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Travis District
D-1-GN-11-003130

CAUSE NO. D-1-GN-11-003130

THE TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, et al; CALHOUN COUNTY ISD, et al; EDGEWOOD ISD, et al; FORT BEND ISD, et al; TEXAS CHARTER SCHOOL ASSOCIATION, et al.	§	IN THE DISTRICT COURT
Plaintiffs	§	
JOYCE COLEMAN, et al	§	
Intervenors	§	
vs.	§	250th JUDICIAL DISTRICT
MICHAEL WILLIAMS, COMMISSIONER OF EDUCATION, IN HIS OFFICIAL CAPACITY; SUSAN COMBS, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, IN HER OFFICIAL CAPACITY; TEXAS STATE BOARD OF EDUCATION, the TEXAS EDUCATION AGENCY, and the STATE OF TEXAS	§	
Defendants.	§	TRAVIS COUNTY, TEXAS

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DEFENDANTS' ADVISORY TO THE COURT

TO THE HONORABLE JOHN K. DIETZ, TRAVIS COUNTY DISTRICT COURT

In accordance with the Court's June 19 Order on Motion to Reopen the Evidence, the Defendants submit the following spreadsheets to demonstrate how the Texas Legislature, following months of hearings with testimony from the school officials, business and industry leaders, teachers, superintendents, students, parents and taxpayers, and after considerable

deliberation during the 83rd Legislative Session, made significant statutory changes to Texas public education laws that the Defendants believe may moot or otherwise impact the Plaintiffs' claims in this case.

The Plaintiffs bear the burden of proof in this case. Because only the Fort Bend Independent School District Plaintiffs have amended their petition as of this date, Defendants lack any notice, much less fair notice, of the remaining Plaintiffs' and Intervenors' claims that still exist, and in what form, after the extensive statutory and funding changes made by the Texas Legislature during the recent 83rd Legislative Session. The Plaintiffs did not submit to Defendants a chart with the specific bills impacting their claims until Thursday, July 11, 2013. The chart the Plaintiffs submitted on Thursday, July 11, identifies only a list of bills and a general description of each bill. The descriptions of some bills contain information regarding relevant changes in the law; however, this is not true of every identified bill. More importantly, Plaintiffs' chart does not identify how each bill, and the specific statutory changes within each bill, impacts each of the Plaintiffs' claims. Without knowing most of the Plaintiffs' live claims or benefit of their analysis of the potential impact of the new laws, the Defendants were not able to prepare documents for joint submission from all parties and merely guessed at what analysis might be relevant to the Court at this time.

In compliance with the Court's June 19 Order, the Defendants are submitting the following analysis of changes made by the Legislature during the recent 83rd Legislative Session. For Senate Bill 1, the 2014-15 General Appropriations Act adopted by the Legislature for the 2014-2015 biennium, Defendants have submitted three documents:

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- The first document, titled "SB1 Side-by-Side Comparison" compares the 2012-2013 General Appropriations Act Riders to the 2014-2015 General Appropriations Act Riders. Only the Riders that appear to be relevant to the Plaintiffs' claims were included.
- The second document, titled "SB1 Item of Appropriation" is a side-by-side comparison of the key "Items of Appropriation" schedule included in both the 2012-2013 General Appropriations Act and the new 2014-2015 General Appropriations Act. The Defendants have added columns D and H to show biennial totals. It should be noted the General Appropriations Acts are not finalized; for example, more funding was appropriated by the Legislature for FY2013 during the recent 83rd Legislative Session and more funding may be appropriated to FY2014-15. As a result, the Defendants' side-by-side comparisons may underestimate actual appropriations for certain fiscal years. When final general appropriations numbers – reflecting additional appropriated amounts for all fiscal years – become available, the Defendants will submit an update of this schedule.
- The final document, titled "SB1 Method of Finance" is a side-by-side comparison of the key "Method of Finance" schedule included in the 2012-2013 General Appropriations Act and the 2014-2015 General Appropriations Act. The Defendants have added columns D and H to show biennial totals. It should be noted the General Appropriations Acts are not finalized; for example, more funding was appropriated by the Legislature for FY2013 during the recent 83rd Legislative Session and more funding may be appropriated to FY2014-15. As a result, the Defendants' side-by-side comparisons may significantly underestimate actual appropriations for certain fiscal years. When final general appropriations numbers – reflecting additional appropriated amounts for all fiscal years – become available, the Defendants will submit an update of this schedule.

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The remaining spreadsheets are side-by-side comparisons of Senate Bills 2 and 758, and House Bills 5, 866, 1025, 1926, 2201 and 2836, which appear to be relevant to the Plaintiffs' claims. On each spreadsheet, in the first column "Old Law" are Texas statutory provisions as they existed prior to passage of the relevant bill by the Legislature during the 83rd Legislative Session. In the second column, "New Law" are the changes made to the relevant statutory provisions by the passage of the listed bill by the Legislature during the recent session. These statutes are currently effective or will become effective on September 1, 2013. Even if the statute is not currently effective, the Texas Education Agency may be making efforts to implement the statutory provisions. There are over 100 additional bills that made statutory changes and that may be relevant to this case.

Defendants reserve the right to add additional spreadsheets to the record subject to the Plaintiffs' and Intervenors' pleading amendments and supplemented responses to requests for disclosures and in the event that the Legislature makes any additional changes to the public education system during the ongoing special session or any others that may be called in the future and to update General Appropriations Act information and schedules when they are finalized.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July, 2012, I forwarded the foregoing document to counsel of record via email at the following addresses:

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Relevant Riders to SB1/Appropriation Act

2012-2013 Biennium	2014-2015 Biennium
3. Foundation School Program Funding	**3. Foundation School Program Funding**
Out of the funds appropriated above, a total of $18,848,600,000 in fiscal year 2012 and $16,636,300,000 in fiscal year 2013 shall represent the sum-certain appropriation to the Foundation School Program. The total appropriation may not exceed the sum-certain amount. This appropriation includes allocations under Chapters 41, 42 and 46 of the Texas Education Code. Formula Funding: The Commissioner shall make allocations to local school districts under Chapters 41, 42 and 46 based on the March 2011 estimates of average daily attendance and local district tax rates as determined by the Legislative Budget Board and the final tax year 2010 property values. Property values, and the estimates of local tax collections on which they are based, shall be decreased by 0.97 percent for tax year 2011, then increased by 0.52 percent for tax year 2012. For purposes of distributing the Foundation School Program basic tier state aid appropriated above and in accordance with §42.101 of the Texas Education Code, the Basic Allotment is projected to be $4,765 in fiscal year 2012 and $4,765 in fiscal year 2013. For purposes of distributing the Foundation School Program enrichment tier state aid appropriated above and in accordance with §41.002(a)(2) and §42.302(a-1)(1) of the Texas Education Code, the Guaranteed Yield is $59.97 in fiscal year 2012 and $59.97 in fiscal year 2013. Out of amounts appropriated above and allocated by this rider to the Foundation School Program, no funds are appropriated for the New Instructional Facilities Allotment under §42.158 of the Texas Education Code. Notwithstanding any other provision of this Act, the Texas Education Agency may make transfers as appropriate between Strategy A.1.1, FSP-Equalized Operations, and Strategy A.1.2, FSP Equalized Facilities. The TEA shall notify the Legislative Budget Board and the Governor of any such transfers at least 45 days prior to the transfer. The Texas Education Agency shall submit reports on the prior month's expenditures on programs described by this rider no later than the 20th day of each month to the Legislative Budget Board and the Governor's Office in a format determined by the Legislative Budget Board in cooperation with the agency.	Out of the funds appropriated above, a total of $19,816,977,000 in fiscal year 2014 and $20,397,275,000 in fiscal year 2015 shall represent the sum-certain appropriation to the Foundation School Program. The total appropriation may not exceed the sum-certain amount. This appropriation includes allocations under Chapters 41, 42 and 46 of the Texas Education Code. Formula Funding: The Commissioner shall make allocations to local school districts under Chapters 41, 42 and 46 based on the March 2013 estimates of average daily attendance and local district tax rates as determined by the Legislative Budget Board and the final tax year 2012 property values. Property values, and the estimates of local tax collections on which they are based, shall be increased by 4.77 percent for tax year 2013 and by 4.03 percent for tax year 2014. For purposes of distributing the Foundation School Program basic tier state aid appropriated above and in accordance with §42.101 of the Texas Education Code, the Basic Allotment is established at $4,931 in fiscal year 2014 and $5,022 in fiscal year 2015. For purposes of distributing the Foundation School Program enrichment tier state aid appropriated above and in accordance with §41.002(a)(2) and §42.302(a-1)(1) of the Texas Education Code, the Guaranteed Yield is $59.97 in fiscal year 2014 and $61.86 in fiscal year 2015. For purposes of distributing the Foundation School Program state aid appropriated above and in accordance with §42.101(c-3) of the Texas Education Code, the Regular Program Adjustment Factor for fiscal years 2014 and 2015 is 1.00. For purposes of distributing the Foundation School Program Additional State Aid for Tax Reduction appropriated above and in accordance with §42.2516(i), the percentage applied for purposes of §42.2516(b)(1), 42.2516(b)(2), and 42.2516(d)(1) is 92.63 percent for the 2013-14 and the 2014-15 school years. Out of amounts appropriated above and allocated by this rider to the Foundation School Program, no funds are appropriated for the New Instructional Facilities Allotment under §42.158 of the Texas Education Code. Notwithstanding any other provision of this Act, the Texas Education Agency may make transfers as appropriate between Strategy A.1.1, FSP-Equalized Operations, and Strategy A.1.2, FSP Equalized Facilities. The TEA shall notify the Legislative Budget Board and the Governor of any such transfers at least 15 days prior to the transfer. The Texas Education Agency shall submit reports on the prior month's expenditures on programs described by this rider no later than the 20th day of each month to the Legislative Budget Board and the Governor's Office in a format determined by the Legislative Budget Board

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Relevant Riders to SB1/Appropriation Act

