

BILL ANALYSIS

C.S.H.B. 515
By: VanDeaver
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that classroom instruction is too often disrupted by statewide standardized testing. C.S.H.B. 515 seeks to minimize this disruption by reducing and revising state testing requirements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 515 repeals certain Education Code requirements for public school grade-level promotion that are based on satisfactory performance on statewide standardized tests and amends the Education Code to remove other such requirements. The bill renames the grade placement committee as the accelerated learning committee that a public school district is required to establish for the purpose of prescribing accelerated instruction for certain students, requires the establishment of such a committee when a student fails to perform satisfactorily on any of certain statewide standardized tests; a second time to a student failing to perform satisfactorily regardless of time, and includes among those tests the third grade mathematics and reading tests. The bill removes the prohibition against an accelerated instruction group administered by a district having a ratio of more than 10 students for each teacher.

C.S.H.B. 515 revises the method for providing the required accelerated instruction to a student who fails to perform satisfactorily on a statewide standardized test in grades 3-8 so the instruction is provided to the student during the subsequent school year and authorizes the commissioner of education to provide to districts available resources concerning research-based best practices and effective strategies that a district may use in developing an accelerated instruction program.

C.S.H.B. 515 replaces the requirement that a district provide to a student who, after three attempts, has failed to perform satisfactorily on any of certain statewide standardized tests accelerated instruction during the next school year as prescribed by an educational plan developed for the student by the student's grade placement committee with a requirement that an accelerated learning committee established for an applicable student develop an educational plan for the student that provides the necessary accelerated instruction for the student to achieve the appropriate grade level performance and provide other assistance to the student in accordance with a policy adopted by the district board of trustees prescribing the role of accelerated learning

committees in that district. The bill requires the educational plan as developed under the bill's provisions to be designed to enable the student to perform at the appropriate grade level by the conclusion of the subsequent school year. The bill removes a requirement that a district provide accelerated instruction regardless of whether the student has been promoted or retained.

C.S.H.B. 515 removes the specification that the rules adopted by the commissioner as necessary to implement provisions relating to accelerated instruction include rules concerning when districts are required to administer related required tests and which administration of the tests will be used for purposes of evaluating district and campus performance. The bill replaces the requirement that a student who is promoted by a grade placement committee be assigned in each subject in which the student failed to perform satisfactorily on an applicable statewide standardized test to a teacher who meets all state and federal qualifications to teach that subject and grade with a requirement that a student who fails to perform satisfactorily on such a test and who is promoted to the next grade level be assigned at that next grade level in each subject in which the student failed to perform satisfactorily on such a test to a teacher meeting the same qualifications.

C.S.H.B. 515 removes social studies from the subject areas for which the Texas Education Agency (TEA) is required to adopt or develop appropriate statewide standardized tests to assess essential knowledge and skills and removes the requirement that all students, with certain exceptions, be assessed in any subject and grade required by federal law.

C.S.H.B. 515 removes United States History as a secondary-level course for which TEA is required to adopt an end-of-course test. The bill transfers responsibility for administering end-of-course tests from the State Board of Education (SBOE) to TEA and responsibility for adopting a schedule for the administration of statewide standardized tests, including end-of-course tests, from the SBOE to the commissioner. The bill specifies that the schedule is to be adopted with input from school districts. The bill replaces the specific conditions required to be met as part of the schedule adopted for the administration of statewide standardized tests with general conditions so the adopted schedule minimizes the disruption of classroom instruction and maximizes available instruction time by scheduling the spring administration of tests to occur as close to the end of the semester as possible.

C.S.H.B. 515 removes language limiting to the 2015-2016 school year the requirement that TEA conduct a study to develop a writing assessment method as an alternative to the statewide standardized writing tests and language limiting to the 2016-2017 and 2017-2018 school years the requirement that TEA establish a pilot program to implement the writing assessment method in designated school districts. The bill changes the time by which TEA is required to prepare and deliver a report regarding the pilot program from not later than September 1 of each year in 2017 and 2018 to not later than September 1 of each even-numbered year. The bill requires TEA, not later than September 1, 2021, to modify the method for assessing students in grades four and seven in writing based on the developed writing assessment method and postpones the expiration date of provisions relating to the writing assessment study and pilot program, as amended by the bill, from September 1, 2019, to September 1, 2021.

C.S.H.B. 515 replaces the prohibition against a school district administering a test required for graduation administered under statutory provisions relating to the secondary-level performance required to receive a high school diploma as those provisions existed before September 1, 1999, with a prohibition against a district administering a general subject test required for graduation administered under the same provisions as they existed before September 1, 2007. The bill removes the prohibition against a district administering to a certain student a test or part of a test that assesses a subject not assessed in a test required to receive a high school diploma administered under the provisions as they existed before September 1, 1999.

