

BILL ANALYSIS

Senate Research Center
84R12530 PAM-D

C.S.S.B. 149
By: Seliger
Education
3/4/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Approximately 28,000 students will not graduate in 2015 because of the failure to pass one or more STAAR end-of-course exams. In many cases, these students have passed all of the related coursework and only one or more STAAR exams are holding them back. Without a high school diploma, a student cannot attend college, cannot join the military, and in many cases will not even qualify for a minimum wage job.

C.S.S.B. 149 is modeled after the "grade placement committees" implemented under the Student Success Initiative grade advancement requirements. It establishes an individual graduation committee for each student who fails to pass an end-of-course assessment after two attempts. Each committee consists of the principal, teacher, school counselor, and parent and will consider multiple factors related to the student's academic success, including grades in relevant coursework and overall attendance rate.

C.S.S.B. 149 amends current law relating to alternative methods for satisfying certain public high school graduation requirements, including the use of individual graduation committees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 28.0258, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.104, Education Code, by adding Subsection (b-2), as follows:

(b-2) Provides that an open-enrollment charter school is subject to the requirement to establish an individual graduation committee under Section 28.0258. Provides that this subsection expires September 1, 2017.

SECTION 2. Amends Section 28.025, Education Code, by adding Subsection (c-6), as follows:

(c-6) Authorizes a person, notwithstanding Subsection (c) (relating to alternative means of qualifying for high school graduation) , to receive a diploma if the person is eligible for a diploma under Section 28.025. Provides that this subsection expires September 1, 2017.

SECTION 3. Amends Subchapter B, Chapter 28, Education Code, by adding Section 28.0258, as follows:

Sec. 28.0258. HIGH SCHOOL DIPLOMA AWARDED ON BASIS OF INDIVIDUAL GRADUATION COMMITTEE REVIEW. (a) Provides that this section applies only to an 11th or 12th grade student who has failed to comply with the end-of-course assessment instrument performance requirements under Section 39.025 in not more than two subjects.

(b) Requires the school district or open-enrollment charter school to establish an individual graduation committee for each student to whom this section applies at

the end of or after the student's 11th grade year to determine whether the student may qualify to graduate as provided by this section. Prohibits a student from qualifying to graduate under this section before the student's 12th grade year. Requires that the committee be composed of:

- (1) the principal or principal's designee;
- (2) the teacher of the course for each end-of-course assessment instrument on which the student failed to perform satisfactorily;
- (3) the student's school counselor; and
- (4) as applicable:
 - (A) the student's parent or person standing in parental relation to the student;
 - (B) a designated advocate described by Subsection (c) if the person described by Paragraph (A) is unable to serve; or
 - (C) the student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

(c) Authorizes the commissioner of education (commissioner) by rule to establish a procedure for appointing an alternative committee member if a person described by Subsection (b) is unable to serve, including appointing a designated advocate for the student if the student's parent or person standing in parental relation to the student is unable to serve. Requires the superintendent of each school district to establish procedures for the convening of an individual graduation committee.

(c-1) Requires the school district that the student attends, notwithstanding Subsection (c), for the 2014-2015 school year, to establish procedures for appointing alternative committee members as provided by Subsection (c). Provides that this subsection expires September 1, 2015.

(d) Requires the school district to notify the appropriate person described under Subsection (b)(4) of the time and place for convening the individual graduation committee and the purpose of the committee. Requires that the notice be provided in person or by regular mail or e-mail, be clear and easy to understand, and be written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person described by Subsection (b)(4).

(e) Requires a student to successfully complete the curriculum requirements identified by the State Board of Education under Section 28.025(a) to be eligible to graduate and receive a high school diploma under this section.

(f) Requires a student's individual graduation committee established under this section, notwithstanding any other law, to recommend additional requirements by which the student may qualify to graduate, including:

- (1) additional remediation;
- (2) for each end-of-course assessment instrument on which the student failed to perform satisfactorily:
 - (A) the completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or

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

(g) Authorizes a student, for purposes of Subsection (f), to submit to the individual graduation committee coursework previously completed to satisfy a recommended additional requirement.

(h) Requires the committee, in determining whether a student for whom an individual graduation committee is established is qualified to graduate, to consider certain criteria, and sets forth that criteria.

(i) Authorizes the individual graduation committee, after considering the criteria under Subsection (h), to determine that the student is qualified to graduate. Authorizes a student for whom an individual graduation committee is established to graduate and receive a high school diploma on the basis of the committee's decision, notwithstanding any other law, only if the student successfully completes all additional requirements recommended by the committee under Subsection (f), the student meets the requirements of Subsection (e), and the committee's vote is unanimous. Requires the commissioner by rule to establish a timeline for making a determination under this subsection. Provides that this subsection does not create a property interest in graduation. Provides that the decision of a committee is final and may not be appealed.

(i-1) Requires the school district that the student attends, notwithstanding Subsection (i), to establish for the 2014-2015 school year a timeline for making a determination under Subsection (i). Provides that this subsection expires September 1, 2015.

(j) Requires the commissioner to adopt rules as necessary to implement this section not later than the 2015-2016 school year.

(k) Provides that this section expires September 1, 2017.

SECTION 4. Amends Section 39.025, Education Code, by adding Subsections (a-2) and (a-3), as follows:

(a-2) Authorizes a student who fails to perform satisfactorily on an end-of-course assessment instrument in the manner provided under this subsection to receive a high school diploma if the student has qualified for graduation under Section 28.0258, notwithstanding Subsection (a) (relating to end-of-course assessment instruments). Provides that this subsection expires September 1, 2017.

(a-3) Provides that, a student who, after retaking an end-of-course assessment instrument for either 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. Provides that this subsection expires September 1, 2017.

SECTION 5. Effective date: upon passage or September 1, 2015.