2012-2013 Biennium	2014-2015 Biennium
	in cooperation with the agency.
4. Foundation School Program Set-Asides	**4. Foundation School Program Set-Asides**
The programs and their funding levels identified in this rider represent all programs at the Texas Education Agency and other state agencies that are funded with amounts set aside from the Foundation School Program. The amounts listed in this rider are for informational purposes only, and do not constitute an appropriation: 2012 2013 Gifted and Talented Performance Standards $437,500 $437,500 Early Childhood Intervention $16,498,102 $16,498,102 MATHCOUNTS Program $200,000 $200,000 TOTAL, FSP Set-Asides $17,135,602 $17,135,602	The programs and their funding levels identified in this rider represent all programs at the Texas Education Agency and other state agencies that are funded with amounts set aside from the Foundation School Program. The amounts listed in this rider are for informational purposes only, and do not constitute an appropriation: 2014 2015 Gifted and Talented Performance Standards $437,500 $437,500 Early Childhood Intervention $16,498,102 $16,498,102 MATHCOUNTS Program $200,000 $200,000 TOTAL, FSP Set-Asides $17,135,602 $17,135,602
8. Textbooks and Instructional Materials	**8. Textbooks and Instructional Materials**
Except as explicitly allowed elsewhere in this Act, any amount expended for Textbook Administration, including new textbooks, rebinding, and other related expenses, shall be paid out of the State Textbook Fund (Instructional Materials Fund) appropriated for that purpose. A transfer of funds from the Available School Fund to the State Textbook Fund (Instructional Materials Fund) is authorized in an amount which, together with other revenues of the State Textbook Fund (Instructional Materials Fund) , is sufficient to finance the sum-certain appropriation from the State Textbook Fund for each fiscal year. Penalties assessed by the State Board of Education shall be deposited to the credit of the Textbook Fund (Instructional Materials Fund). In accordance with Texas Education Code § 31.103(b), the Commissioner shall use a school district's enrollment growth or decline for the prior three years as the basis for determining the additional percentage of attendance for which a school district may requisition textbooks. From funds appropriated from the State Textbook Fund, the Commissioner may set aside an amount not to exceed $2,500,000 for the 2012-13 biennium for the continued support and delivery of online college readiness materials in English language arts and reading, mathematics, science, and social studies. From funds appropriated above in Strategy B.2.1, Technology/Instructional Materials, $608,131,436 from the State Textbook Fund (Instructional Materials Fund) is allocated in fiscal year 2012 for textbooks and instructional materials, limited to continuing contracts and materials included under Proclamation 2011, excluding Prekindergarten systems. From funds appropriated above in A.2.3, Students with Disabilities, an amount not to exceed $13,500,000 in federal funds in the 2012-13 biennium is allocated for the purchase of Braille, large-type, and	Except as explicitly allowed elsewhere in this Act, any amount expended for Textbook Administration, including new textbooks, rebinding, and other related expenses, shall be paid out of the State Instructional Materials Fund appropriated for that purpose. A transfer of funds from the Available School Fund to the State Instructional Materials Fund is authorized in an amount which, together with other revenues of the State Instructional Materials Fund, is sufficient to finance the sum-certain appropriation from the State Instructional Materials Fund for each fiscal year. Penalties assessed by the State Board of Education shall be deposited to the credit of the State Instructional Materials Fund. In accordance with Texas Education Code §31.0211 and §31.0214, the Commissioner shall allocate the funds available in the State Instructional Materials Fund to school districts and charter schools for each student enrolled in the district or charter school on a date during the preceding year specified by the Commissioner and shall adjust the instructional materials allotment of school districts and charter schools experiencing high enrollment growth according to rules adopted by the Commissioner. From funds appropriated from the State Instructional Materials Fund, the Commissioner may set aside an amount not to exceed $2,500,000 for the 2014-15 biennium for the continued support and delivery of online college readiness materials in English language arts and reading, mathematics, science, and social studies. From funds appropriated above in Strategy B.2.1, Technology/Instructional Materials, $419,335,208 from the State Instructional Materials Fund is allocated in each fiscal year of the 2014-15 biennium for textbooks and instructional materials. From funds appropriated above in

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Relevant Riders to SB1/Appropriation Act

2012-2013 Biennium	2014-2015 Biennium
related materials for students with special needs. The Commissioner shall provide juvenile justice alternative education programs with instructional materials necessary to support classroom instruction in those programs. The cost of the instructional materials shall be funded with State Textbook Funds (Instructional Materials Funds) appropriated to the agency for the 2012-13 biennium. Revenue from fees collected under the authority of Texas Education Code § 31.0221 pertaining to the mid-cycle review and adoption of textbooks are hereby appropriated to the Texas Education Agency for the purpose of administering the mid-cycle review and adoption process. Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purposes.	A.2.3, Students with Disabilities, an amount not to exceed $13,500,000 in federal funds in the 2014-15 biennium is allocated for the purchase of Braille, large-type, and related materials for students with special needs. The Commissioner shall provide juvenile justice alternative education programs with instructional materials necessary to support classroom instruction in those programs. The cost of the instructional materials shall be funded with State Instructional Materials Funds appropriated to the agency for the 2014-15 biennium. Revenue from fees collected under the authority of Texas Education Code §31.0221 pertaining to the mid-cycle review and adoption of textbooks are hereby appropriated to the Texas Education Agency for the purpose of administering the mid-cycle review and adoption process. The Texas Education Agency is hereby appropriated any balances held in the State Instructional Materials Fund on August 31, 2013 for use in fiscal year 2014 for the same purposes. Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purposes.
11. Student Testing Program	**12. Student Testing Program**
The Commissioner shall use the Federal Funds appropriated above in Strategy B.1.1, Assessment and Accountability System, to cover the cost of preparing, administering and grading assessment instruments in the student testing program. Any remaining costs associated with preparing, administering, or grading the assessment instruments required under Texas Education Code, Chapter 39, Subchapter B shall be paid from amounts appropriated above from General Revenue in Strategy B.1.1, Assessment and Accountability System.	The Commissioner shall use the Federal Funds appropriated above in Strategy B.1.1, Assessment and Accountability System, to cover the cost of developing, administering, and scoring assessment instruments in the student testing program. Any remaining costs associated with developing, administering, or scoring the assessment instruments required under Texas Education Code, Chapter 39, Subchapter B shall be paid from amounts appropriated above from General Revenue in Strategy B.1.1, Assessment and Accountability System.
16. Summer School for Children with Limited English Proficiency	**16. Summer School for Children with Limited English Proficiency**
Out of Federal Funds appropriated for Strategy A.2.2, Achievement of Students at Risk, $3,800,000 in each fiscal year is allocated for summer school programs for children with limited English proficiency as authorized under § 29.060 of the Texas Education Code.	Out of Federal Funds appropriated for Strategy A.2.2, Achievement of Students at Risk, $3,800,000 in each fiscal year is allocated for summer school programs for children with limited English proficiency as authorized under §29.060 of the Texas Education Code.
18. Non-educational Community-based Support Services	**18. Non-educational Community-based Support Services**
Out of funds appropriated for Strategy A.2.3, Students with Disabilities, $987,300 in each fiscal year is allocated for non-educational community-based support services for certain students with disabilities as authorized under §29.013 of the Texas Education Code.	Out of funds appropriated for Strategy A.2.3, Students with Disabilities, $987,300 in each fiscal year is allocated for non-educational community-based support services for certain students with disabilities as authorized under §29.013 of the Texas Education Code.
19. Professional Development for the Provision of Access to the General Curriculum for Students with Disabilities in the Least Restrictive Environment.	**19. Professional Development for the Provision of Access to the General Curriculum for Students with Disabilities in the Least Restrictive Environment.**
Out of the federal discretionary funds awarded to the Texas Education Agency through the Individuals with Disabilities Education Act (IDEA), Part B and appropriated above, the Commissioner shall set aside 10.5 percent during the biennium to fund capacity building projects, including follow-up	Out of the federal discretionary funds awarded to the Texas Education Agency through the Individuals with Disabilities Education Act (IDEA), Part B and appropriated above, the Commissioner shall set aside 10.5 percent during the biennium to fund capacity building projects, including follow-up

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Relevant Riders to SB1/Appropriation Act

2012-2013 Biennium	2014-2015 Biennium
professional development and support, for school districts to provide access to the general curriculum in the least restrictive environment for students with disabilities and Response to Intervention (RtI) processes for struggling learners in general education settings.	professional development and support, for school districts to provide access to the general curriculum in the least restrictive environment for students with disabilities and Response to Intervention (RtI) processes for struggling learners in general education settings.
20. Estimated Appropriation for Incentive Aid	**20. Estimated Appropriation for Incentive Aid**
Out of Foundation School Program funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner may allocate an estimated amount of $1,500,000 in each fiscal year for incentive aid payments under Subchapter G of Chapter 13 of the Texas Education Code.	Out of Foundation School Program funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner may allocate an estimated amount of $1,500,000 in each fiscal year for incentive aid payments under Subchapter G of Chapter 13 of the Texas Education Code. Notwithstanding any other provision of this Act, the Texas Education Agency may make transfers as appropriate between Strategy A.1.1, FSP - Equalized Operations, and Strategy A.2.4, School Improvement and Support Programs, if the actual cost of Incentive Aid exceeds the amount estimated in any fiscal year of the biennium.
22. Permanent School Fund	**22. Permanent School Fund**
In its annual report on the Permanent School Fund, completed by February 28 of each year, the Texas Education Agency shall report on the actual and projected costs of administering the Permanent School Fund for the year covered by the report and the following three years.	In its annual report on the Permanent School Fund, completed by February 28 of each year, the Texas Education Agency shall report on the actual and projected costs of administering the Permanent School Fund for the year covered by the report and the following three years.
23. MATHCOUNTS and Academic Competitions	**23. MATHCOUNTS and Academic Competitions**
Out of Foundation School Program Gifted and Talented funds appropriated in B.3.1, Improving Educator Quality and Leadership, the Commissioner shall set aside $200,000 in each year of the biennium for the MATHCOUNTS Program. In addition, out of funds appropriated in A.2.1, Statewide Educational Programs, $500,000 in each fiscal year of 2012-13 biennium may be allocated to programs that foster academic competition predominantly for high school students.	Out of Foundation School Program Gifted and Talented funds appropriated in B.3.1, Improving Educator Quality and Leadership, the Commissioner shall set aside $200,000 in each year of the biennium for the MATHCOUNTS Program. In addition, out of funds appropriated in A.2.1, Statewide Educational Programs, $200,000 in each fiscal year of 2014-15 biennium may be allocated to the Academic Decathlon program that fosters academic competition predominantly for high school students.
24. Communities in Schools	**24. Communities in Schools**
Out of funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, $10,000,000 in General Revenue and $4,842,342 in TANF funds in fiscal year 2012 and $10,000,000 in General Revenue and $4,842,341 in TANF funds in fiscal year 2013 is allocated for the Communities in Schools Program. From amounts referenced in the paragraph above, the Commissioner shall allocate $200,000 in General Revenue in each fiscal year of the 2012-13 biennium to support the Best Buddies program. Notwithstanding any other limitation imposed elsewhere in this Act, the Texas Education Agency may transfer General Revenue funds identified above and appropriated for the purpose of providing grants under the Communities in Schools program to Strategies B.3.2-B.3.5 for the purpose of providing administrative support for the program. Transfers made under the authority of this rider may not exceed $100,000 for the 2012-13 biennium.	Out of funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, $15,521,816 in General Revenue and $4,842,342 in TANF funds in fiscal year 2014 and $15,521,816 in General Revenue and $4,842,341 in TANF funds in fiscal year 2015 is allocated for the Communities in Schools Program. Notwithstanding any other limitation imposed elsewhere in this Act, the Texas Education Agency may transfer General Revenue funds identified above and appropriated for the purpose of providing grants under the Communities in Schools program to Strategies B.3.2-B.3.5 for the purpose of providing administrative support for the program. Transfers made under the authority of this rider may not exceed $100,000 for the 2014-15 biennium. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.