C.S.H.B. 515 clarifies that the rules required to be adopted by the commissioner as part of the transition from general subject area tests administered at the high school level to end-of-course

tests apply to tests to be administered to students enrolled in the ninth grade for the first time during the 2011-2012 school year. The bill changes the tests on which a student entering a grade above the ninth grade during the 2011-2012 school year must perform satisfactorily to receive a high school diploma from each general subject area test administered before the transition to end-of-course tests with the SAT, the ACT, or the Texas Success Initiative diagnostic assessment. The bill requires the commissioner to determine the level of performance considered to be satisfactory on those tests to qualify for a high school diploma and, in doing so, to ensure that the level of performance determined as satisfactory is equivalent to the level of performance required for satisfactory performance on an end-of-course test. The bill expressly does not require the commissioner to retain, administer, or use general subject area tests after September 1, 2017.

C.S.H.B. 515 replaces English language arts and social studies with reading as a subject area in which a campus is required to be awarded a campus distinction designation for outstanding performance in academic achievement by the commissioner.

C.S.H.B. 515 repeals provisions relating to the administration of postsecondary readiness tests for Algebra II and English III and the commissioner's annual certification of whether sufficient funds have been appropriated statewide for purposes related to accelerated instruction. The bill applies beginning with the 2017-2018 school year.

C.S.H.B. 515 repeals the following provisions of the Education Code:

- Sections 28.0211(a-2), (b), (d), (e), (m), and (m-1)
- Section 39.0238

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 515 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. The heading to Section 28.0211, Education Code, is amended to read as follows:

Sec. 28.0211. ACCELERATED LEARNING COMMITTEE ~~[SATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS REQUIRED]~~; ACCELERATED INSTRUCTION.

SECTION 2. Section 28.0211, Education Code, is amended by amending Subsections (a), (a-1), (a-3), (c), (f), (i), (k), and (n) and adding Subsection (f-1) to read as follows:

(a) A district shall establish an accelerated learning committee described by Subsection (c) for each student who does not perform

satisfactorily on:

(1) the third grade mathematics or reading assessment instrument under Section 39.023;

(2) [Except as provided by Subsection (b) or (e), a student may not be promoted to:

[(1) the sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on] the fifth grade mathematics or [and] reading assessment instrument [instruments] under Section 39.023; or

(3) [(2) the ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on] the eighth grade mathematics or [and] reading assessment instrument [instruments] under Section 39.023.

(a-1) Each time a student fails to perform satisfactorily on an assessment instrument administered under Section 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours, [and] may include participation at times of the year outside normal school operations, and may be provided to the student during the subsequent school year.

(a-3) The commissioner shall provide guidelines to districts on research-based best practices and effective strategies that a district may use in developing an accelerated instruction program. The commissioner may provide to districts available resources concerning research-based best practices and effective strategies that a district may use in developing an accelerated instruction program.

(c) [Each time a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a), the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument.] After a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a) [a second time], an accelerated learning [a grade placement]

committee shall be established ~~[to prescribe the accelerated instruction the district shall provide to the student before the student is administered the assessment instrument the third time].~~ The accelerated learning [grade placement] committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the accelerated learning [grade placement] committee and the purpose of the committee. ~~[An accelerated instruction group administered by a school district under this section may not have a ratio of more than 10 students for each teacher.]~~

(f) An accelerated learning [A school district shall provide to a student who, after three attempts, has failed to perform satisfactorily on an assessment instrument specified under Subsection (a) accelerated instruction during the next school year as prescribed by an educational plan developed for the student by the student's grade placement] committee described by [established under] Subsection (c) shall:

(1) develop an educational plan for the student that provides the necessary accelerated instruction for the student to achieve appropriate grade level performance; and

(2) provide other assistance to the student in accordance with a policy adopted by the district board of trustees prescribing the role of accelerated learning committees in that district. ~~[The district shall provide that accelerated instruction regardless of whether the student has been promoted or retained.]~~

(f-1) The educational plan developed under Subsection (f)(1) must be designed to enable the student to perform at the appropriate grade level by the conclusion of the subsequent school year. During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

(i) The admission, review, and dismissal committee of a student who participates in a

district's special education program under Subchapter A [~~B~~], Chapter 29, and who does not perform satisfactorily on an assessment instrument specified under Subsection (a) and administered under Section 39.023(a) or (b) shall determine[~~;~~

~~[(1)] the manner in which the student will participate in an accelerated instruction program under this section[~~;~~ and~~

~~[(2) whether the student will be promoted or retained under this section].~~

(k) The commissioner shall adopt rules as necessary to implement this section[~~;~~ ~~including rules concerning when school districts shall administer assessment instruments required under this section and which administration of the assessment instruments will be used for purposes of Section 39.054].~~

(n) A student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) and is promoted to the next grade level [~~by a grade placement committee under this section~~] must be assigned at that next grade level in each subject in which the student failed to perform satisfactorily on an assessment instrument specified under Subsection (a) to a teacher who meets all state and federal qualifications to teach that subject and grade.

