigation of
15 opportunities for tech-prep students to enroll concurrently in
16 secondary and postsecondary course work;

17 (C) uses, if appropriate and available,
18 work-based or worksite learning in conjunction with business and
19 all aspects of an industry; and

20 (D) uses educational technology and distance
21 learning, as appropriate, to involve each consortium participant
22 more fully in the development and operation of programs;

23 (5) include in-service training for teachers that:

24 (A) is designed to train vocational and technical
25 teachers to effectively implement tech-prep programs;

26 (B) provides for joint training for teachers in
27 the tech-prep consortium;

1 (C) is designed to ensure that teachers and
2 administrators stay current with the needs, expectations, and
3 methods of business and of all aspects of an industry;

4 (D) focuses on training postsecondary education
5 faculty in the use of contextual and applied curricula and
6 instruction; and

7 (E) provides training in the use and application
8 of technology;

9 (6) include training programs for counselors designed
10 to enable counselors to more effectively:

11 (A) provide information to students regarding
12 tech-prep programs;

13 (B) support student progress in completing
14 tech-prep programs;

15 (C) provide information on related employment
16 opportunities;

17 (D) ensure that tech-prep students are placed in
18 appropriate employment; and

19 (E) stay current with the needs, expectations,
20 and methods of business and of all aspects of an industry;

21 (7) provide equal access to the full range of
22 tech-prep programs for individuals who are members of special
23 populations, including by the development of tech-prep program
24 services appropriate to the needs of special populations; and

25 (8) provide for preparatory services that assist
26 participants in tech-prep programs.

27 (b) This section applies beginning with the 2014-2015

1 school year.

2 SECTION 73. (a) Section 61.861(c), Education Code, is
3 amended to read as follows:

4 (c) A course developed for purposes of this section must:

5 (1) provide content that enables a student to develop
6 the relevant and critical skills needed to be prepared for
7 employment or additional training in a high-demand occupation;

8 (2) incorporate college and career readiness skills as
9 part of the curriculum;

10 (3) be offered for dual credit; and

11 (4) satisfy a mathematics or science requirement under
12 the foundation [~~recommended or advanced~~] high school program as
13 determined under Section 28.025.

14 (b) This section applies beginning with the 2014-2015
15 school year.

16 SECTION 74. (a) Section 61.864, Education Code, is amended
17 to read as follows:

18 Sec. 61.864. REVIEW OF COURSES. Courses for which a grant
19 is awarded under this subchapter shall be reviewed by the
20 commissioner of higher education and the commissioner of education,
21 in consultation with the comptroller and the Texas Workforce
22 Commission, once every four years to determine whether the course:

23 (1) is being used by public educational institutions
24 in this state;

25 (2) prepares high school students with the skills
26 necessary for employment in the high-demand occupation and further
27 postsecondary study; and

1 (3) satisfies a mathematics or science requirement for
2 the foundation [~~recommended or advanced~~] high school program as
3 determined under Section 28.025.

4 (b) This section applies beginning with the 2014-2015
5 school year.

6 SECTION 75. (a) Section 78.10(b), Education Code, is
7 amended to read as follows:

8 (b) The Texas Academy of Mathematics and Science is a
9 division of The University of Texas at Brownsville and is under the
10 management and control of the board. The academy serves the
11 following purposes:

12 (1) to provide academically gifted and highly
13 motivated junior and senior high school students with a challenging
14 university-level curriculum that:

15 (A) allows students to complete high school
16 graduation requirements [~~, including requirements adopted under~~
17 ~~Section 28.025~~] for the foundation [~~advanced~~] high school program
18 and the distinguished level of achievement under the foundation
19 high school program and earn appropriate endorsements as provided
20 by Section 28.025, while attending for academic credit a public
21 institution of higher education;

22 (B) fosters students' knowledge of real-world
23 mathematics and science issues and applications and teaches
24 students to apply critical and computational thinking and
25 problem-solving skills to those issues and problems;

26 (C) includes the study of English, foreign
27 languages, social studies, mathematics, science, and technology;

1 and

2 (D) offers students learning opportunities
3 related to mathematics and science through in-depth research and
4 field-based studies;

5 (2) to provide students with an awareness of
6 mathematics and science careers and professional development
7 opportunities through seminars, workshops, collaboration with
8 postsecondary and university students including opportunities for
9 summer studies, internships in foreign countries, and similar
10 methods; and

11 (3) to provide students with social development
12 activities that enrich the academic curriculum and student life,
13 including, as determined appropriate by the academy, University
14 Interscholastic League activities and other extracurricular
15 activities.

16 (b) This section applies beginning with the 2014-2015
17 school year.

18 SECTION 76. (a) Section 87.505(b), Education Code, is
19 amended to read as follows:

20 (b) The Texas Academy of International Studies is a division
21 of Texas A&M International University and is under the management
22 and control of the board. The academy serves the following
23 purposes:

24 (1) to provide academically gifted and highly
25 motivated junior and senior high school students with a challenging
26 university-level curriculum that:

27 (A) allows students to complete high school

1 graduation requirements[, ~~including requirements adopted under~~
2 ~~Section 28.025~~] for the foundation [~~advanced~~] high school program
3 and the distinguished level of achievement under the foundation
4 high school program and earn appropriate endorsements as provided
5 by Section 28.025, while attending for academic credit a public
6 institution of higher education;

7 (B) fosters students' knowledge of real-world
8 international issues and problems and teaches students to apply
9 critical thinking and problem-solving skills to those issues and
10 problems;

11 (C) includes the study of English, foreign
12 languages, social studies, anthropology, and sociology;

13 (D) is presented through an interdisciplinary
14 approach that introduces and develops issues, especially issues
15 related to international concerns, throughout the curriculum; and

16 (E) offers students learning opportunities
17 related to international issues through in-depth research and
18 field-based studies;

19 (2) to provide students with an awareness of
20 international career and professional development opportunities
21 through seminars, workshops, collaboration with postsecondary
22 students from other countries, summer academic international
23 studies internships in foreign countries, and similar methods; and

24 (3) to provide students with social development
25 activities that enrich the academic curriculum and student life,
26 including, as determined appropriate by the academy, University
27 Interscholastic League activities and other extracurricular

1 activities generally offered by public high schools.