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Relevant Riders to SB1/Appropriation Act

2012-2013 Biennium	2014-2015 Biennium
Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.	
28. Additional Funding Sources	**28. Additional Funding Sources**
If the appropriations provided by this Act for the Foundation School Program are not sufficient to provide for expenditures for enrollment growth, district tax rate or taxable value of property, after accounting for any other appropriations made to the TEA and available for transfer for this purpose, the Legislative Budget Board and the Governor may provide for, and are hereby authorized to direct, the transfer of sufficient amounts of funds to the TEA from appropriations made elsewhere in this Act.	If the appropriations provided by this Act for the Foundation School Program are not sufficient to provide for expenditures for enrollment growth, district tax rate or taxable value of property, after accounting for any other appropriations made to the TEA and available for transfer for this purpose, the Legislative Budget Board and the Governor may provide for, and are hereby authorized to direct, the transfer of sufficient amounts of funds to the TEA from appropriations made elsewhere in this Act.
29. Funding for Juvenile Justice Alternative Education Programs	**29. Funding for Juvenile Justice Alternative Education Programs**
Out of the funds appropriated above in Strategy B.2.2, Health and Safety, $8,570,701 in General Revenue funds in fiscal year 2012 and $8,614,302 in General Revenue funds in fiscal year 2013 shall be transferred to the Juvenile Probation Commission for the support of Juvenile Justice Alternative Education Programs.	Out of the funds appropriated above in Strategy B.2.2, Health and Safety, $8,614,302 in General Revenue funds in fiscal year 2014 and $8,614,302 in General Revenue funds in fiscal year 2015 shall be transferred to the Texas Juvenile Justice Department for the support of Juvenile Justice Alternative Education Programs.
32. Special Foundation School Program Payments	**32. Special Foundation School Program Payments**
The Texas Academy of Leadership in Humanities is entitled to Foundation School Program (FSP) allotments for each student enrolled in the academy as if it were a school district, except that the local share applied is equal to the Beaumont ISD's local share. The Texas Academies of Mathematics and Science at the University of North Texas and at the University of Texas at Brownsville are entitled to allotments from the Foundation School Program under Chapter 42 of the Texas Education Code as if the academies were school districts without tier one local shares for purposes of § 42.253 of the Texas Education Code.	The Texas Academy of Leadership in Humanities is entitled to Foundation School Program (FSP) allotments for each student enrolled in the academy as if it were a school district, except that the local share applied is equal to the Beaumont ISD's local share. The Texas Academies of Mathematics and Science at the University of North Texas and at the University of Texas at Brownsville are entitled to allotments from the Foundation School Program under Chapter 42 of the Texas Education Code as if the academies were school districts without tier one local shares for purposes of §42.253 of the Texas Education Code.
33. Certification of Pre-kindergarten Expenditures	**33. Certification of Pre-kindergarten Expenditures**
Out of the funds appropriated above in Strategy A.1.1, FSP - Equalized Operations the Texas Education Agency shall certify each year of the biennium the maximum pre-kindergarten expenditures allowable under federal law as maintenance of effort for Temporary Assistance for Needy Families (TANF) and state match for the Child Care Development Fund.	Out of the funds appropriated above in Strategy A.1.1, FSP - Equalized Operations the Texas Education Agency shall certify each year of the biennium the maximum pre-kindergarten expenditures allowable under federal law as maintenance of effort for Temporary Assistance for Needy Families (TANF) and state match for the Child Care Development Fund.
34. Recorded Instructional Materials	**34. Recorded Instructional Materials**
Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend $200,000 in fiscal year 2012 and $200,000 in fiscal year 2013 to continue a program of providing state-adopted textbooks using recorded material technology for students with visual impairment, reading disabilities and other disabilities as appropriate in kindergarten through 12th grade.	Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend $200,000 in fiscal year 2014 and $200,000 in fiscal year 2015 to continue a program of providing state-adopted textbooks using recorded material technology for students with visual impairment, reading disabilities and other disabilities as appropriate in kindergarten through 12th grade.

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2012-2013 Biennium	2014-2015 Biennium
Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend $1,500,000 in fiscal year 2012 and $1,500,000 in fiscal year 2013 for the purpose of conducting an educational outreach program providing access to digital audio textbooks which assist individuals with print disabilities affording reading accommodation and providing instruction and training in the use of digitally recorded audiobooks, playback equipment, and other resources. The program shall target economically disadvantaged students in kindergarten through 12th grade with learning disabilities, dyslexia, vision impairment, and physical disabilities.	Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, the Commissioner shall expend $1,500,000 in fiscal year 2014 and $1,500,000 in fiscal year 2015 for the purpose of conducting an educational outreach program providing access to digital audio textbooks which assist individuals with print disabilities affording reading accommodation and providing instruction and training in the use of digitally recorded audiobooks, playback equipment, and other resources. The program shall target economically disadvantaged students in kindergarten through 12th grade with learning disabilities, dyslexia, vision impairment, and physical disabilities.
37. Early Childhood Intervention	**37. Early Childhood Intervention**
Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, $16,498,102 in 2012 and $16,498,102 in 2013 shall be set aside from the Special Education allotment and transferred to the Department of Assistive and Rehabilitative Services to support Early Childhood Intervention eligibility determination and comprehensive and transition services. This set-aside shall not affect the calculation of the number of students in weighted average daily attendance under Texas Education Code § 42.302.	Out of the funds appropriated above in Strategy A.2.3, Students with Disabilities, $16,498,102 in fiscal year 2014 and $16,498,102 in fiscal year 2015 shall be set aside from the Special Education allotment and transferred to the Department of Assistive and Rehabilitative Services to support Early Childhood Intervention eligibility determination and comprehensive and transition services. This set-aside shall not affect the calculation of the number of students in weighted average daily attendance under Texas Education Code §42.302
38. Reimbursement for Classroom Supplies	**Does Not Exist**
The Commissioner may establish a program to reimburse classroom teachers and campus library media specialists for personal funds spent on classroom supplies. Funds for this purpose may be allocated out of any available funds. The agency and local school districts may also use any allowable unexpended balances in federal funds at the end of each fiscal year of the biennium to provide these reimbursements.	
39. Funding for Regional Education Service Centers	**38. Funding for Regional Education Service Centers**
Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute $12,500,000 in fiscal year 2012 and $12,500,000 in fiscal year 2013 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. No more than one-third of the amounts identified in this rider shall be distributed by the Commissioner for core services based on criteria established in the Texas Education Code § 8.121. The remaining amounts shall be distributed through a formula based on: (1) geographic considerations, and (2) school districts serving less than 1,600 students and open-enrollment charter schools. The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural	Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute $12,500,000 in fiscal year 2014 and $12,500,000 in fiscal year 2015 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. No more than one-third of the amounts identified in this rider shall be distributed by the Commissioner for core services based on criteria established in the Texas Education Code §8.121. The remaining amounts shall be distributed through a formula based on: (1) geographic considerations, and (2) school districts serving less than 1,600 students and open-enrollment charter schools. The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural school districts. The Commissioner shall obtain approval for the distribution formula from the

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school districts. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor. Each Regional Education Service Center shall annually report to the Commissioner, by a date and in a format established by the Commissioner, the following data as relates to expenditures in the prior state fiscal year: a. the amount of savings provided to school districts as a result of services provided by a Regional Education Service Center, by total amount and on a per student in weighted average daily attendance (WADA) served basis; b. services provided by the Regional Education Service Centers and a cost comparison to similar services provided by alternative providers; and c. for each service provided by the Regional Education Service Center, the number of fulltime equivalent Regional Education Service Center positions, total salaries, and the method of financing associated with the service. The Commissioner shall provide a consolidated report of the data described above no later than December of each year, beginning in 2011, to the Legislative Budget Board, the Governor's Office, and to the presiding officers of the standing committees with primary jurisdiction over public education in the Texas House and the Texas Senate.	Legislative Budget Board and the Governor. Each Regional Education Service Center shall include in the biennial report to the Commissioner, by a date and in a format established by the Commissioner, the following data as relates to expenditures in the prior state fiscal year: a. the amount of savings provided to school districts as a result of services provided by a Regional Education Service Center, by total amount and on a per student in weighted average daily attendance (WADA) served basis; b. services provided by the Regional Education Service Centers and a cost comparison to similar services provided by alternative providers; and c. for each service provided by the Regional Education Service Center, the number of fulltime equivalent Regional Education Service Center positions, total salaries, and the method of financing associated with the service. The Commissioner shall provide a consolidated report of the data described above no later than December of each even numbered year, to the Legislative Budget Board, the Governor's Office, and to the presiding officers of the standing committees with primary jurisdiction over public education in the Texas House and the Texas Senate.
44. Educator Certification Test Development	**Does Not Exist**
Pursuant to Texas Education Code § 21.048(a), the State Board for Educator Certification shall continue to consider the use of standard exams that are not specific to Texas curricula to complement a core of Texas-specific exams and/or replace certain Texas-specific exams planned or under development. The board shall consider the following factors when determining whether a Texas-specific exam is necessary: the number of Texas educators likely to take the exam; the extent to which educators from states that use a standard exam pass similar Texas-specific exams; the similarity of content covered in a standard exam versus the planned Texas-specific exam, understanding that 100 percent of alignment is not necessary; and the relative cost to the state and to examinees of a standard exam versus a Texas specific exam. The State Board for Educator Certification is hereby authorized to expend funds appropriated in Strategy B.3.6, Certification Exam Administration, for test development or for the evaluation and purchase of standard exams, if the Board finds that a standard exam is appropriate. The State	