SECTION 1. Section 39.023(a), Education Code, as effective September 1, 2017, is amended to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, [~~social studies,~~] and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight; and

(3) writing, including spelling and grammar, in grades four and seven;

~~[(4) social studies, in grade eight;~~

~~[(5)] science, in grades five and eight[~~;~~ and~~

SECTION 3. Section 39.023(a), Education Code, as effective September 1, 2017, is amended to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, [~~social studies,~~] and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;

(3) writing, including spelling and grammar, in grades four and seven; and

~~[(4) social studies, in grade eight;~~

~~[(5)] science, in grades five and eight[~~;~~ and~~

~~[(6) any other subject and grade required by federal law].~~

SECTION 2. Section 39.023(c), Education Code, is amended to read as follows:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in reading, mathematics, and science only as necessary to comply with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) to be administered only as necessary to meet the minimum requirements of that Act [Algebra I, biology, English I, English II, and United States history.

~~The Algebra I end-of-course assessment instrument must be administered with the aid of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing in the same assessment instrument and must provide a single score].~~ A school district shall comply with State Board of Education rules regarding administration of the assessment instruments adopted under [listed in] this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. ~~[The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).]~~

SECTION 3. Section 39.023(c-3), Education Code, as effective September 1, 2017, is amended to read as follows:

(c-3) The State Board of Education, with input from school districts, shall adopt [In adopting] a schedule for the administration of assessment instruments under this section that minimizes the disruption of classroom instruction [the State Board of Education shall require:

~~[(1) assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment~~

~~[(6) any other subject and grade required by federal law].~~

SECTION 4. Section 39.023(c), Education Code, is amended to read as follows:

(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, biology, English I, and English II[, and United States history].

The Algebra I end-of-course assessment instrument must be administered with the aid of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing in the same assessment instrument and must provide a single score. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The agency [State Board of Education] shall administer the assessment instruments. The commissioner, with input from school districts, [State Board of Education] shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).

SECTION 5. Section 39.023(c-3), Education Code, effective September 1, 2017, is amended to read as follows:

(c-3) The commissioner, with input from school districts, shall adopt [In adopting] a schedule for the administration of assessment instruments under this section that[, the State Board of Education shall require]:

(1) minimizes the disruption of classroom instruction [assessment instruments administered under Subsection (a) to be

~~instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year; and~~

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

SECTION 4. Section 39.023, Education Code, is amended by adding Subsection (q) to read as follows:

(q) Notwithstanding any provision of this section or other law, if changes made to the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) reduce the number or frequency of assessment instruments required to be administered to students, the State Board of Education shall adopt rules reducing the number or frequency of assessment instruments administered to students under state law, and the commissioner shall ensure that students are not assessed in subject areas or in grades that are no longer required to meet the minimum requirements of that Act.

No equivalent provision.

~~administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year]; and~~

(2) maximizes available instruction time by scheduling the spring administration of [end-of-course] assessment instruments [under Subsection (c)] to occur as close to the end of the semester as possible [in each school district not earlier than the first full week in May, except that the spring administration of the end-of-course assessment instruments in English I and English II must be permitted to occur at an earlier date].

No equivalent provision.

SECTION 6. Section 39.02301, Education Code, is amended by amending Subsections (a), (b), (h), and (j) and adding Subsection (k) to read as follows:

(a) The [During the 2015-2016 school year, the] agency, in coordination with the entity that has been contracted to develop or implement assessment instruments under Section 39.023, shall conduct a study to develop a writing assessment method as an alternative to the writing assessment instruments required under Sections 39.023(a) and (c). The writing assessment method must be designed to assess:

(1) a student's mastery of the essential knowledge and skills in writing through timed writing samples;

(2) improvement of a student's writing skills from the beginning of the school year to the

end of the school year;

(3) a student's ability to follow the writing process from rough draft to final product; and

(4) a student's ability to produce more than one type of writing style.

(b) ~~The [During the 2016-2017 and 2017-2018 school years, the]~~ agency shall establish a pilot program as provided by this section to implement in designated school districts the writing assessment method developed under Subsection (a).

(h) ~~[Not later than September 1, 2016, the agency shall prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education a report covering the study of the development of the writing assessment method under Subsection (a).]~~ Not later than September 1 of each even-numbered year ~~[in 2017 and 2018]~~, the agency shall prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education a report that:

(1) evaluates the implementation and progress of the pilot program under this section; and

(2) makes recommendations regarding the continuation or expansion of the pilot program.

