

By: Giddings

H.B. No. 2223

A BILL TO BE ENTITLED

AN ACT

1
2 relating to developmental coursework offered by public
3 institutions of higher education under the Texas Success
4 Initiative.

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

6 ARTICLE 1. TEXAS SUCCESS INITIATIVE

7 SECTION 1.01. Chapter 51, Education Code, is amended by
8 adding Subchapter F-1, and a heading is added to that subchapter to
9 read as follows:

10 SUBCHAPTER F-1. TEXAS SUCCESS INITIATIVE

11 SECTION 1.02. Sections 51.3062(a) and (a-1), Education
12 Code, are transferred to Subchapter F-1, Chapter 51, Education
13 Code, as added by this Act, redesignated as Section 51.331,
14 Education Code, and amended to read as follows:

15 Sec. 51.331. DEFINITIONS. (a) The definitions provided by
16 Section 61.003 apply to this subchapter [~~section~~].

17 (b) [~~(a-1)~~] In this subchapter [~~section~~]:

18 (1) "Basic academic skills education" means
19 non-course competency-based developmental education programs and
20 interventions designed for students whose performance falls
21 significantly below college readiness standards.

22 (2) "Program evaluation" means a systematic method of
23 collecting, analyzing, and using information to answer questions
24 about developmental education courses, interventions, and

1 policies, particularly about their effectiveness and
2 cost-efficiency.

3 SECTION 1.03. Section 51.3062(r), Education Code, is
4 transferred to Subchapter F-1, Chapter 51, Education Code, as added
5 by this Act, redesignated as Section 51.332, Education Code, and
6 amended to read as follows:

7 Sec. 51.332. APPLICABILITY. [~~r~~] This subchapter
8 [~~section~~] does not apply to:

9 (1) a student who has graduated with an associate or
10 baccalaureate degree from an institution of higher education;

11 (2) a student who transfers to an institution of
12 higher education from a private or independent institution of
13 higher education or an accredited out-of-state institution of
14 higher education and who has satisfactorily completed
15 college-level coursework;

16 (3) a student who is enrolled in a certificate program
17 of one year or less at a public junior college, a public technical
18 institute, or a public state college;

19 (4) a student who is serving on active duty as a member
20 of:

21 (A) the armed forces of the United States; or

22 (B) the Texas National Guard;

23 (5) a student who is currently serving as and, for at
24 least the three-year period preceding enrollment, has served as a
25 member of a reserve component of the armed forces of the United
26 States; or

27 (6) a student who on or after August 1, 1990, was

1 honorably discharged, retired, or released from:

2 (A) active duty as a member of the armed forces of
3 the United States or the Texas National Guard; or

4 (B) service as a member of a reserve component of
5 the armed forces of the United States.

6 SECTION 1.04. Section 51.3062(b), Education Code, is
7 transferred to Subchapter F-1, Chapter 51, Education Code, as added
8 by this Act, redesignated as Section 51.333, Education Code, and
9 amended to read as follows:

10 Sec. 51.333. COLLEGE READINESS ASSESSMENT REQUIRED. (a)
11 [~~(b)~~] An institution of higher education shall, using an
12 assessment instrument designated by the board under Section 51.334,
13 assess the academic skills of each entering undergraduate student
14 to determine the student's readiness to enroll in freshman-level
15 academic coursework.

16 (b) An institution of higher education may not use the
17 assessment required under this section or the results of the
18 assessment as a condition of admission to the institution.

19 SECTION 1.05. Sections 51.3062(c), (f), and (f-1),
20 Education Code, are transferred to Subchapter F-1, Chapter 51,
21 Education Code, as added by this Act, redesignated as Section
22 51.334, Education Code, and amended to read as follows:

23 Sec. 51.334. ASSESSMENT INSTRUMENTS. (a) [~~(c)~~] The board
24 shall designate one or more instruments for use by institutions of
25 higher education in assessing students under this subchapter [~~this~~
26 ~~section~~].

27 (b) [~~(f)~~] Each assessment instrument designated by the

1 board for use under this subchapter [~~section~~] must be diagnostic in
2 nature and designed to assess a student's readiness to perform
3 freshman-level academic coursework. The board shall prescribe a
4 single standard or set of standards for each assessment instrument
5 to effectively measure student readiness as demonstrated by current
6 research.

7 (c) [~~(f-1)~~] For each assessment instrument designated by
8 the board for use under this subchapter [~~section~~], the board shall
9 prescribe a score below which a student is eligible for basic
10 academic skills education.