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Board for Educator Certification shall seek federal funds to provide for the development of new certification examinations. Any federal funds received by the State Board for Educator Certification for this purpose are hereby appropriated to the agency.	
46. Permanent School Fund Distribution Rate	**46. Permanent School Fund Distribution Rate**
At least 45 days prior to the adoption of the distribution rate from the Permanent School Fund to the Available School Fund by the State Board of Education, the Texas Education Agency shall report to the Legislative Budget Board and the Governor on the following: a. The distribution rate or rates under consideration; b. The assumptions and methodology used in determining the rate or rates under consideration; c. The annual amount the distribution rate or rates under consideration are estimated to provide, and the difference between them and the annual distribution amounts for the preceding three biennia; and d. The optimal distribution amount for the preceding biennium, based on an analysis of intergenerational equity, and the difference between it and the actual distribution amount.	At least 45 days prior to the adoption of the distribution rate from the Permanent School Fund to the Available School Fund by the State Board of Education, the Texas Education Agency shall report to the Legislative Budget Board and the Governor on the following: a. The distribution rate or rates under consideration; b. The assumptions and methodology used in determining the rate or rates under consideration; c. The annual amount the distribution rate or rates under consideration are estimated to provide, and the difference between them and the annual distribution amounts for the preceding three biennia; and d. The optimal distribution amount for the preceding biennium, based on an analysis of intergenerational equity, and the difference between it and the actual distribution amount.
48. Limitation on Funding for Property Tax Relief and Foundation School Program	**44. Limitation on Funding for Property Tax Relief and Foundation School Program.**
From the amount appropriated above to the Texas Education Agency for Strategy A.1.1, FSP - Equalized Operations, in each year of the 2012-13 biennium, the Commissioner may not spend more than the amount that, together with all other amounts appropriated from the Foundation School Fund or another source for the Foundation School Program or for paying the costs of school property tax relief, is necessary to achieve a state compression percentage, as defined by Section 42.2516, Texas Education Code, of 66.67 percent and fully fund the school funding formulas under Chapters 41 and 42, Texas Education Code, without the prior approval of the Legislative Budget Board.	From the amount appropriated above to the Texas Education Agency for Strategy A.1.1, FSP – Equalized Operations, in each year of the 2014-15 biennium, the Commissioner may not spend more than the amount that, together with all other amounts appropriated from the Foundation School Fund or another source for the Foundation School Program or for paying the costs of school property tax relief, is necessary to achieve a state compression percentage, as defined by Section 42.2516, Texas Education Code, of 66.67 percent and fully fund the school funding formulas under Chapters 41 and 42, Texas Education Code, without the prior approval of the Legislative Budget Board.
49. Capital Budget Expenditures from Federal and Other Funding Sources	**45. Capital Budget Expenditures from Federal and Other Funding Sources**
The Texas Education Agency is hereby exempted from the capital budget rider provisions contained in Article IX of this Act when gifts, grants, inter-local funds, and federal funds are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor, or federal agency for the purchase of specific capital items, limited to projects related to revision of major state data systems or projects funded with amounts received through the federal American Recovery and Reinvestment Act of 2009. Amounts expended from these funding sources shall not count against the limitation imposed by capital budget provisions elsewhere in this Act. The TEA shall notify the Legislative Budget Board and the Governor upon receipt of such funds of the amount received and the planned	The Texas Education Agency is hereby exempted from the capital budget rider provisions contained in Article IX of this Act when gifts, grants, inter-local funds, and federal funds are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor, or federal agency for the purchase of specific capital items, limited to projects related to revision of major state data systems or projects funded with amounts received through the federal American Recovery and Reinvestment Act of 2009. Amounts expended from these funding sources shall not count against the limitation imposed by capital budget provisions elsewhere in this Act. The TEA shall notify the Legislative Budget Board and the Governor upon receipt of such funds of the amount received and the planned

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expenditures. It is the intent of the legislature that projects funded in any part under the authority of this rider not be exempt from any requirements of the Quality Assurance Team.	expenditures. It is the intent of the Legislature that projects funded in any part under the authority of this rider not be exempt from any requirements of the Quality Assurance Team.
50. Performance Reporting on State Assessments for the 2012-13 Biennium	**Does Not Exist**
The Texas Education Agency shall submit to the Legislative Budget Board performance targets for fiscal years 2012 and 2013 for performance measures related to the state assessments system, including but not limited to the percent of students passing all tests taken and related measures, as soon as practicable after passing standards for the State of Texas Assessments of Academic Readiness (STAAR) are established, but not later than November 15, 2012. Actual performance on the affected measures for fiscal year 2012 shall also be reported no later than November 15, 2012, and performance reporting for affected measures for fiscal year 2013 shall follow the standard performance reporting schedule.	
51. Steroid Testing	**53. Steroid Testing**
From funds appropriated above in Strategy B.2.2, Health and Safety, $650,000 in General Revenue in each fiscal year of the 2012-13 biennium shall be used for the purpose of administering the statewide steroid testing program in accordance with Texas Education Code, §33.091. Prior to expenditure of funds, the University Interscholastic League shall provide a report and implement resulting recommendations regarding the most cost-efficient method of effectively detecting steroid use allowed under current law. Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purpose.	From funds appropriated above in Strategy B.2.2, Health and Safety, $500,000 in General Revenue in each fiscal year of the 2014-15 biennium shall be used for the purpose of administering the statewide steroid testing program in accordance with Texas Education Code, §33.091. Prior to expenditure of funds, the University Interscholastic League shall provide a report and implement resulting recommendations regarding the most cost-efficient method of effectively detecting steroid use allowed under current law. Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.
52. Federal Education Jobs Fund	**Does Not Exist**
Pursuant to the enactment of federal legislation amending Public Law No. 111-226, Education Jobs Fund, Section 101, by striking paragraph 11 relating to additional requirements for the State of Texas, and the provision of the Texas allocation, estimated at $830,820,460, to the State by the U.S. Secretary of Education, these federal funds are appropriated above in Strategy A.1.1, FSP - Operations, to the Texas Education Agency for distribution to public local educational agencies according to the provisions of that Act, as amended.	
53. District Awards for Teacher Excellence	**47. District Awards for Teacher Excellence**
From Educator Excellence Funds (General Revenue) appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend an amount not to exceed $20,000,000 in fiscal year 2012 and $20,000,000 in fiscal year 2013 for the purpose of administering the District Awards for Teacher Excellence program (Educator Excellence Awards) in accordance with Texas Education Code Chapter 21, Subchapter O. The Commissioner shall ensure that funds directed by this rider are allocated in a manner that maximizes receipt of federal grant funding for similar purposes. From amounts referenced in the	From Educator Excellence Funds (General Revenue) appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend an amount not to exceed $16,000,000 in fiscal year 2014 and $16,000,000 in fiscal year 2015 for the purpose of administering the District Awards for Teacher Excellence program (Educator Excellence Awards) in accordance with Texas Education Code Chapter 21, Subchapter O. The Commissioner shall ensure that funds directed by this rider are allocated in a manner that maximizes receipt of federal grant funding for similar purposes. From amounts referenced in the

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paragraph above, the Commissioner shall set aside funds for the following purposes: 1. an amount not to exceed $5,000,000 for the 2012-13 biennium to implement standards on educator quality, including standards related to educator preparation and principal quality; 2. an amount not to exceed $10,000,000 for the 2012-13 biennium for an educator mentor program in accordance with Texas Education Code, Chapter 21; 3. an amount not to exceed $1,000,000 for the 2012-13 biennium for Humanities Texas to support the Teacher Institute program targeting teachers in their first or second year of service in geographic areas with low student achievement on state assessments. Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.	paragraph above, the Commissioner shall set aside funds for the following purposes: 1. an amount not to exceed $5,000,000 for the 2014-15 biennium to implement standards on educator quality, including standards related to educator preparation and principal quality; 2. an amount not to exceed $2,000,000 for the 2014-15 biennium for an educator mentor program in accordance with Texas Education Code, Chapter 21; 3. an amount not to exceed $1,000,000 for the 2014-15 biennium for Humanities Texas to support the Teacher Institute program targeting teachers in their first or second year of service in geographic areas with low student achievement on state assessments; Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
54. Early Childhood School Readiness Program	**48. Early Childhood School Readiness Program**
Out of funds appropriated above in Strategy A.2.1, Statewide Educational Programs, $3,500,000 in fiscal year 2012 and $3,500,000 in fiscal year 2013 shall be used for the Early Childhood School Readiness Program, for programs providing an educational component to public prekindergarten, Head Start, university early childhood programs, or private non-profit early childhood care programs that have entered into an integrated program with a public school. The Texas Education Agency shall expend these funds in accordance with the provisions of Texas Education Code § 29.156, Grants for Educational Components of Head Start, and with the following provisions: a. Funds shall be distributed on a competitive grant basis to preschool programs to provide scientific, research-based pre-reading instruction with the goal of directly improving the pre-reading skills of three- and four-year-old children and implementing school readiness integration community collaborations. To be eligible for the grants, applicants must serve at least 75 percent low income students, as determined by the Commissioner. The Commissioner may require applicants to participate in the School Readiness Certification System according to the provisions of Texas Education Code §29.161. It is the intent of the Legislature that the Texas Education Agency participate to the extent practicable in interagency early childhood education and care coordination initiatives. This includes, but is not limited to, participation in the Head Start collaboration project or any other interagency entity formed to address the coordination of early childhood care and education service delivery and funding. b. In the expenditure of funds referenced above, the Texas Education Agency or any entity with which the Texas Education Agency contracts for purposes of administering programs under this	Out of funds appropriated above in Strategy A.2.1, Statewide Educational Programs, $3,500,000 in fiscal year 2014 and $3,500,000 in fiscal year 2015 shall be used for the Early Childhood School Readiness Program, for programs providing an educational component to public prekindergarten, Head Start, university early childhood programs, or private non-profit early childhood care programs that have entered into an integrated program with a public school. The Texas Education Agency shall expend these funds in accordance with the provisions of Texas Education Code §29.156, Grants for Educational Components of Head Start, and with the following provisions: a. Funds shall be distributed on a competitive grant basis to preschool programs to provide scientific, research-based pre-reading instruction with the goal of directly improving the pre-reading skills of three- and four-year-old children and improving overall kindergarten readiness. To be eligible for the grants, applicants must serve at least 75 percent low income students, as determined by the Commissioner. It is the intent of the Legislature that the Texas Education Agency participate to the extent practicable in interagency early childhood education and care coordination initiatives. This includes, but is not limited to, participation in the Head Start collaboration project or any other interagency entity formed to address the coordination of early childhood care and education service delivery and funding. b. In the expenditure of funds referenced above, the Texas Education Agency or any entity with which the Texas Education Agency contracts for purposes of administering programs under this rider shall comply with contract management requirements pursuant to Texas Government Code, Chapter 2262.

