S.B. No. 149

AN ACT
relating to alternative methods for satisfying certain public high
school graduation requirements, including the use of individual
graduation committees.

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

SECTION 1. Section 12.104, Education Code, is amended by
adding Subsection (b-2) 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, 2017.

SECTION 2. Section 28.025, Education Code, is amended by
adding Subsection (c-6) 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, 2017.

SECTION 3. Subchapter B, Chapter 28, Education Code, is
amended by adding Sections 28.0258 and 28.0259 to read as follows:

Sec. 28.0258. HIGH SCHOOL DIPLOMA AWARDED ON BASIS OF
INDIVIDUAL GRADUATION COMMITTEE REVIEW. (a) 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 for not more than two courses.

(b) For each student to whom this section applies, the
school district that the student attends shall establish an
individual graduation committee 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. A student may not
qualify to graduate under this section before the student's 12th
grade year. The committee shall be composed of:

(1) the principal or principal's designee;
(2) for each end-of-course assessment instrument on
which the student failed to perform satisfactorily, the teacher of
the course;
(3) the department chair or lead teacher supervising
the teacher described by Subdivision (2); 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) The commissioner by rule shall 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. The superintendent of each school district shall establish
procedures for the convening of an individual graduation committee.

(c-1) Notwithstanding Subsection (c), for the 2014-2015
school year, the school district that the student attends shall establish procedures for appointing alternative committee members as provided by Subsection (c). This subsection expires September 1, 2015.

(c-2) A school district shall provide an appropriate translator, if available, for the appropriate person described under Subsection (b)(4) who is unable to speak English.

(d) The school district shall ensure a good faith effort is made to timely 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. The notice must be:

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

(2) clear and easy to understand; and

(3) written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person described by Subsection (b)(4).

(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 Section 28.025(a); or

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

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

(1) additional remediation; and

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

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

(1) the recommendation of the student's teacher in each course for which the student failed to perform satisfactorily on an end-of-course assessment instrument;

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

(3) the student's score on each end-of-course 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 (f);
(5) the number of hours of remediation that the student has attended, including:

(A) attendance in a college preparatory course required under Section 39.025(b-2), if applicable; or

(B) attendance in and successful completion of a transitional college course in reading or mathematics;

(6) the student's school attendance rate;

(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 most recent 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 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.

(i) After considering the criteria under Subsection (h),
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 (f), the student meets the requirements of 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-1) Notwithstanding Subsection (i), for the 2014-2015
school year, the school district that the student attends shall
establish a timeline for making a determination under Subsection
(i). This subsection expires September 1, 2015.

(j) Notwithstanding any action taken by an individual
graduation committee under this section, a school district shall
administer an end-of-course assessment instrument to any student
who fails to perform satisfactorily on an end-of-course assessment
instrument as provided by Section 39.025(b). For purposes of
Section 39.053(c)(1), an assessment instrument administered as
provided by this subsection is considered an assessment instrument
required for graduation retaken by a student.

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

(l) This section expires September 1, 2017.

Sec. 28.0259. REPORTING REQUIREMENTS FOR STUDENTS
GRADUATING BASED ON INDIVIDUAL GRADUATION COMMITTEE REVIEW
PROCESS. (a) Each school district shall report through the Public
Education Information Management System (PEIMS) the number of
district students each school year for which an individual
graduation committee is established under Section 28.0258 and the
number of district students each school year who are awarded a
diploma based on the decision of an individual graduation committee
as provided by Section 28.0258.

(b) A school district shall report the information required
by Subsection (a) not later than December 1 of the school year
following the school year the student is awarded a diploma.

(c) The agency shall make the information reported under
this section available on the agency's Internet website.

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

(e) This section expires September 1, 2018.

SECTION 4. Section 39.025, Education Code, is amended by
adding Subsections (a-2) and (a-3) 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
S.B. No. 149

under Section 28.0258. This subsection expires September 1, 2017.

(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, 2017.

SECTION 5. 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, 2015.
S.B. No. 149

President of the Senate

I hereby certify that S.B. No. 149 passed the Senate on March 17, 2015, by the following vote: Yeas 28, Nays 2; and that the Senate concurred in House amendments on April 29, 2015, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 149 passed the House, with amendments, on April 22, 2015, by the following vote: Yeas 125, Nays 9, two present not voting.

Chief Clerk of the House

Approved:

_______
Date

Governor