11 SECTION 1.06. Sections 51.3062(g) and (h), Education Code,
12 are transferred to Subchapter F-1, Chapter 51, Education Code, as
13 added by this Act, redesignated as Section 51.335, Education Code,
14 and reordered and amended to read as follows:

15 Sec. 51.335. COLLEGE READINESS ADVISING. (a) [~~(h)~~] If a
16 student fails to meet the assessment standards described by Section
17 51.334(b) [~~Subsection (f)~~], the institution of higher education
18 shall work with the student to develop a plan to assist the student
19 in becoming ready to perform freshman-level academic coursework.
20 The plan must be designed on an individual basis to provide the best
21 opportunity for each student to attain that readiness.

22 (b) [~~(g)~~] Each institution of higher education shall
23 establish a program to advise students regarding coursework and
24 other means by which students can develop the academic skills
25 required to successfully complete college-level work.

26 SECTION 1.07. Sections 51.3062(i), (i-2), and (t),
27 Education Code, are transferred to Subchapter F-1, Chapter 51,

1 Education Code, as added by this Act, redesignated as Section
2 51.336, Education Code, and amended to read as follows:

3 Sec. 51.336. DEVELOPMENTAL EDUCATION. (a) An [~~(i) The~~]
4 institution of higher education may refer a student to
5 developmental coursework, including basic academic skills
6 education, as considered necessary by the institution to address a
7 student's deficiencies in the student's readiness to perform
8 freshman-level academic coursework, except that the institution
9 may not require enrollment in developmental coursework with respect
10 to a student previously determined under Section 51.338(d)
11 [~~Subsection (g-1)~~] or [~~determined~~] by any institution of higher
12 education to have met college-readiness standards.

13 (b) An institution of higher education that requires a
14 student to enroll in developmental coursework must offer a range of
15 developmental coursework, including online coursework, or
16 instructional support that includes the integration of technology
17 to efficiently address the particular developmental needs of the
18 student.

19 (c) Each institution of higher education shall develop and
20 implement for all developmental coursework, other than adult basic
21 education or basic academic skills education, developmental
22 education using a corequisite model under which a student
23 concurrently enrolls in a developmental education course and a
24 freshman-level course in the same subject area for each subject
25 area for which the student is referred to developmental coursework.

26 (d) If a student fails to satisfactorily complete a
27 freshman-level course described by Subsection (c), the institution

1 of higher education shall:

2 (1) review the plan developed for the student under
3 Section 51.335(a) and, if necessary, work with the student to
4 revise the plan; and

5 (2) offer to the student a range of competency-based
6 education programs to assist the student in becoming ready to
7 perform freshman-level academic coursework in the applicable
8 subject area.

9 (e) [~~(i-2)~~] An institution of higher education must base
10 developmental coursework on research-based best practices that
11 include the following components:

- 12 (1) assessment;
- 13 (2) differentiated placement and instruction;
- 14 (3) faculty development;
- 15 (4) support services;
- 16 (5) program evaluation;
- 17 (6) integration of technology with an emphasis on
18 instructional support programs;
- 19 (7) non-course-based developmental education
20 interventions; and

21 (8) subject to the requirements of Subsection (c),
22 course pairing of developmental education courses with
23 credit-bearing courses.

24 (f) [~~(t)~~] To allow a student to complete any necessary
25 developmental coursework in the most efficient and cost-effective
26 manner, the board shall encourage institutions of higher education
27 to offer various types of developmental coursework that address

1 various levels of deficiency in readiness to perform college
2 coursework for which course credit may be earned, as determined on
3 the basis of assessments as described by Section 51.334 [~~Subsection~~
4 ~~(f)~~]. The types of developmental coursework may include:

5 (1) course-based programs;

6 (2) non-course-based programs, such as advising
7 programs;

8 (3) module format programs;

9 (4) competency-based education programs;

10 (5) basic academic skills education, if applicable to
11 the student; and

12 (6) subject to the requirements of Subsection
13 (c), programs under which the student is pairing or taking
14 concurrently a developmental education course and another course in
15 the same subject area for which course credit may be earned.

16 SECTION 1.08. Sections 51.3062(j) and (k), Education Code,
17 are transferred to Subchapter F-1, Chapter 51, Education Code, as
18 added by this Act, redesignated as Section 51.337, Education Code,
19 and amended to read as follows:

20 Sec. 51.337. REEVALUATION OF COLLEGE READINESS. (a)
21 [~~(j)~~] A student may retake an assessment instrument designated by
22 the board for use under this subchapter at any time to determine
23 readiness to perform freshman-level academic coursework.