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rider shall comply with contract management requirements pursuant to Texas Government Code, Chapter 2262. c. The Texas Education Agency or any entity with which the Texas Education Agency contracts for purposes of administering programs under this rider shall submit a report to the Governor, the Lieutenant Governor, the Speaker of the House, the Legislative Budget Board, and the presiding officers of the standing committees of the Legislature with primary jurisdiction over public education not later than December 1 of each year providing detailed information on the expenditure of state funds in the prior fiscal year for purposes of programs administered under this rider. Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.	c. The Texas Education Agency or any entity with which the Texas Education Agency contracts for purposes of administering programs under this rider shall submit a report to the Governor, the Lieutenant Governor, the Speaker of the House, the Legislative Budget Board, and the presiding officers of the standing committees of the Legislature with primary jurisdiction over public education not later than December 1 of each year providing detailed information on the expenditure of state funds in the prior fiscal year for purposes of programs administered under this rider. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
55. Teach for America	**49. Teach for America**
From funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend $4,000,000 in General Revenue in each fiscal year of the biennium to support the Teach for America program in Texas. It is the intent of the Legislature that at least 1,000 Teach for America teachers be employed in Texas schools that serve a proportion of economically disadvantaged students that is above the state average. Funding shall be allocated in such a manner as to prioritize employment of Teach for America teachers in the field of mathematics to the extent practicable.	From funds appropriated above in Strategy B.3.1, Improving Educator Quality and Leadership, the Commissioner shall expend $6,000,000 in General Revenue in each fiscal year of the biennium to support the Teach for America program in Texas. It is the intent of the Legislature that at least 1,000 Teach for America teachers be employed in Texas schools that serve a proportion of economically disadvantaged students that is above the state average. Funding shall be allocated in such a manner as to prioritize employment of Teach for America teachers in the field of mathematics to the extent practicable.
56. Student Success Initiative	**50. Student Success Initiative**
Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall expend $20,500,000 in General Revenue in fiscal year 2012 and $20,500,000 in General Revenue in fiscal year 2013 for the Student Success Initiative. Funds shall be distributed to school districts to fund programs targeting the prevention of academic failure, which may include, but are not limited to, Algebra Readiness, Literacy Academies, Math Academies, professional development, middle grades initiatives, and other assistance aimed at improving student performance on state assessments. From funds referenced in the paragraph above, the Commissioner shall allocate $2,250,000 in each fiscal year of the 2012-13 biennium to support the Reasoning Mind program. Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.	Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall expend $25,250,000 in General Revenue in fiscal year 2014 and $25,250,000 in General Revenue in fiscal year 2015 for the Student Success Initiative. Funds shall be distributed to school districts to fund programs targeting the prevention of academic failure. From funds referenced in this rider and not to exceed $250,000, the Texas Education Agency shall conduct an evaluation on the Student Success Initiative and produce a final report for the Eighty fourth Legislature on the effectiveness and implementation of the program, to be delivered in January 2015 to the Governor, the Lieutenant Governor, the Speaker of the House, the Legislative Budget Board, and the presiding officers of the standing committees of the legislature with primary jurisdiction over public education. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
57. Campus Intervention and Turnaround Assistance and Technical Assistance for	**51. Campus Intervention and Turnaround Assistance and Technical Assistance for**

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Charter	**Charter**
Out of the General Revenue funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall expend $1,750,000 in General Revenue in fiscal year 2012 and $1,750,000 in General Revenue in fiscal year 2013 to provide campus intervention and turnaround assistance services and to provide technical assistance to charter schools, in accordance with provisions related to the state accountability system under Texas Education Code, Chapter 39, and federal law related to school accountability. From amounts referenced above in this rider, the Commissioner may spend an amount not to exceed $1,500,000 for the 2012-13 biennium to develop financial and productivity tools. Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.	Out of the General Revenue funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall expend $1,750,000 in General Revenue in fiscal year 2014 and $1,750,000 in General Revenue in fiscal year 2015 to provide campus and district intervention and turnaround assistance services to districts and campuses with identified performance concerns and to provide technical assistance to charter schools, in accordance with provisions related to the state accountability system under Texas Education Code, Chapter 39, and federal law related to school accountability. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
58. Virtual School Network	**52. Virtual School Network**
From funds appropriated above in Strategy B.2.1, Technology and Instructional Materials $4,000,000 in General Revenue in each fiscal year of the 2012-13 biennium shall be used for the operation of a state virtual school network in accordance with Texas Education Code, Chapter 30A. In addition to the amounts above, all revenue received under the authority of Texas Education Code, Chapter 30A are hereby appropriated to the Texas Education Agency for the 2012-13 biennium for the purpose of administering the state virtual school network. Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.	From funds appropriated above in Strategy B.2.1, Technology and Instructional Materials, $4,000,000 in General Revenue in each fiscal year of the 2014-15 biennium shall be used for the operation of a state virtual school network in accordance with Texas Education Code, Chapter 30A. In addition to the amounts above, all revenues received under the authority of Texas Education Code, Chapter 30A are hereby appropriated to the Texas Education Agency for the 2014-15 biennium for the purpose of administering the state virtual school network. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
59. Texas Advanced Placement Initiative	**54. Texas Advanced Placement Initiative**
Out of the General Revenue funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall spend $6,900,000 in fiscal year 2012 and $6,900,000 in fiscal year 2013 to fund the Texas Advanced Placement Initiative. In the administration of the Texas Advanced Placement Initiative, funding shall be allocated for both the pre-Advanced Placement/International Baccalaureate activities and for the Advanced Placement Incentive Program. In the allocation of funding for the Texas Advanced Placement Initiative, the Texas Education Agency shall prioritize the examination fee subsidies for students. For funds that are used for teacher training, the Texas Education Agency shall give funding priority to teachers at public school campuses that do not offer Advanced	Out of the General Revenue funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall spend $8,150,000 in fiscal year 2014 and $8,150,000 in fiscal year 2015 to fund the Texas Advanced Placement Initiative. In the administration of the Texas Advanced Placement Initiative, funding shall be allocated for both the pre-Advanced Placement/International Baccalaureate activities and for the Advanced Placement Incentive Program. In the allocation of funding for the Texas Advanced Placement Initiative, the Texas Education Agency shall prioritize the examination fee subsidies for students. For funds that are used for teacher training, the Texas Education Agency shall allocate no less than the amount expended in the 2010-11 biennium for this purpose in the 2014-15 biennium.

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Placement/International Baccalaureate courses. It shall be the goal of the Texas Education Agency that Advanced Placement/International Baccalaureate courses are available at as many public school campuses as possible, without regard to the rural/urban status of the campus and the socioeconomic characteristics of its students. For campus incentive awards given under this program, consideration may be given to school districts and charter schools in the 1st or 2nd year of operating an Advanced Placement/International Baccalaureate program. Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.	It shall be the goal of the Texas Education Agency that Advanced Placement/International Baccalaureate courses are available at as many public school campuses as possible, without regard to the rural/urban status of the campus and the socioeconomic characteristics of its students. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
62. Online College and Career Preparation Technical Assistance Program	**56. Online College and Career Preparation Technical Assistance Program**
Out of the funds appropriated above, the Texas Education Agency shall allocate $2,000,000 in General Revenue for fiscal year 2012 and $2,000,000 in General Revenue for fiscal year 2013 to continue the Online College and Career Preparation Technical Assistance Program to provide online college preparation assistance to students, parents, and high school counselors. The Commissioner shall create a list of qualified providers eligible to participate in the program during fiscal year 2012 and fiscal year 2013. The Texas Education Agency shall continue to implement the pilot program in collaboration with the Texas Higher Education Coordinating Board. Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purposes.	Out of the funds appropriated above, the Texas Education Agency shall allocate $1,000,000 in General Revenue for fiscal year 2014 for the Online College and Career Preparation Technical Assistance Program. The program shall provide online college and career preparation assistance to students, parents, and high school counselors, and may utilize private or corporate sponsorship only as necessary to provide financial support for implementation of the program, provided that such sponsorship complies with applicable standards for advertising in a primary or secondary school campus. TEA shall solicit competitive bids for the contract associated with implementation of the program. The Texas Education Agency shall implement the pilot program in collaboration with the Texas Higher Education Coordinating Board. Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purposes.
63. Contingency for SB 6	**Does Not Exist**
Contingent on passage and enactment of Senate Bill 6, or similar legislation by the Eighty-second Legislature, relating to the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools, the amount referenced above in Texas Education Agency Rider 8, Textbooks and Instructional Materials, $608,131,436 from the State Textbook Fund (Instructional Materials Fund) is hereby reallocated for the purpose of funding the Instructional Materials Allotment for the purchase of continuing contracts, instructional materials that will assist districts in satisfying performance standards under § 39.0241 of the Texas Education Code, and other allowable expenditures under the provisions of the legislation.	

