

CHAPTER 211

H.B. No. 5

1 AN ACT

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

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

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

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

13 (1) course or grade completion;

14 (2) teachers of record;

15 (3) assessment instrument results;

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

19 (5) personal graduation plan as described by Section  
20 28.0212 or 28.02121, as applicable.

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

23 SECTION 2. (a) Section 7.062(e), Education Code, is amended  
24 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 (q-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 (q-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 [~~(e) 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 ~~[(e) 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 [~~, 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(q-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 [~~24~~]

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(e) 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 (1), 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 (1);

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) [] the distinguished level of achievement  
8 under the foundation [~~recommended~~] high school program; [] 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:

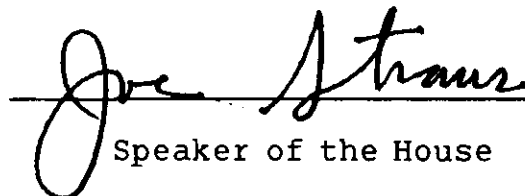
3 (1) this Act takes effect immediately if it receives a  
4 vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution; and

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




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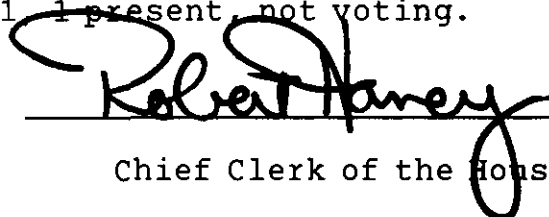
 President of the Senate




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 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.

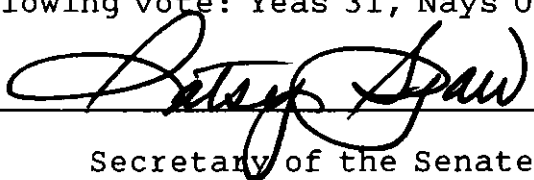



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 Chief Clerk of the House

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: 10 JUNE '13

Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
O'CLOCK

JUN 10 2013

  
Secretary of State