24 (b) [~~(k)~~] An institution of higher education shall
25 determine when a student is ready to perform freshman-level
26 academic coursework. The institution must make its determination
27 using learning outcomes for developmental education courses

1 developed by the board based on established college and career
2 readiness standards and student performance on one or more
3 appropriate assessments.

4 SECTION 1.09. Sections 51.3062(p), (q), (q-1), (q-2), and
5 (s), Education Code, are transferred to Subchapter F-1, Chapter
6 51, Education Code, as added by this Act, redesignated as Section
7 51.338, Education Code, and reordered and amended to read as
8 follows:

9 Sec. 51.338. EXEMPTIONS. (a) [~~s~~] An institution of
10 higher education may exempt a non-degree-seeking or
11 non-certificate-seeking student from the requirements of this
12 subchapter [~~section~~].

13 (b) [~~p~~] A student who has achieved a score set by the
14 board on the SAT [~~Scholastic Assessment Test (SAT)~~] or ACT [~~the~~
15 ~~American College Test (ACT)~~] is exempt from the requirements of
16 this subchapter [~~section~~]. An exemption under this subsection is
17 effective for the five-year period following the date a student
18 takes the test and achieves the standard set by the board.

19 (c) [~~q~~] A student who has achieved scores set by the board
20 on the questions developed for end-of-course assessment
21 instruments under Section 39.0233(a) is exempt from the
22 requirements of this subchapter [~~section~~]. The exemption is
23 effective for the three-year period following the date a student
24 takes the last assessment instrument for purposes of this
25 subchapter [~~section~~] and achieves the standard set by the board.
26 This subsection does not apply during any period for which the board
27 designates the questions developed for end-of-course assessment

1 instruments under Section 39.0233(a) as the primary assessment
2 instrument under this subchapter [~~section~~], except that the
3 three-year period described by this subsection remains in effect
4 for students who qualify for an exemption under this subsection
5 before that period.

6 (d) [~~(g-1)~~] A student who has demonstrated the performance
7 standard for college readiness as provided by Section 28.008 on the
8 postsecondary readiness assessment instruments adopted under
9 Section 39.0238 for Algebra II and English III is exempt from the
10 requirements of this subchapter [~~section~~] with respect to those
11 content areas. The commissioner of higher education by rule shall
12 establish the period for which an exemption under this subsection
13 is valid.

14 (e) [~~(g-2)~~] A student who successfully completes a college
15 preparatory course under Section 28.014 is exempt from the
16 requirements of this subchapter [~~section~~] with respect to the
17 content area of the course, provided that the student satisfies the
18 requirements of Subsection (f) of this section. The exemption is
19 effective for the two-year period following the date the student
20 graduates from high school[, ~~and the student must enroll in the~~
21 ~~student's first college-level course in the exempted content area~~
22 ~~in the student's first year of enrollment in an institution of~~
23 ~~higher education. If the student earns less than a C in the~~
24 ~~student's first college-level course in the exempted content area,~~
25 ~~the institution shall advise the student of non-course-based~~
26 ~~options for becoming college ready, such as tutoring or accelerated~~
27 ~~learning~~]. The exemption applies only at the institution of higher

1 education that partners with the school district in which the
2 student is enrolled to provide the course, except that the
3 commissioner of higher education by rule may determine the manner
4 in which the exemption may be applied to institutions of higher
5 education other than the partnering institution.

6 (f) A student receiving an exemption under Subsection (e)
7 must enroll in a college-level course in the exempted content area
8 during the student's first year of enrollment at an institution of
9 higher education occurring after the student qualifies for the
10 exemption. If the student earns a grade below a "C" for the course,
11 the institution shall advise the student of non-course-based
12 options for attaining college readiness, such as tutoring or
13 accelerated learning.

14 (g) The board [~~Texas Higher Education Coordinating Board~~]
15 shall:

16 (1) collect and analyze data regarding the
17 effectiveness of college preparatory courses provided under
18 Section 28.014 in assisting students to become ready to perform
19 freshman-level academic coursework, as measured by the rate at
20 which students receiving an exemption under Subsection (e)
21 successfully complete the course described by Subsection (f); and

22 (2) in November of each even-numbered year, submit a
23 [~~students' successful completion of the first college-level course~~
24 ~~in the exempted content area. The board shall~~] report of the
25 board's [~~its~~] findings to [~~all partnering institutions of higher~~
26 ~~education and independent school districts of each college~~
27 ~~preparatory course evaluated, as well as~~] the governor, the

1 lieutenant governor, the speaker of the house of representatives,
2 the standing legislative committees with primary jurisdiction over
3 higher education, and each institution of higher education and
4 school district that offers a college preparatory course under
5 Section 28.014 [~~and the members of the House and Senate Committees~~
6 ~~on Higher Education~~].

7 SECTION 1.10. Section 51.3062(i-4), Education Code, is
8 transferred to Subchapter F-1, Chapter 51, Education Code, as added
9 by this Act, redesignated as Section 51.339, Education Code, and
10 amended to read as follows:

11 Sec. 51.339. PROFESSIONAL DEVELOPMENT FOR DEVELOPMENTAL
12 EDUCATION. [~~(i-4)~~] The board, in consultation with institutions
13 of higher education, shall develop and provide professional
14 development programs, including instruction in differentiated
15 instruction methods designed to address students' diverse learning
16 needs, to faculty and staff who provide developmental coursework,
17 including basic academic skills education, to students.

18 SECTION 1.11. Sections 51.3062(l) and (m), Education Code,
19 are transferred to Subchapter F-1, Chapter 51, Education Code, as
20 added by this Act, redesignated as Section 51.340, Education Code,
21 and amended to read as follows:

22 Sec. 51.340. FUNDING. (a) [~~(1)~~] The legislature shall
23 appropriate money for approved non-degree-credit developmental
24 courses, including basic academic skills education, except that
25 legislative appropriations may not be used for developmental
26 coursework taken by a student in excess of:

27 (1) for a general academic teaching institution:

1 (A) 9 semester credit hours; or

2 (B) 18 semester credit hours, if the
3 developmental coursework is English for speakers of other languages
4 [for a general academic teaching institution]; and

5 (2) 18 [~~27~~] semester credit hours, for a public junior
6 college, public technical institute, or public state college.

7 (b) [~~(m)~~] The board may develop formulas to supplement the
8 funding of developmental academic programs by institutions of
9 higher education, including formulas for supplementing the funding
10 of non-course-based programs. The board may develop a performance
11 funding formula by which institutions of higher education may
12 receive additional funding for each student who completes the
13 success initiative [~~Success Initiative~~] established under this
14 subchapter [~~section~~] and then successfully completes college
15 coursework. The legislature may appropriate the money required to
16 provide the additional funding under those formulas.

17 SECTION 1.12. Section 51.3062(n), Education Code, is
18 transferred to Subchapter F-1, Chapter 51, Education Code, as added
19 by this Act, redesignated as Section 51.341, Education Code, and
20 amended to read as follows:

21 Sec. 51.341. REPORT TO BOARD. [~~(n)~~] Each institution of
22 higher education, other than a medical and dental unit, shall
23 report annually to the board on the success of its students and the
24 effectiveness of its success initiative [~~Success Initiative~~].

25 SECTION 1.13. Section 51.3062(u), Education Code, is
26 transferred to Subchapter F-1, Chapter 51, Education Code, as added
27 by this Act, redesignated as Section 51.342, Education Code, and

1 amended to read as follows:

2 Sec. 51.342. REPORT TO SCHOOL DISTRICTS. [~~(u)~~] An
3 institution of higher education that administers an assessment
4 instrument to students under this subchapter [~~this section~~] shall
5 report to each school district from which assessed students
6 graduated high school all available information regarding student
7 scores and performance on the assessment instrument and student
8 demographics. [~~The board shall adopt rules as necessary to~~
9 ~~implement this subsection, including rules for implementing this~~
10 ~~subsection in a manner that complies with federal law regarding~~
11 ~~confidentiality of student medical or educational information,~~
12 ~~including the Health Insurance Portability and Accountability Act~~
13 ~~of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational~~
14 ~~Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any~~
15 ~~state law relating to the privacy of student information.]~~

16 SECTION 1.14. Section 51.3062(o), Education Code, is
17 transferred to Subchapter F-1, Chapter 51, Education Code, as added
18 by this Act, redesignated as Section 51.343, Education Code, and
19 amended to read as follows:

20 Sec. 51.343. EVALUATION OF SUCCESS INITIATIVE. [~~(o)~~] The
21 board shall evaluate the effectiveness of the success initiative
22 [~~Success Initiative~~] on a statewide basis and with respect to each
23 institution of higher education.

24 SECTION 1.15. Sections 51.3062(i-1), (i-3), and (t-1),
25 Education Code, are transferred to Subchapter F-1, Chapter 51,
26 Education Code, as added by this Act, redesignated as Section
27 51.344, Education Code, and reordered and amended to read as

1 follows:

2 Sec. 51.344. RULES. (a) [~~(t-1)~~] The board may adopt rules
3 as necessary to implement this subchapter [~~section~~].

4 (b) [~~(i-1)~~] The board's rules [~~commissioner of higher~~
5 ~~education~~] may [~~by rule~~] require an institution of higher education
6 to adopt uniform standards for the placement of a student under this
7 subchapter [~~section~~].

8 (c) The board shall adopt rules to ensure that this
9 subchapter is administered in a manner that complies with federal
10 law regarding confidentiality of student medical or educational
11 information, including the Health Insurance Portability and
12 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.), the
13 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
14 Section 1232g), and any state law relating to the privacy of student
15 information.

16 (d) [~~(i-3)~~] The board shall adopt rules for the
17 implementation of Section 51.336(e) [~~Subsection (i-2)~~].

18 SECTION 1.16. The heading to Section **51.3062**, Education
19 Code, is repealed.

20 SECTION 1.17. Each public institution of higher education
21 shall ensure that the institution's developmental coursework
22 complies with the requirements of Section 51.336(c), Education
23 Code, as added by this Act, according to the following schedule:

24 (1) for the 2018-2019 academic year, at least 35
25 percent of the institution's developmental coursework must comply;

26 (2) for the 2019-2020 academic year, at least 65
27 percent of the institution's developmental coursework must comply;

1 and

2 (3) for the 2020-2021 academic year and each
3 subsequent academic year, 100 percent of the institution's academic
4 coursework must comply.

5 SECTION 1.18. Section 51.340(a), Education Code, as
6 transferred, redesignated, and amended from Section 51.3062(1),
7 Education Code, by this Act, applies beginning with the 2018-2019
8 academic year.

9 ARTICLE 2. CONFORMING AMENDMENTS

10 SECTION 2.01. Section 28.014(a), Education Code, is amended
11 to read as follows:

12 (a) Each school district shall partner with at least one
13 institution of higher education to develop and provide courses in
14 college preparatory mathematics and English language arts. The
15 courses must be designed:

16 (1) for students at the 12th grade level whose
17 performance on:

18 (A) an end-of-course assessment instrument
19 required under Section 39.023(c) does not meet college readiness
20 standards; or

21 (B) coursework, a college entrance examination,
22 or an assessment instrument designated under Section 51.334
23 [~~51.3062(c)~~] indicates that the student is not ready to perform
24 entry-level college coursework; and

25 (2) to prepare students for success in entry-level
26 college courses.

27 SECTION 2.02. Section 29.904(d), Education Code, is amended

1 to read as follows:

2 (d) A plan developed under this section:

3 (1) must establish clear, achievable goals for
4 increasing the percentage of the school district's graduating
5 seniors, particularly the graduating seniors attending a high
6 school described by Subsection (a), who enroll in an institution of
7 higher education for the academic year following graduation;

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

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

18 (B) are enrolled in courses that meet the
19 curriculum requirements for the distinguished level of achievement
20 under the foundation high school program as determined under
21 Section 28.025;

22 (C) have submitted a free application for federal
23 student aid (FAFSA);

24 (D) are exempt under Section 51.338 [~~51.3062(p)~~
25 ~~or (q)~~] from administration of an assessment instrument under
26 Subchapter F-1, Chapter 51, [Section 51.3062] or have performed
27 successfully on an assessment instrument under that subchapter

1 ~~[Section 51.3062]~~;

2 (E) graduate from high school;

3 (F) graduate from an institution of higher
4 education; and

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

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

8 (4) may be directed at district students at any level
9 of primary or secondary education.

10 SECTION 2.03. Section 39.0233(a), Education Code, is
11 amended to read as follows:

12 (a) The agency, in coordination with the Texas Higher
13 Education Coordinating Board, shall adopt a series of questions to
14 be included in an end-of-course assessment instrument administered
15 under Section 39.023(c) to be used for purposes of Subchapter F-1,
16 Chapter 51 ~~[Section 51.3062]~~. The questions adopted under this
17 subsection must be developed in a manner consistent with any
18 college readiness standards adopted under Section ~~[Sections]~~
19 39.233 and Subchapter F-1, Chapter 51 ~~[51.3062]~~.