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Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purposes.	
64. Early College High School and T-STEM	**57. Early College High School and T-STEM**
Out of funds appropriated above for Strategy A.2.1, Statewide Educational Initiatives, $3,000,000 in General Revenue in fiscal year 2012 and $3,000,000 in General Revenue in fiscal year 2013 is allocated for Early College High School and T-STEM programs. Any unexpended balances as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.	Out of funds appropriated above for Strategy A.2.1, Statewide Educational Initiatives, $3,000,000 in General Revenue in fiscal year 2014 and $3,000,000 in General Revenue in fiscal year 2015 is allocated to support Early College High School and T-STEM programs. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
65. Amachi Texas	**58. Amachi Texas**
From funds appropriated above in Strategy A.2.2, Achievement of Students at Risk, the Commissioner shall allocate $1,250,000 in General Revenue in each fiscal year of the 2012-13 biennium to the Amachi Texas program for mentoring children of incarcerated parents. To the extent possible, in the administration of the Amachi Texas program, Big Brothers Big Sisters shall coordinate with other community-based entities providing training for mentors and mentoring services and shall seek additional funding from other private and public sources in order to expand services to more eligible children. Any unexpended balances available as of August 31, 2012 are hereby appropriated to fiscal year 2013 for the same purpose.	From funds appropriated above in Strategy A.2.2, Achievement of Students at Risk, the Commissioner shall allocate $1,250,000 in General Revenue in each fiscal year of the 2014-15 biennium to the Amachi Texas program for mentoring children of incarcerated parents To the extent possible, in the administration of the Amachi Texas program, Big Brothers Big Sisters Lone Star shall coordinate with other community-based entities providing training for mentors and mentoring services and shall seek additional funding from other private and public sources in order to expand services to more eligible children. Any unexpended balances available as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
66. Texas Academic Innovation and Mentoring	**59. Texas Academic Innovation and Mentoring**
From funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall allocate $1,500,000 in General Revenue in each fiscal year of the 2012-13 biennium to the Texas Alliance of Boys and Girls Clubs for statewide operation of the Texas Academic Innovation and Mentoring Program (Texas AIM). Any unexpended balances as of August 31, 2012 are hereby appropriated for fiscal year 2013 for the same purpose.	From funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall allocate $1,500,000 in General Revenue in each fiscal year of the 2014-15 biennium to the Texas Alliance of Boys and Girls Clubs for statewide operation of the Texas Academic Innovation and Mentoring Program (Texas AIM). Any unexpended balances as of August 31, 2014 are hereby appropriated for fiscal year 2015 for the same purpose.
67. Perkins Reserve Fund Distribution	**60. Perkins Reserve Fund Distribution**
In the distribution of federal funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the agency shall include the percentage of a school district's Career and Technical Education courses that meet a regional labor market need as defined by the Local Workforce Development Board for the district's region as one of the criteria for distribution of Reserve Funds from the Perkins Basic Grant to school districts, in accordance with federal law. A region is defined as the Workforce Development Areas organized by the Texas Workforce Commission.	In the distribution of federal funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the agency shall include the percentage of a school district's Career and Technical Education courses that meet a regional labor market need as defined by the Local Workforce Development Board for the district's region as one of the criteria for distribution of Reserve Funds from the Perkins Basic Grant to school districts, in accordance with federal law. A region is defined as the Workforce Development Areas organized by the Texas Workforce Commission.

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The agency shall include information on the impact of this provision to the distribution of Reserve Funds to Texas school districts in its Perkins Consolidated Annual Report to the U.S. Department of Education.	The agency shall include information on the impact of this provision to the distribution of Reserve Funds to Texas school districts in its Perkins Consolidated Annual Report to the U.S. Department of Education.
Contingency for HJR No. 109	**Does Not Exist**
An amount estimated to be $150,000,000 in each fiscal year of the 2012-13 biennium from the Available School Fund (General Revenue) is appropriated above in Strategy A.1.1, FSP - Operations, contingent on all of the following: a. passage and enactment of HJR No. 109, SJR No. 5 by the Eighty-second Legislature, Regular Session, 2011, or similar legislation relating to proposing a constitutional amendment to clarify references to the Permanent School Fund and to allow the General Land Office or other entity to distribute revenue derived from Permanent School Fund land or other properties to the Available School Fund; b. voter approval of the associated constitutional amendment; and c. the distribution of funds from the General Land Office to the Available School Fund pursuant to the provisions of the legislation.	
Does Not Exist	**61. Best Buddies**
	From funds appropriated above in Strategy A.2.4, School Improvement and Support Programs, the Commissioner shall allocate $200,000 in each fiscal year of the 2014-15 biennium to support the Best Buddies program. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
Does Not Exist	**62. Reasoning Minds**
	From funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall allocate $4,500,000 in each fiscal year of the 2014-15 biennium to support the Reasoning Mind program. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
Does Not Exist	**63. Sunset Contingency**
	Funds appropriated above for the Texas Education Agency (TEA) for fiscal year 2015 are made contingent on the continuation of TEA by the Eighty-third Legislature. In the event that the

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	agency is not continued, funds appropriated for fiscal year 2014, or as much thereof as may be necessary, are to be used for the phase out of the agency operations.
Does Not Exist	**64. Statewide Strategic Plan for Adult Basic Education**
	Out of the funds appropriated above in Strategy, A.2.5, Adult Education & Family Literacy, the Texas Education Agency, in consultation with the Texas Workforce Investment Council, shall develop a comprehensive statewide strategic plan, including goals and objectives, to address the projected future demand for adult education in Texas, gaps in the adult education system, improved efficiency of coordinated activities between state agencies, increased education and work-related outcomes for adult education students, and the types of programs and instruction necessary to help prepare adults for 21st century work and life. The Texas Education Agency shall report on the implementation and annual progress of this plan to the Texas Workforce Investment Council, the Governor, and the Legislative Budget Board in December of every even numbered year beginning December 1, 2014.
Does Not Exist	**65. Contingent Appropriation for Reversal of FSP Payment Deferral**
	Included in amounts appropriated above in Strategy A.1.1, FSP - Equalized Operations is an estimated $2,029,000,000 to pay the August 2015 Foundation School Program payment. Contingent on failure to enact legislation relating to reversing the deferral of the August payment of the Foundation School Program, amounts appropriated above from General Revenue Funds (Fund 193) in Strategy A.1.1, FSP - Equalized Operations are hereby reduced by $258,500,000 in fiscal year 2014 and $20,500,000 in fiscal year 2015, to adjust the appropriation to pay for the August 2013 Foundation School Program Payment. It is the intent of the Legislature that, contingent on enactment of the legislation referenced above, a supplemental appropriation be made in another appropriating bill enacted by the Eighty-third Legislature of an estimated $1,750,000,000 to the Texas Education Agency in fiscal year 2013 to fund the August 2013 Foundation School Program payment.
Does Not Exist	**66. Supplemental Funding for Prekindergarten**
	Out of the funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner of Education shall allocate $15,000,000 in General Revenue in each fiscal year of the 2014-15 biennium for the purpose of providing supplemental funds for prekindergarten consistent with the provisions of Texas Education Code Chapter 29, Subchapter E. The Commissioner shall allocate funds on the basis of eligible prekindergarten students in average daily attendance.
Does Not Exist	**67. Autism Training**
	From amounts appropriated above in Strategy B.3.1, Improving Educator Quality/Leadership, an

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	amount not to exceed $1,500,000 in General Revenue Funds for the 2014-15 biennium is appropriated to fund the development of professional development for educators working with students with autism. The Texas Education Agency shall enter into a memorandum of understanding with Texas Tech University for the purpose of collaboration with the Region 13 Education Service Center and Texas Tech University to develop professional development for educators working with students with autism.
Does Not Exist	**68. Project Share**
	From General Revenue funds appropriated above in Strategy A.2.1, Statewide Educational Programs, the Commissioner shall allocate $9,000,000 in each fiscal year of the 2014-15 biennium to support Project Share. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
Does Not Exist	**69. Temporary Transfer from the Foundation School Program to the Instructional Materials Fund**
	Notwithstanding any other provision of this Act, the Texas Education Agency is hereby authorized to transfer from Strategy A.1.1, FSP - Equalized Operations out of the Foundation School Fund No. 193 to Strategy B.2.1, Technology/Instructional Materials in an amount not to exceed the amount necessary to fund the distributions from the Instructional Materials Allotment pursuant to Chapter 31, subchapter B of the Texas Education Code. Any funds transferred from Strategy A.1.1, FSP - Equalized Operations to Strategy B.2.1, Technology/Instructional Materials pursuant to this rider, shall be transferred back to Strategy A.1.1, FSP - Equalized Operations within the same fiscal year as the initial transfer, and shall occur as soon as balances in the Instructional Materials Fund No. 003 are sufficient to fund the repayment and the distributions from the Instructional Materials Allotment pursuant to Chapter 31, subchapter B of the Texas Education Code. Under no circumstances shall the transfers authorized by this rider supersede the payment of school district entitlement through the Foundation School Program as required under Chapters 41, 42, and 46 of the Texas Education Code.
Does Not Exist	**70. Special Education Monitoring**
	Out of funds appropriated above, the Texas Education Agency (TEA) shall ensure all

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	accountability, monitoring, and compliance systems related to special education will be non-duplicative, unified, and focus on positive results for students in order to ease the administrative and fiscal burden on districts. TEA shall solicit stakeholder input with regard to this effort. TEA shall issue a report to the Lieutenant Governor, Speaker of the House, the Legislative Budget Board, and the presiding officers of the standing committees of the legislature with primary jurisdiction over public education no later than January 12, 2015 regarding the agency's efforts in implementing the provisions of this rider. In the report, TEA shall include recommendations from stakeholders, whether these recommendations were adopted, and the reasons any recommendations were rejected.
Does Not Exist	**71. Contingency for SB 1458 (passed)**
	Contingent on passage and enactment of SB 1458, or similar legislation relating to contributions to, benefits from, and the administration of systems and programs administered by the Teacher Retirement System of Texas, by the Eighty-third Legislature, Regular Session, 2013, the Texas Education Agency is appropriated $330,000,000 in fiscal year 2015 to Strategy A.1.1, FSP - Equalized Operations, from the General Revenue Fund for the purpose of making allocations to all school districts and charter schools in equal amounts per student in average daily attendance (ADA). It is the intent of the Legislature that these funds provide temporary one-time transition aid to public schools, if applicable, to assist with employer contributions for retirement to the Teacher Retirement System of Texas on behalf of eligible public school employees as required by the legislation, in its first year of implementation.
Does Not Exist	**72. Southern Regional Education Board**
	Out of funds appropriated above, the Texas Education Agency shall allocate funds for the purpose of paying membership fees to the Southern Regional Education Board, estimated to be $193,000 per fiscal year.
Does Not Exist	**73. Contingency for House Bill 5 (passed)**
	Contingent on the enactment of House Bill 5, or similar legislation relating to public school accountability, including assessments, by the Eighty-third Legislature, Regular Session, 2013, in addition to amounts appropriated above, the Texas Education Agency (TEA) is appropriated $2,419,209 in each fiscal year to Strategy B.1.1, Assessments and Accountability, from the General Revenue Fund to fund required assessments. If a lesser amount is required to fully fund the assessments required under the provisions of the bill, TEA shall lapse the amount not required to fund the assessments. Contingent on failure to enact House Bill 5, or similar legislation relating to public school accountability, including assessments, which reduces the number of required assessments, in addition to amounts appropriated above, the Texas Education Agency is hereby appropriated