2 (b) This section applies beginning with the 2014-2015
3 school year.

4 SECTION 77. (a) Section 130.008, Education Code, is
5 amended by amending Subsection (d) and adding Subsection (f) to
6 read as follows:

7 (d) A [~~Except as provided by Subsection (d-1), a~~] public
8 junior college may enter into an agreement with a school district,
9 organization, or other person that operates a high school to offer a
10 course as provided by this section regardless of whether the high
11 school is located within the service area of the junior college
12 district.

13 (f) Except as provided by this section, a student may not
14 enroll in more than three courses under this section at a junior
15 college if the junior college does not have a service area that
16 includes the student's high school. A student enrolled at an early
17 college high school may enroll in a greater number of courses to the
18 extent approved by the commissioner of education.

19 (b) This section applies beginning with the 2013-2014
20 school year.

21 SECTION 78. (a) Effective September 1, 2013, the following
22 sections of the Education Code are repealed:

23 (1) Sections 29.190(b), (d), and (e);

24 (2) Sections 39.024(b), (c), (d), (e), (f), (g), and
25 (h);

26 (3) Section 39.0241(a-2);

27 (4) Section 39.0242;

1 (5) Sections 39.025(a-2) and (a-3); and

2 (6) Section 130.008(d-1).

3 (b) Effective September 1, 2014, the following provisions
4 of the Education Code are repealed:

5 (1) Section 28.002(q);

6 (2) Sections 28.0212(e) and (g);

7 (3) Sections 28.025(b-6), (b-8), and (g);

8 (4) Section 39.0822; and

9 (5) Sections 39.0823(b) and (c).

10 SECTION 79. (a) Except as provided by Subsection (b) of
11 this section, Section 39.025, Education Code, as amended by
12 Sections 35 and 36 of this Act, as related to reducing end-of-course
13 testing requirements, applies only to students who have entered or
14 will enter the ninth grade during the 2011-2012 school year or a
15 later school year.

16 (b) Students who have entered the ninth grade during or
17 after the 2011-2012 school year and before the 2013-2014 school
18 year may be administered only those end-of-course assessment
19 instruments that would have been administered to those students
20 under Section 39.025, Education Code, as amended by Section 35 of
21 this Act, and Section 39.025, Education Code, as amended by Section
22 35 of this Act, is continued in effect for purposes of satisfying
23 those end-of-course testing requirements.

24 (c) The commissioner of education may by rule adopt a
25 transition plan to implement the amendments made by this Act
26 relating to end-of-course testing requirements during the
27 2013-2014 and 2014-2015 school years.

1 SECTION 80. Not later than October 1, 2013, the
2 commissioner of education shall adopt rules to administer Section
3 39.025(a-1), Education Code, as amended by this Act.

4 SECTION 81. Section 39.027(a-2), Education Code, as added
5 by this Act, applies to a student regardless of the date on which
6 the student initially enrolled in a school in the United States.

7 SECTION 82. If, on September 1, 2013, a person is serving on
8 a committee or panel that advises the commissioner of education or
9 the Texas Education Agency who would not be eligible for
10 appointment under Section 39.038, Education Code, as added by this
11 Act, the person's position on the committee or panel becomes vacant
12 and shall be filled in accordance with applicable law.

13 SECTION 83. (a) The Texas Education Agency, in
14 collaboration with the Texas Higher Education Coordinating Board
15 and the Texas Workforce Commission, shall, through an external
16 evaluator at a center for education research authorized by Section
17 1.005, Education Code, evaluate the implementation of the changes
18 made by this Act to the curriculum requirements for high school
19 graduation. The evaluation must include an estimation of this
20 Act's effect on high school graduation rates, college readiness,
21 college admissions, college completion, obtainment of workforce
22 certificates, employment rates, and earnings.

23 (b) The commissioner of education shall submit an initial
24 report regarding the review to the governor, lieutenant governor,
25 and members of the legislature not later than December 1, 2015. The
26 commissioner of education shall submit a final report regarding
27 the review to the governor, lieutenant governor, and members of the

1 legislature not later than December 1, 2017.

2 SECTION 84. Except as otherwise provided by this Act:

3 (1) this Act takes effect immediately if it receives a
4 vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution; and

6 (2) if this Act does not receive the vote necessary for
7 immediate effect, this Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 5 was passed by the House on March 27, 2013, by the following vote: Yeas 147, Nays 2, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 5 on May 10, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; that the House adopted the conference committee report on H.B. No. 5 on May 26, 2013, by the following vote: Yeas 147, Nays 0, 1 present, not voting; and that the House adopted H.C.R. No. 224 authorizing certain corrections in H.B. No. 5 on May 27, 2013, by the following vote: Yeas 144, Nays 1, 1 present, not voting.

Chief Clerk of the House

H.B. No. 5

I certify that H.B. No. 5 was passed by the Senate, with amendments, on May 6, 2013, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; that the Senate adopted the conference committee report on H.B. No. 5 on May 26, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 224 authorizing certain corrections in H.B. No. 5 on May 27, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor