

By: Seliger, et al.

S.B. No. 463

A BILL TO BE ENTITLED

AN ACT

relating to the use of individual graduation committees to satisfy certain public high school graduation requirements.

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

SECTION 1. Section 12.104, Education Code, is amended by amending Subsection (b-2) and adding Subsection (b-3) to read as follows:

(b-2) An open-enrollment charter school is subject to the requirement to establish an individual graduation committee under Section 28.0258. This subsection expires September 1, 2019 [2017].

(b-3) An open-enrollment charter school is subject to the requirement to establish an individual graduation committee under Section 28.02581. This subsection expires September 1, 2019.

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

(c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section 28.0258. This subsection expires September 1, 2019 [2017].

SECTION 3. Effective September 1, 2018, Section 28.0258(e), Education Code, is amended to read as follows:

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

[~~(1)~~] identified by the State Board of Education under

1 Section 28.025(a) [~~for~~

2 [~~(2) as otherwise provided by the transition plan~~
3 ~~adopted by the commissioner under Section 28.025(h)~~].

4 SECTION 4. Section 28.0258(1), Education Code, is amended
5 to read as follows:

6 (1) This section expires September 1, 2019 [~~2017~~].

7 SECTION 5. Subchapter B, Chapter 28, Education Code, is
8 amended by adding Section 28.02581 to read as follows:

9 Sec. 28.02581. HIGH SCHOOL DIPLOMA AWARDED ON BASIS OF
10 INDIVIDUAL GRADUATION COMMITTEE REVIEW FOR CERTAIN STUDENTS WHO
11 ENTERED THE NINTH GRADE BEFORE 2011-2012. (a) This section
12 applies only to a student who:

13 (1) entered the ninth grade before the 2011-2012
14 school year;

15 (2) successfully completed the curriculum
16 requirements for high school graduation applicable to the student;
17 and

18 (3) failed to comply with any exit-level assessment
19 instrument performance requirements for assessment instruments
20 administered under Section 39.023(c), as that section existed
21 before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th
22 Legislature, Regular Session, 2007.

23 (b) For each student to whom this section applies, the
24 school district in which the student is enrolled or was last
25 enrolled, on request by the student, shall establish an individual
26 graduation committee to determine whether the student may qualify
27 to graduate as provided by this section. The committee shall be

1 composed of:

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

3 (2) for each exit-level assessment instrument on which
4 the student failed to perform satisfactorily, a teacher in the
5 applicable subject area;

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

8 (4) the student for whom the committee is established.

9 (c) The commissioner by rule shall establish a procedure for
10 appointing an alternative committee member if a person described by
11 Subsection (b)(1), (2), or (3) is unable to serve. The
12 superintendent of each school district shall establish procedures
13 for the convening of an individual graduation committee.

14 (d) The school district shall ensure a good faith effort is
15 made to timely notify the student for whom the individual
16 graduation committee is established of the time and place for
17 convening the committee. The notice must be:

18 (1) provided in person or by regular mail or e-mail;

19 and

20 (2) clear and easy to understand.

21 (e) Notwithstanding any other law, an individual graduation
22 committee established under this section shall recommend
23 additional requirements by which the student for whom the committee
24 is established may qualify to graduate, including:

25 (1) additional remediation; and

26 (2) for each exit-level assessment instrument on which
27 the student failed to perform satisfactorily:

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

3 (B) the preparation of a portfolio of work
4 samples in the subject area, including work samples that
5 demonstrate proficiency in the subject area.

6 (f) For purposes of Subsection (e), the student may submit
7 to the individual graduation committee coursework previously
8 completed to satisfy a recommended additional requirement.

9 (g) In determining whether a student for whom an individual
10 graduation committee is established is qualified to graduate, the
11 committee shall consider:

12 (1) any recommendation of the teacher of the student
13 in a subject area for which the student failed to perform
14 satisfactorily on an exit-level assessment instrument;

15 (2) the student's grade in each course of the subject
16 for which the student failed to perform satisfactorily on an
17 exit-level assessment instrument;

18 (3) the student's score on each exit-level assessment
19 instrument on which the student failed to perform satisfactorily;

20 (4) the student's performance on any additional
21 requirements recommended by the committee under Subsection (e);

22 (5) the number of hours of remediation that the
23 student has attended, including attendance in and successful
24 completion of a transitional college course in reading or
25 mathematics;

26 (6) the student's school attendance rate during the
27 student's enrollment in high school;

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

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

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

10 (10) the student's rating of advanced high on the high
11 school administration of the Texas English Language Proficiency
12 Assessment System;

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

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

17 (13) the student's completion of a sequence of high
18 school courses under a career and technical education program
19 required to attain an industry-recognized credential or
20 certificate;

21 (14) the student's overall preparedness for
22 postsecondary success; and

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

25 (h) After considering the criteria under Subsection (g),
26 the individual graduation committee may determine that the student
27 is qualified to graduate. Notwithstanding any other law, a student

for whom an individual graduation committee is established may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee under Subsection (e) and the committee's vote is unanimous. The commissioner by rule shall establish a timeline for making a determination under this subsection. This subsection does not create a property interest in graduation. The decision of a committee is final and may not be appealed.

(i) The commissioner shall adopt rules as necessary to implement this section.

(j) This section expires September 1, 2019.

SECTION 6. The heading to Section 28.0259, Education Code, is amended to read as follows:

Sec. 28.0259. SCHOOL DISTRICT REPORTING REQUIREMENTS FOR STUDENTS GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW PROCESS.

SECTION 7. Section 28.0259(e), Education Code, is amended to read as follows:

(e) This section expires September 1, 2019 ~~[2018]~~.

SECTION 8. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.02591 to read as follows:

Sec. 28.02591. TEXAS HIGHER EDUCATION COORDINATING BOARD REPORTING REQUIREMENTS FOR STUDENTS GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW PROCESS. (a) The Texas Higher Education Coordinating Board, in coordination with the agency, shall collect longitudinal data relating to the post-graduation

pursuits of each student who is awarded a diploma based on the determination of an individual graduation committee under Section 28.0258, including whether the student:

- (1) enters the workforce;
- (2) enrolls in an associate degree or certificate program at a public or private institution of higher education;
- (3) enrolls in a bachelor's degree program at a public or private institution of higher education; or
- (4) enlists in the armed forces of the United States or the Texas National Guard.

(b) Not later than December 1 of each even-numbered year, the Texas Higher Education Coordinating Board shall provide a report to the legislature that includes a summary compilation of the data collected under Subsection (a) that is presented in a manner that does not identify an individual student.

(c) The Texas Higher Education Coordinating Board and the agency shall adopt rules as necessary to implement this section.

SECTION 9. Section 39.025(a-2), Education Code, as added by Chapter 5 (S.B. 149), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a-2) Notwithstanding Subsection (a), a student who has failed to perform satisfactorily on end-of-course assessment instruments in the manner provided under this section may receive a high school diploma if the student has qualified for graduation under Section 28.0258. This subsection expires September 1, 2019 ~~[2017]~~.

SECTION 10. Section 39.025(a-3), Education Code, is amended

to read as follows:

(a-3) A student who, after retaking an end-of-course assessment instrument for Algebra I or English II, has failed to perform satisfactorily as required by Subsection (a), but who receives a score of proficient on the Texas Success Initiative (TSI) diagnostic assessment for the corresponding subject for which the student failed to perform satisfactorily on the end-of-course assessment instrument satisfies the requirement concerning the Algebra I or English II end-of-course assessment, as applicable. This subsection expires September 1, 2019 [2017].

SECTION 11. Effective September 1, 2019, Section [39.025](#), Education Code, is amended by amending Subsection (c-1) and adding Subsection (c-2) to read as follows:

(c-1) A school district may not administer an assessment instrument required for graduation administered under this section as this section existed:

(1) before September 1, 1999; or
(2) before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

(c-2) A school district may administer to a student who failed to perform satisfactorily on an assessment instrument described by Subsection (c-1) [~~this subsection~~] an alternate assessment instrument designated by the commissioner. The commissioner shall determine the level of performance considered to be satisfactory on an alternate assessment instrument. The district may not administer to the student an assessment instrument or a part of an assessment instrument that assesses a subject that

1 was not assessed in an assessment instrument applicable to the
2 student described by Subsection (c-1) [~~required for graduation~~
3 ~~administered under this section as this section existed before~~
4 ~~September 1, 1999~~]. The commissioner shall make available to
5 districts information necessary to administer the alternate
6 assessment instrument authorized by this subsection. The
7 commissioner's determination regarding designation of an
8 appropriate alternate assessment instrument under this subsection
9 and the performance required on the assessment instrument is final
10 and may not be appealed.

11 SECTION 12. Except as otherwise provided by this Act, this
12 Act takes effect immediately if it receives a vote of two-thirds of
13 all the members elected to each house, as provided by Section 39,
14 Article III, Texas Constitution. If this Act does not receive the
15 vote necessary for immediate effect, this Act takes effect
16 September 1, 2017.