

## **BILL ANALYSIS**

C.S.S.B. 463  
By: Seliger  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties call for the extension of the use of individual graduation committees to satisfy certain public high school graduation requirements and for the use of other alternative methods to satisfy certain public high school graduation requirements. C.S.S.B. 463 seeks to provide for that extension by postponing the expiration dates of certain applicable statutory provisions and to provide for the use of such alternative methods.

### **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 rulemaking authority is expressly granted to the commissioner of education in SECTION 3 of this bill and to the Texas Higher Education Coordinating Board and the Texas Education Agency in SECTION 8 of this bill.

### **ANALYSIS**

C.S.S.B. 463 amends the Education Code to require the commissioner of education by rule to establish a procedure to determine whether a student who entered the ninth grade before the 2011-2012 school year, who successfully completed the curriculum requirements for high school graduation applicable to the student when the student entered the ninth grade, who has not performed satisfactorily on a test or a part of a test required for high school graduation, and who has been administered the test or the part of the test for which the student has not performed satisfactorily at least three times may qualify to graduate and receive a high school diploma. The bill requires the commissioner to adopt rules to administer these provisions and, in adopting the rules, to designate the public school district in which a student is enrolled or was last enrolled to make the decision regarding whether the student qualifies to graduate and receive a high school diploma and establish criteria for districts to develop recommendations for alternative requirements by which a student to whom these provisions apply may qualify to graduate and receive a high school diploma. The bill authorizes the commissioner, in adopting rules relating to such criteria, to authorize as an alternative requirement an alternative test and performance standard for that test, work experience, or military or other relevant life experience. The bill establishes a district's decision regarding whether the student qualifies to graduate and receive a high school diploma as final and prohibits its appeal. The bill subjects an open-enrollment charter school to this graduation qualification procedure. These provisions expire September 1, 2019.

C.S.S.B. 463 postpones from September 1, 2017, to September 1, 2019, the expiration date of statutory provisions relating to the award of a high school diploma on the basis of a review by an individual graduation committee and the expiration date of the statutory provision establishing

that a student who, after retaking an end-of-course test for Algebra I or English II, has failed to perform satisfactorily as required to receive a high school diploma but who receives a score of proficient on the Texas Success Initiative (TSI) diagnostic assessment for the corresponding subject satisfies the requirement concerning the Algebra I or English II end-of-course test, as applicable. The bill postpones from September 1, 2018, to September 1, 2019, the expiration date of statutory provisions relating to public school district reporting requirements for students graduating based on the review process of individual graduation committees.

C.S.S.B. 463, effective September 1, 2019, prohibits a district from administering a test required for graduation under statutory provisions relating to the secondary-level performance required on certain statewide standardized tests as the provisions existed before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.

C.S.S.B. 463 requires the Texas Higher Education Coordinating Board, in coordination with the Texas Education Agency (TEA), to 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, as provisions relating to the award of a high school diploma by such a committee existed before September 1, 2019. The bill requires the coordinating board, not later than December 1 of each even-numbered year, to provide a report to the legislature that includes a summary compilation of the collected data that is presented in a manner that does not identify an individual student. The bill requires the coordinating board and TEA to adopt rules as necessary to implement the bill's provisions relating to the collection and reporting of such data.

### **EFFECTIVE DATE**

Except as otherwise provided, on passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 463 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

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.

SECTION 3. Effective September 1, 2018,

#### HOUSE COMMITTEE SUBSTITUTE

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 graduation qualification procedure established by the commissioner under Section 28.02541. This subsection expires September 1, 2019.

SECTION 2. Same as engrossed version.

SECTION 4. Same as engrossed version.

Section 28.0258(e), Education Code, is amended.

SECTION 4. Section 28.0258(l), Education Code, is amended.

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

Sec. 28.02581. HIGH SCHOOL DIPLOMA AWARDED ON BASIS OF INDIVIDUAL GRADUATION COMMITTEE REVIEW FOR CERTAIN STUDENTS WHO ENTERED THE NINTH GRADE BEFORE 2011-2012.

(a) This section applies only to a student who:

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

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

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

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

(1) the principal or principal's designee;

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

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

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

(c) The commissioner by rule shall establish a procedure for appointing an alternative committee member if a person described by Subsection (b)(1), (2), or (3) is unable to

SECTION 5. Same as engrossed version.

SECTION 3. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.02541 to read as follows:

Sec. 28.02541. DIPLOMA FOR CERTAIN STUDENTS WHO ENTERED NINTH GRADE BEFORE 2011-2012 SCHOOL YEAR.

(a) This section applies only to a student who:

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

(2) successfully completed the curriculum requirements for high school graduation applicable to the student when the student entered the ninth grade;

(3) has not performed satisfactorily on an assessment instrument or a part of an assessment instrument required for high school graduation, including an alternate assessment instrument offered under Section 39.025(c-1); and

(4) has been administered the assessment instrument or the part of the assessment instrument for which the student has not performed satisfactorily at least three times.

(b) Notwithstanding the requirements under this subchapter, the commissioner by rule shall establish a procedure to determine whether a student subject to this section may qualify to graduate and receive a high school diploma as provided by this section.

(c) In adopting rules under this section, the commissioner:

(1) shall designate the school district in which a student is enrolled or was last

serve. The superintendent of each school district shall establish procedures for the convening of an individual graduation committee.

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

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

(2) clear and easy to understand.

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

(1) additional remediation; and

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

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

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

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

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

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

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

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

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

(5) the number of hours of remediation that

enrolled to make the decision regarding whether the student qualifies to graduate and receive a high school diploma; and

(2) shall establish criteria for school districts to develop recommendations for alternative requirements by which a student subject to this section may qualify to graduate and receive a high school diploma.

(d) In adopting rules under Subsection (c)(2), the commissioner may authorize as an alternative requirement:

(1) an alternative assessment instrument and performance standard for that assessment instrument;

(2) work experience; or

(3) military or other relevant life experience.

the student has attended, including attendance in and successful completion of a transitional college course in reading or mathematics;

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

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

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

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

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

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

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

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

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

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

(h) After considering the criteria under Subsection (g), the individual graduation committee may determine that the student 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

(e) A school district's decision regarding

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.

SECTION 7. Section 28.0259(e), Education Code, is amended.

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,

whether the student qualifies to graduate and receive a high school diploma is final and may not be appealed.

(f) The commissioner shall adopt rules to administer this section.

(g) This section expires September 1, 2019.

SECTION 6. Same as engrossed version.

SECTION 7. Same as engrossed version.

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, as that section existed before September 1, 2019, 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. Same as engrossed version.

Regular Session, 2015, is amended.

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

SECTION 11. Effective September 1, 2019, Section 39.025, Education Code, is amended.

SECTION 12. Except as otherwise provided by this Act, 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 10. Same as engrossed version.

SECTION 11. Same as engrossed version.

SECTION 12. Same as engrossed version.