20 SECTION 2.04. Section 39.025(a-1), Education Code, is
21 amended to read as follows:

22 (a-1) A student enrolled in a college preparatory
23 mathematics or English language arts course under Section 28.014
24 who satisfies the Texas Success Initiative (TSI) college readiness
25 benchmarks prescribed by the Texas Higher Education Coordinating
26 Board under Section 51.334 ~~[51.3062(f)]~~ on an assessment instrument
27 designated by the coordinating board ~~[Texas Higher Education~~

1 ~~Coordinating Board~~] under that section [~~Section 51.3062(c)~~]
 2 administered at the end of the college preparatory mathematics or
 3 English language arts course satisfies the requirements concerning
 4 and is exempt from the administration of the Algebra I or the
 5 English I and English II end-of-course assessment instruments, as
 6 applicable, as prescribed by Section 39.023(c), even if the student
 7 did not perform satisfactorily on a previous administration of the
 8 applicable end-of-course assessment instrument. A student who
 9 fails to perform satisfactorily on the assessment instrument
 10 designated by the coordinating board [~~Texas Higher Education~~
 11 ~~Coordinating Board~~] under Section 51.334 [~~51.3062(c)~~] administered
 12 as provided by this subsection may retake that assessment
 13 instrument for purposes of this subsection or may take the
 14 appropriate end-of-course assessment instrument.

15 SECTION 2.05. Sections 39.053(c) and (c-2), Education Code,
 16 are amended to read as follows:

17 (c) School districts and campuses must be evaluated based on
 18 five domains of indicators of achievement adopted under this
 19 section that include:

20 (1) in the first domain, the results of:

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

25 (i) for the performance standard determined
 26 by the commissioner under Section 39.0241(a), the percentage of
 27 students who performed satisfactorily on the assessment

1 instruments, aggregated across grade levels by subject area; and

2 (ii) for the college readiness performance
3 standard as determined under Section 39.0241, the percentage of
4 students who performed satisfactorily on the assessment
5 instruments, aggregated across grade levels by subject area; and

6 (B) assessment instruments required under
7 Section 39.023(b), aggregated across grade levels by subject area,
8 including the percentage of students who performed satisfactorily
9 on the assessment instruments, as determined by the performance
10 standard adopted by the agency, aggregated across grade levels by
11 subject area;

12 (2) in the second domain:

13 (A) for assessment instruments under Subdivision
14 (1)(A):

15 (i) for the performance standard determined
16 by the commissioner under Section 39.0241(a), the percentage of
17 students who met the standard for annual improvement on the
18 assessment instruments, as determined by the commissioner by rule
19 or by the method for measuring annual improvement under Section
20 39.034, aggregated across grade levels by subject area; and

21 (ii) for the college readiness performance
22 standard as determined under Section 39.0241, the percentage of
23 students who met the standard for annual improvement on the
24 assessment instruments, as determined by the commissioner by rule
25 or by the method for measuring annual improvement under Section
26 39.034, aggregated across grade levels by subject area; and

27 (B) for assessment instruments under Subdivision

1 (1)(B), the percentage of students who met the standard for annual
2 improvement on the assessment instruments, as determined by the
3 commissioner by rule or by the method for measuring annual
4 improvement under Section 39.034, aggregated across grade levels by
5 subject area;

6 (3) in the third domain, the student academic
7 achievement differentials among students from different racial and
8 ethnic groups and socioeconomic backgrounds;

9 (4) in the fourth domain:

10 (A) for evaluating the performance of high school
11 campuses and districts that include high school campuses:

12 (i) dropout rates, including dropout rates
13 and district completion rates for grade levels 9 through 12,
14 computed in accordance with standards and definitions adopted by
15 the National Center for Education Statistics of the United States
16 Department of Education;

17 (ii) high school graduation rates, computed
18 in accordance with standards and definitions adopted in compliance
19 with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et
20 seq.);

21 (iii) the percentage of students who
22 successfully completed the curriculum requirements for the
23 distinguished level of achievement under the foundation high school
24 program;

25 (iv) the percentage of students who
26 successfully completed the curriculum requirements for an
27 endorsement under Section 28.025(c-1);

1 (v) the percentage of students who
2 completed a coherent sequence of career and technical courses;