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	$10,016,026 in fiscal year 2014 and $12,122,392 in fiscal year 2015 to Strategy B.1.1, Assessments and Accountability, from the General Revenue Fund to fund the required assessments.
18. Obesity Program (Originally in FISCAL PROGRAMS - COMPTROLLER OF PUBLIC ACCOUNTS)	**74. FitnessGram Program**
Contingent upon the Comptroller's certification of available General Revenue of $2 million for the biennium above the Comptroller's January 2011 Biennial Revenue Estimate, the Fiscal Programs - Comptroller of Public Accounts is hereby appropriated $2 million in General Revenue for fiscal year 2012 to influence and control the total economic cost of obesity. It is the intent of the Legislature that the appropriation be used as follows: (a) The Comptroller may create a GIS-driven obesity data system for the State of Texas to map and identify areas in which children are at risk for obesity. Obesity intervention programs targeting areas identified by this GIS system as having high rates of obesity and overweight students may be given preference in the awarding of grants. The GIS tool may be used further for other purposes of the agency. (b) The Texas Education Agency may provide to the Comptroller of Public Accounts all data necessary to create GIS maps showing FitnessGram results and to identify areas in which children are at risk for obesity. (c) The Comptroller may create and maintain an obesity web portal reporting and linking to the economic impacts of obesity, focusing such information on schools, businesses, state agencies and the general public. (d) The Comptroller may submit a report to the Legislature no later than January 1, 2013. The report may include the results of this rider and other state and federal obesity initiatives in Texas. (e) Any unexpended balances remaining as of August 31, 2012 are hereby appropriated for the fiscal year beginning on September 1, 2012 for the same purpose.	Contingent upon the Comptroller's certification of available General Revenue of $5,000,000 for the 2014-15 biennium above the Comptroller's January 2013 Biennial Revenue Estimate, from funds appropriated above in Strategy B.2.2, Health and Safety, the Commissioner of Education shall allocate $4,500,000 in fiscal year 2014 and $500,000 in fiscal year 2015 from General Revenue Funds for the purposes of physical fitness assessments and related analysis. Notwithstanding any other provision of this Act, no amount of this funding may be expended for any other purpose except as described in this rider. Out of amounts appropriated above and allocated by this rider, the Texas Education Agency may expend an amount not to exceed $4,000,000 to develop a database for use in managing and analyzing physical fitness assessment data provided by school districts, as required by § 38.104 of the Texas Education Code. All other funding directed by this rider shall be used to provide needs based grants to school districts to support the administration of physical fitness assessments and related activities required by §§ 38.101 and 38.103 of the Texas Education Code. Any unexpended balances as of August 31, 2014 are hereby appropriated to fiscal year 2015 for the same purpose.
Does Not Exist	**76. Contingency Appropriation. Credits against the Cost of Recapture**
	Contingent on the receipt of payments owed for fiscal year 2013 by a district described below under a payment agreement authorized by the commissioner of education and related to requirements to reduce property wealth pursuant to the provisions of Texas Education Code, Chapter 41, in addition to amounts appropriated above, the amount of $758,578 is appropriated

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	out of the Foundation School Fund No. 193 (General Revenue Funds) to the Texas Education Agency, Strategy A.1.1, FSP - Equalized Operations, in each fiscal year of the 2014-15 biennium, and the commissioner of education shall use these funds as a credit against the cost of purchasing attendance credits for a district required to reduce its property wealth pursuant to the provisions of the Texas Education Code, Chapter 41, for which the cost of attendance credits necessary to achieve the equalized wealth level under Chapter 41, Education Code, for the 2009-10 school year was determined based on Section 41.093(a)(2), Education Code, and in which the adopted maintenance and operations tax rate for the 2009 tax year was less than $0.30. No credit against the cost of purchasing attendance credits shall be made to an eligible district unless payments owed for fiscal year 2013 under a payment agreement authorized by the commissioner of education are made in full.

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	For the Years Ending August 31, 2012	For the Years Ending August 31, 2013	TOTAL 2012-13	For the Years Ending August 31, 2014	For the Years Ending August 31, 2015	TOTAL 2014-15
A. Goal: PROVIDE ED SYS LDRSP GUID'CE RES'S Provide Education System Leadership, Guidance, and Resources						
A.1.1. Strategy: FSP - EQUALIZED OPERATIONS, Foundation School Program - Equalized Operations	$ 19,012,334,394	$ 15,903,113,933	$ 34,915,448,327	$ 19,141,985,624	$ 19,769,688,724	$ 38,911,674,348
A.1.2. Strategy: FSP - EQUALIZED FACILITIES Foundation School Program - Equalized Facilities	$ 650,000,000	$ 716,100,000	$ 1,366,100,000	$ 657,855,774	$ 610,450,674	$ 1,268,306,448
A.2.1. Strategy: STATEWIDE EDUCATIONAL PROGRAMS	$ 121,640,930	$ 121,641,930	$ 243,282,860	$ 164,814,958	$ 163,816,548	$ 328,631,506
A.2.2. Strategy: ACHIEVEMENT OF STUDENTS AT RISK Resources of Low-income and Other At-risk Students.	$ 1,534,272,434	$ 1,566,143,860	$ 3,100,416,294	$ 1,603,213,069	$ 1,603,213,069	$ 3,206,426,138
A.2.3. Strategy: STUDENTS WITH DISABILITIES Resources for Mentally/Physically Disabled Students.	$ 1,038,585,711	$ 1,038,585,711	$ 2,077,171,422	$ 1,027,951,442	$ 1,027,951,442	$ 2,055,902,884
A.2.4. Strategy: SCHOOL IMPROVEMENT & SUPPORT PGMS Grants for School and Program Improvement and Innovation	$ 146,129,377	$ 146,129,377	$ 292,258,754	$ 154,103,021	$ 154,103,022	$ 308,206,043
A.2.5. Strategy: ADULT EDUCATION & FAMILY LITERACY	$ 73,924,914	$ 73,924,914	$ 147,849,828	$ 70,842,889	$ 70,842,889	$ 141,685,778
Total, Goal A: PROVIDE ED SYS LDRSP GUID'CE RES'S	$ 22,576,[illegible],760	$ 19,565,639,725	$ 42,142,527,485	$ 22,820,766,777	$ 23,400,066,368	$ 46,220,833,145
B. Goal: PROVIDE SYSTEM OVERSIGHT & SUPPORT						
B.1.1. Strategy: ASSESSMENT & ACCOUNTABILITY SYSTEM	$ 87,845,397	$ 87,845,396	$ 175,690,793	$ 82,635,644	$ 82,635,643	$ 165,271,287
B.2.1. Strategy: TECHNOLOGY/INSTRUCTIONAL MATERIALS Technology and Instructional Materials	$ 628,528,971	$ 20,4[illegible],739	$ 648,942,710	$ 423,335,208	$ 423,335,208	$ 846,670,416
B.2.2. Strategy: HEALTH AND SAFETY	$ 14,755,294	$ 14,798,895	$ 29,554,189	$ 16,351,583	$ 16,154,802	$ 32,506,385
B.2.3. Strategy: CHILD NUTRITION PROGRAMS	$ 1,666,503,168	$ 1,774,668,803	$ 3,441,171,971	$ 2,000,396,382	$ 2,150,447,037	$ 4,150,843,419
B.2.4. Strategy: WINDHAM SCHOOL DISTRICT Educational Resources for Prison Inmates.	$ 47,500,000	$ 47,500,000	$ 95,000,000	$ 52,500,000	$ 50,500,000	$ 103,000,000
B.3.1. Strategy: IMPROVING EDUCATOR QUALITY/LDRSP Improving Educator Quality and Leadership	$ 263,629,847	$ 263,629,846	$ 527,259,693	$ 282,873,320	$ 282,873,320	$ 565,746,640
B.3.2. Strategy: AGENCY OPERATIONS	$ 67,402,747	$ 67,168,925	$ 134,571,672	$ 65,275,238	$ 65,275,238	$ 130,550,476
B.3.3. Strategy: STATE BOARD FOR EDUCATOR CERT State Board for Educator Certification	$ 4,709,664	$ 4,709,664	$ 9,419,328	$ 3,812,552	$ 3,812,552	$ 7,625,104
B.3.4. Strategy: CENTRAL ADMINISTRATION	$ 12,950,454	$ 12,941,448	$ 25,891,902	$ 12,787,424	$ 12,787,424	$ 25,574,848
B.3.5 Strategy: INFORMATION SYSTEMS-TECHNOLOGY	$ 35,808,126	$ 33,225,519	$ 69,033,645	$ 35,248,817	$ 33,291,029	$ 68,539,846
B.3.6. Strategy: CERTIFICATION EXAM ADMINISTRATION Educator Certification Exam Services-Estimated and Nontransferrable.	$ 20,075,000	$ 20,075,000	$ 40,150,000	$ 14,000,000	$ 14,000,000	$ 28,000,000
			$ -			
Total, Goal B: PROVIDE SYSTEM OVERSIGHT & SUPPORT	$ 2,849,708,668	$ 2,346,977,235	$ 5,196,685,903	$ 2,989,216,168	$ 3,135,112,253	$ 6,124,328,421
Grand Total, TEXAS EDUCATION AGENCY	$ 25,426,596,428	$ 21,912,616,960	$ 47,339,213,388	$ 25,809,982,945	$ 26,535,178,621	$ 52,345,161,566