(j) Not later than September 1, 2021, the agency shall modify the method for assessing students in grades four and seven in writing based on the writing assessment method developed under this section.

(k) This section expires September 1, 2021 ~~[2019]~~.

No equivalent provision.

SECTION 7. Section 39.025, Education Code, is amended by amending Subsections (c-1) and (f) and adding Subsection (f-1) to read as follows:

(c-1) A school district may not administer a general subject ~~[an]~~ assessment instrument required for graduation administered under this section as this section existed before September 1, 2007 ~~[1999]~~. A school district may administer to a student who failed to perform satisfactorily on an assessment

instrument described by this subsection or 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 was not assessed in an assessment instrument required for graduation administered under this section as this section existed before September 1, 1999.]~~ The commissioner shall make available to districts information necessary to administer the alternate assessment instrument authorized by this subsection. The commissioner's determination regarding designation of an appropriate alternate assessment instrument under this subsection and the performance required on the assessment instrument is final and may not be appealed.

(f) The commissioner shall by rule adopt a transition plan to implement the amendments made by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007, replacing general subject assessment instruments administered at the high school level with end-of-course assessment instruments. The rules must provide for the end-of-course assessment instruments adopted under Section 39.023(c) to be administered beginning with students enrolled in ~~[entering]~~ the ninth grade for the first time during the 2011-2012 school year. During the period under which the transition to end-of-course assessment instruments is made:

(1) for students entering a grade above the ninth grade during the 2011-2012 school year, the commissioner shall retain, administer, and use for purposes of accreditation and other campus and district accountability measures under this chapter the assessment instruments required by Section 39.023(a) or (c), as that section existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007; and

(2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily, as determined by the commissioner under Subsection (f-1), on the SAT, the ACT, or the Texas Success Initiative (TSI) diagnostic

~~assessment [each required assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007].~~

(f-1) The commissioner shall determine the level of performance considered to be satisfactory on the SAT, the ACT, and the Texas Success Initiative (TSI) diagnostic assessment for a student described by Subsection (f)(1) to qualify for a high school diploma. In determining satisfactory performance, the commissioner shall ensure that the level of performance determined under this subsection as satisfactory is equivalent to the level of performance required under Subsection (a) for satisfactory performance on an end-of-course assessment instrument. Notwithstanding Subsection (f), the commissioner is not required to retain, administer, or use assessment instruments described by Subsection (f)(1) after September 1, 2017.

SECTION 5. Section 39.203(c), Education Code, is amended to read as follows:

(c) In addition to the distinction designations described by Subsections (a) and (b), a campus that satisfies the criteria developed under Section 39.204 shall be awarded a distinction designation by the commissioner for outstanding performance in academic achievement in reading [~~English language arts~~], mathematics, or science[~~, or social studies~~].

No equivalent provision.

SECTION 8. Same as introduced version.

SECTION 9. Section 39.301(c), Education Code, is amended to read as follows:

(c) Indicators for reporting purposes must include:

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

(A) the foundation high school program;

(B) the distinguished level of achievement under the foundation high school program; and

(C) each endorsement described by Section 28.025(c-1);

(2) the results of the SAT, ACT, articulated postsecondary degree programs described by Section 61.852, and certified workforce

training programs described by Chapter 311, Labor Code;

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

(4) for each campus, the number of students, disaggregated by major student subpopulations, that take courses under the foundation high school program and take additional courses to earn an endorsement under Section 28.025(c-1), disaggregated by type of endorsement;

(5) the percentage of students, aggregated by grade level, provided accelerated instruction under Section 28.0211 [~~28.0211(e)~~], the results of assessment instruments administered under that section, [~~the percentage of students promoted through the grade placement committee process under Section 28.0211,~~] the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard under Section 39.0241, and the performance of those students in the subsequent school year [~~following that promotion~~] on the assessment instruments required under Section 39.023;

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

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

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

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

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

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

(12) the percentage of students who

successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

No equivalent provision.

SECTION 10. Section 51.3062(q-1), Education Code, is amended to read as follows:

(q-1) A student who has demonstrated the performance standard for college readiness as provided by Section 28.008 on the postsecondary readiness assessment instruments adopted under Section 39.0238 for Algebra II and English III, as that section existed before repeal by H.B. 515, Acts of the 85th Legislature, Regular Session, 2017, is exempt from the requirements of this section with respect to those content areas. The commissioner of higher education by rule shall establish the period for which an exemption under this subsection is valid.

SECTION 6. Section 39.02301, Education Code, is repealed.

SECTION 11. The following provisions of the Education Code are repealed:

- (1) Sections 28.0211(a-2), (b), (d), (e), (m), and (m-1); and
- (2) Section 39.0238.

SECTION 7. This Act applies beginning with the 2017-2018 school year.

SECTION 12. Same as introduced version.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 13. Same as introduced version.