3 (vi) the percentage of students who satisfy
4 the Texas Success Initiative (TSI) college readiness benchmarks
5 prescribed by the Texas Higher Education Coordinating Board under
6 Section 51.334 [~~51.3062(f)~~] on an assessment instrument in reading,
7 writing, or mathematics designated by the coordinating board [~~Texas~~
8 ~~Higher Education Coordinating Board~~] under that section [~~Section~~
9 ~~51.3062(c)~~];

10 (vii) the percentage of students who earn
11 at least 12 hours of postsecondary credit required for the
12 foundation high school program under Section 28.025 or to earn an
13 endorsement under Section 28.025(c-1);

14 (viii) the percentage of students who have
15 completed an advanced placement course;

16 (ix) the percentage of students who enlist
17 in the armed forces of the United States; and

18 (x) the percentage of students who earn an
19 industry certification;

20 (B) for evaluating the performance of middle and
21 junior high school and elementary school campuses and districts
22 that include those campuses:

23 (i) student attendance; and

24 (ii) for middle and junior high school
25 campuses:

26 (a) dropout rates, computed in the
27 manner described by Paragraph (A)(i); and

1 (b) the percentage of students in
2 grades seven and eight who receive instruction in preparing for
3 high school, college, and a career that includes information
4 regarding the creation of a high school personal graduation plan
5 under Section 28.02121, the distinguished level of achievement
6 described by Section 28.025(b-15), each endorsement described by
7 Section 28.025(c-1), college readiness standards, and potential
8 career choices and the education needed to enter those careers; and

9 (C) any additional indicators of student
10 achievement not associated with performance on standardized
11 assessment instruments determined appropriate for consideration by
12 the commissioner in consultation with educators, parents, business
13 and industry representatives, and employers; and

14 (5) in the fifth domain, three programs or specific
15 categories of performance related to community and student
16 engagement locally selected and evaluated as provided by Section
17 39.0546.

18 (c-2) The commissioner by rule shall determine a method by
19 which a student's performance may be included in determining the
20 performance rating of a school district or campus under Section
21 39.054 if, before the student graduates, the student:

22 (1) satisfies the Texas Success Initiative (TSI)
23 college readiness benchmarks prescribed by the Texas Higher
24 Education Coordinating Board under Section 51.334 [~~51.3062(f)~~] on
25 an assessment instrument designated by the coordinating board
26 [~~Texas Higher Education Coordinating Board~~] under that section
27 [~~Section 51.3062(c)~~]; or

1 (2) performs satisfactorily on an assessment
2 instrument under Section 39.023(c), notwithstanding Subsection (d)
3 of this section.

4 SECTION 2.06. Section 51.406(c), Education Code, is amended
5 to read as follows:

6 (c) A rule or policy of a state agency, including the Texas
7 Higher Education Coordinating Board, in effect on June 1, 2011,
8 that requires reporting by a university system or an institution of
9 higher education has no effect on or after September 1, 2013, unless
10 the rule or policy is affirmatively and formally readopted before
11 that date by formal administrative rule published in the Texas
12 Register and adopted in compliance with Chapter 2001, Government
13 Code. This subsection does not apply to:

14 (1) a rule or policy for which the authorizing statute
15 is listed in Subsection (b);

16 (2) a rule or policy for which the authorizing statute
17 is repealed on or before September 1, 2013, by legislation enacted
18 by the legislature that becomes law; or

19 (3) a report required under any of the following
20 provisions:

21 (A) Article 59.06(g)(1), Code of Criminal
22 Procedure;

23 (B) Section 51.005;

24 (C) Section 51.0051;

25 (D) Subchapter F-1 of this chapter [~~Section~~
26 ~~51.3062~~];

27 (E) Section 51.402;

- 1 (F) Section 56.039;
- 2 (G) [~~Section 61.051(k)~~];
- 3 [~~(H)~~] Section 61.059;
- 4 (H) [~~(I)~~] Section 62.095(b);
- 5 (I) [~~(J)~~] Section 62.098;
- 6 (J) [~~(K)~~] Section 411.187(b), Government Code;
- 7 (K) [~~(L)~~] Subchapter C, Chapter 606, Government
- 8 Code;
- 9 (L) [~~(M)~~] Subchapter E, Chapter 815, Government
- 10 Code; or
- 11 (M) [~~(N)~~] Chapter 1551, Insurance Code.

12 SECTION 2.07. Section 54.2001(b), Education Code, is

13 amended to read as follows:

14 (b) In determining whether a person has completed a number

15 of semester credit hours that is considered to be excessive for

16 purposes of Subsection (a)(2), semester credit hours completed

17 include transfer credit hours that count toward the person's

18 undergraduate degree or certificate program course requirements

19 but exclude:

- 20 (1) hours earned exclusively by examination;
- 21 (2) hours earned for a course for which the person
- 22 received credit toward the person's high school academic
- 23 requirements; and
- 24 (3) hours earned for developmental coursework that an
- 25 institution of higher education required the person to take under
- 26 Subchapter F-1, Chapter 51, [Section 51.3062] or under the [~~former~~]
- 27 provisions of former Section 51.306 or former Section 51.3062.

1 SECTION 2.08. Section 56.3041(a), Education Code, is
2 amended to read as follows:

3 (a) To be eligible initially for a TEXAS grant, a person
4 graduating from high school on or after May 1, 2013, and enrolling
5 in an eligible institution must:

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

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

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

14 (i) successful completion of the course
15 requirements of the international baccalaureate diploma program or
16 earning of the equivalent of at least 12 semester credit hours of
17 college credit in high school through courses described in Sections
18 28.009(a)(1), (2), and (3);

19 (ii) satisfaction of the Texas Success
20 Initiative (TSI) college readiness benchmarks prescribed by the
21 coordinating board under Section 51.334 [~~51.3062(f)~~] on any
22 assessment instrument designated by the coordinating board under
23 that section [~~Section 51.3062(c)~~] or qualification for an exemption
24 as described by Section 51.338(b), (c), or (d) [~~51.3062(p), (q), or~~
25 ~~(q-1)~~];

26 (iii) graduation in the top one-third of
27 the person's high school graduating class or graduation from high

1 school with a grade point average of at least 3.0 on a four-point
2 scale or the equivalent; or

3 (iv) completion for high school credit of
4 at least one advanced mathematics course following the successful
5 completion of an Algebra II course or at least one advanced career
6 and technical or technology applications course;

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

9 (C) be an undergraduate student who has:

10 (i) previously attended another
11 institution of higher education;

12 (ii) received an initial Texas Educational
13 Opportunity Grant under Subchapter P for the 2014 fall semester or a
14 subsequent academic term;

15 (iii) completed at least 24 semester credit
16 hours at any institution or institutions of higher education; and

17 (iv) earned an overall grade point average
18 of at least 2.5 on a four-point scale or the equivalent on all
19 course work previously attempted; or

20 (D) if sufficient money is available, meet the
21 eligibility criteria described by Section 56.304(a)(2)(A);

22 (3) meet financial need requirements established by
23 the coordinating board;

24 (4) be enrolled in an undergraduate degree or
25 certificate program at an eligible institution;

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

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

5 (B) an entering undergraduate student who
6 entered military service not later than the first anniversary of
7 the date the person graduated from high school and who enrolled for
8 at least three-fourths of a full course load, as determined by the
9 coordinating board, at the eligible institution not later than 12
10 months after being honorably discharged from military service;

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

16 (D) an undergraduate student described by
17 Subdivision (2)(C) who has never previously received a TEXAS grant;

18 (6) have applied for any available financial aid or
19 assistance; and

20 (7) comply with any additional nonacademic
21 requirements adopted by the coordinating board under this
22 subchapter.

23 SECTION 2.09. Section [61.07611\(a\)](#), Education Code, is
24 amended to read as follows:

25 (a) To serve students who require developmental education
26 in an effective and cost-effective manner, the board shall develop
27 a statewide plan for developmental education to be provided under

1 Subchapter F-1, Chapter 51, [Section 51.3062] that:

2 (1) assigns primary responsibility for developmental
3 education to public junior colleges, public state colleges, and
4 public technical institutes; and

5 (2) provides for using technology, to the greatest
6 extent practicable consistent with best practices, to provide
7 developmental education to students.

8 SECTION 2.10. Section 315.004, Labor Code, is amended to
9 read as follows:

10 Sec. 315.004. ADULT EDUCATION ASSESSMENT. The commission
11 shall, in consultation with the Texas Higher Education Coordinating
12 Board and the Texas Education Agency, review the standardized
13 assessment mechanism required under Section 315.002(a)(7) and
14 recommend any changes necessary to align the assessment with the
15 assessments designated under Section 51.334 [~~51.3062~~], Education
16 Code, to allow for the proper placement of a student in an adult
17 basic education course or to provide the student with the proper
18 developmental or English as a second language coursework, as
19 appropriate.

20 ARTICLE 3. EFFECTIVE DATE

21 SECTION 3.01. This Act takes effect immediately if it
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, this Act takes effect September 1, 2017.