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	For the Years Ending			For the Years Ending		
	August 31, 2012	August 31, 2013	TOTAL 2012-13	August 31, 2014	August 31, 2015	TOTAL 2014-15
Method of Financing:						
General Revenue Fund						
General Revenue Fund	$ 124,465,776	$ 124,377,996	$ 248,843,772	$ 160,772,917	$ 159,561,550	$ 320,334,467
Available School Fund No. 002, estimated	$ 1,249,948,815	$ 1,876,989,252	$ 3,126,938,067	$ 1,350,059,048	$ 1,242,150,048	$ 2,592,209,096
Instructional Materials Fund No. 003	$ 610,315,614	$ 2,180,725	$ 612,496,339	$ 421,553,852	$ 421,552,316	$ 843,106,168
Foundation School Fund No. 193, estimated	$ 13,645,347,290	$ 10,733,716,452	$ 24,379,063,742	$ 13,680,028,173	$ 14,192,521,010	$ 27,872,549,183
Certification and Assessment Fees (General Revenue Fund)	$ 28,450,088	$ 28,347,518	$ 56,797,606	$ 22,431,248	$ 22,426,688	$ 44,857,936
GR MOE for Temporary Assistance for Needy Families	$ 2,000,000	$ 2,000,000	$ 4,000,000	$ 2,000,000	$ 2,000,000	$ 4,000,000
Lottery Proceeds, estimated	$ 1,002,457,000	$ 1,006,111,000	$ 2,008,568,000	$ 1,035,518,000	$ 1,039,775,000	$ 2,075,293,000
Educator Excellence Fund No. 5135	$ 20,000,000	$ 20,000,000	$ 40,000,000	$ 16,000,000	$ 16,000,000	$ 32,000,000
Subtotal, General Revenue Fund	$ 16,682,987,533	$ 13,793,722,943	$ 30,476,707,526	$ 16,688,363,238	$ 17,095,986,612	$ 33,784,349,850
General Revenue Fund - Dedicated						
Specialty License Plates General	$ 114,000	$ 114,000	$ 228,000	$ 31,906	$ 33,496	$ 65,402
Read to Succeed Account No. 5027	$ 33,000	$ 34,000	$ 67,000	$ 24,000	$ 24,000	$ 48,000
YMCA License Plates Account No. 5089	$ 1,000	$ 1,000	$ 2,000	$ -	$ -	$ -
Knights of Columbus Plates	$ 26,000	$ 26,000	$ 52,000	$ 29,000	$ 29,000	$ 58,000
Share the Road Plates	$ 150,000	$ 150,000	$ 300,000	$ 272,000	$ 272,000	$ 544,000
Subtotal, General Revenue Fund - Dedicated	$ 324,000	$ 325,000	$ 649,000	$ 356,906	$ 358,496	$ 715,402
Federal Funds						
Federal American Recovery and Reinvestment Fund	$ 6,509,953	$ 4,305,841	$ 10,815,794	$ -	$ -	$ -
Federal Funds	$ 13,836,618	$ 13,836,617	$ 27,673,235	$ 13,526,381	$ 13,521,704	$ 27,048,085
Federal Health, Education and Welfare Fund No. 148	$ 3,103,949,357	$ 3,135,425,635	$ 6,239,374,992	$ 3,154,741,580	$ 3,153,012,653	$ 6,307,754,233
Federal School Lunch Fund No. 171	$ 1,651,884,827	$ 1,760,050,462	$ 3,411,935,289	$ 1,985,778,041	$ 2,135,828,696	$ 4,121,606,737
Federal Education Jobs Fund	$ 830,820,460	$ -	$ 830,820,460	$ -	$ -	$ -
Subtotal, Federal Funds	$ 5,607,001,215	$ 4,913,618,555	$ 10,520,619,770	$ 5,154,046,002	$ 5,302,363,053	$ 10,456,409,055
Other Funds						
Property Tax Relief Fund, estimated	$ 2,198,994,000	$ 2,338,574,000	$ 4,537,568,000	$ 2,793,098,000	$ 2,868,075,000	$ 5,661,173,000
Permanent School Fund No. 044	$ 29,478,193	$ 29,462,027	$ 58,940,220	$ 29,628,449	$ 29,621,729	$ 59,250,178
Appropriated Receipts, estimated	$ 906,500,000	$ 835,600,000	$ 1,742,100,000	$ 1,132,117,637	$ 1,226,401,018	$ 2,358,518,655
Interagency Contracts	$ 1,314,437	$ 1,314,435	$ 2,628,872	$ 12,372,713	$ 12,372,713	$ 24,745,426
Subtotal, Other Funds	$ 3,136,286,630	$ 3,204,950,462	$ 6,341,237,092	$ 3,967,216,799	$ 4,136,470,460	$ 8,103,687,259
Total, Method of Financing	$ 25,426,596,428	$ 21,912,616,960	$ 47,339,213,388	$ 25,809,982,945	$ 26,535,178,621	$ 52,345,161,566

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SB 2
Passed by the 83rd Legislature

Old Law	New Law	Nature of the Change
Provision does not exist	**Sec. 11.1542. OPEN-ENROLLMENT CHARTER SCHOOL OFFER FOR DISTRICT FACILITY**	
Provision does not exist	(a) The board of trustees of an independent school district that intends to sell, lease, or allow use for a purpose other than a district purpose of an unused or underused district facility must give each open-enrollment charter school located wholly or partly within the boundaries of the district the opportunity to make an offer to purchase, lease, or use the facility, as applicable, in response to any terms established by the board of trustees, before offering the facility for sale or lease or to any other specific entity.	
Provision does not exist	(b) This section does not require the board of trustees of a school district to accept an offer made by an open-enrollment charter school.	
Provision does not exist	**Sec. 11.1543. CHARTER SCHOOL PAYMENT FOR FACILITIES USE OR FOR SERVICES**	
Provision does not exist	(a) An independent school district may not require a campus or campus program that has been granted a charter under Subchapter C, Chapter 12, and that is the result of the conversion of the status of an existing school district campus to pay rent for or to purchase a facility in order to use the facility.	
Provision does not exist	(b) An independent school district may not require a campus or campus program described by Subsection (a) or an open-enrollment charter school to pay for any service provided by the district under a contract between the district and the campus, campus program, or open-enrollment charter school an amount that is greater than the amount of the actual costs to the district of providing the service.	
Sec. 12.052. AUTHORIZATION	**Subsection (a), Section 12.052, Education Code**	
(a) In accordance with this subchapter, the board of trustees of a school district or the governing body of a home-rule school district may grant a charter to parents and teachers for a campus or a program on a campus if the board is presented with a petition signed by:	(a) In accordance with this subchapter, the board of trustees of a school district or the governing body of a home-rule school district shall [~~may~~] grant or deny, through a public vote of the board of trustees or governing body, a charter to parents and teachers for a campus or a program on a campus if the board is presented with a petition signed by:	
(1) the parents of a majority of the students at that school campus; and		
(2) a majority of the classroom teachers at that school campus.		
(b) For purposes of Subsection (a)(1), the signature of only one parent of a student is required.		
(c) The board of trustees may not arbitrarily deny a charter under this section.		
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.		
Provision does not exist	**Sec. 12.0522. DISTRICT CHARTER AUTHORIZATION**	
Provision does not exist	(a) Notwithstanding Section 12.052, in the manner provided by this section, the board of trustees of a school district or the governing body of a home-rule school district may grant a district charter to a campus to the extent authorized under this section.	
Provision does not exist	(b) Except as otherwise provided by this subsection or Subsection (c), a district charter may be granted under this section only to one or more campuses serving in total a percentage of the district's student enrollment equal to not more than 15 percent of the district's student enrollment for the preceding school year. The percentage limit may not prevent a district from granting a district charter to at least one feeder pattern of schools, including an elementary, middle or junior high, and high school.	
Provision does not exist	(c) A district charter may be granted to any campus that has received the lowest performance rating under Subchapter C, Chapter 39.	
Provision does not exist	(d) Subchapter D applies to a campus granted a district charter under this section as though the campus were granted a charter under Subchapter D, and the campus is considered an open-enrollment charter school.	

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Provision does not exist		(e) A charter granted under this section is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by Section 12.101.	
Provision does not exist		(f) The commissioner may adopt rules as necessary for the administration of this section.	
Provision does not exist		**Sec. 12.0531. PERFORMANCE CONTRACT; DURATION OF CHARTER**	
Provision does not exist		If a charter is granted under this subchapter, the board of trustees of the school district that granted the charter shall enter into a performance contract with the principal or equivalent chief operating officer of the campus or program. The performance contract must specify enhanced authority granted to the principal or equivalent officer in order to achieve the academic goals that must be met by campus or program students. A charter granted under this subchapter expires 10 years from the date the charter is granted unless the specified goals are substantially met, as determined by the board of trustees of the school district that granted the charter.	
Provision does not exist		**Sec. 12.0532. NEIGHBORHOOD SCHOOL**	
Provision does not exist		(a) A charter granted under this subchapter for a campus may, as determined by the board of trustees of the school district granting the charter, provide for the campus to be a neighborhood school.	
Provision does not exist		(b) Except as otherwise provided by this subsection, the principal or equivalent chief operating officer of a neighborhood school shall manage the funding provided for the school under this code and any other funding provided for the school in the manner the principal or other officer determines best meets the needs of the school's students. The district in which the school is located may retain that portion of funding that the district generally withholds from a campus for costs associated with the salary of the district superintendent or other district governance.	
Provision does not exist		(c) The principal or equivalent chief operating officer of a neighborhood school may use school funding to purchase from the school district in which the school is located services for the school, including bus service, facilities maintenance services, and other services generally provided by a school district to district campuses. The school shall pay for each service an amount that reflects the actual cost to the district of providing the service for the number of the school's students for which the service is provided.	
Sec. 12.055. APPLICABILITY OF LAWS AND RULES TO CAMPUS OR PROGRAM GRANTED CHARTER		**Section 12.055, Education Code**	
A campus or program for which a charter is granted under this subchapter is subject to federal and state laws and rules governing public schools, except that the campus or program is subject to this code and rules adopted under this code only to the extent the applicability to a campus or program for which a charter is granted under this subchapter of a provision of this code or a rule adopted under this code is specifically provided.		(a) A campus or program for which a charter is granted under this subchapter is subject to federal and state laws and rules governing public schools, except that the campus or program is subject to this code and rules adopted under this code only to the extent the applicability to a campus or program for which a charter is granted under this subchapter of a provision of this code or a rule adopted under this code is specifically provided.	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.		(b) A school district may contract with another district or an open-enrollment charter school for services at a campus charter. An employee of the district or open-enrollment charter school providing contracted services to a campus charter is eligible for membership in and benefits from the Teacher Retirement System of Texas if the employee would be eligible for membership and benefits if holding the same position at the employing district or open-enrollment charter school.	
Sec. 12.056. APPLICABILITY OF TITLE		**Subsection (b), Section 12.056**	
(a) A campus or program for which a charter is granted under this subchapter has the powers granted to schools under this title.			
(b) A campus or program for which a charter is granted under this subchapter is subject to:			
(1) a provision of this title establishing a criminal offense; and			
(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:			

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(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;				
(B) criminal history records under Subchapter C, Chapter 22;				
(C) high school graduation under Section 28.025;				
(D) special education programs under Subchapter A, Chapter 29;				
(E) bilingual education under Subchapter B, Chapter 29;				
(F) prekindergarten programs under Subchapter E, Chapter 29;				
(G) extracurricular activities under Section 33.081;				
(H) health and safety under Chapter 38; and				
(I) public school accountability under Subchapters B, C, E, and J, Chapter 39.		(I) public school accountability under Subchapters B, C, D, E, F, and J, Chapter 39.		
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 14, eff. June 19, 2009.				
Sec. 12.057. STATUS		**Section 12.057, Education Code, is amended by adding Subsection (b-1)**		
(a) With respect to the operation of a campus or program granted a charter under this subchapter, the governing body of the campus or program provided for under the charter is considered a governmental body for purposes of Chapters 551 and 552, Government Code.				
(b) An employee of an independent school district who is employed on a campus or program granted a charter under this subchapter and who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system in the same manner and to the same extent as a qualified employee of the independent school district who is employed on a regularly operating campus or in a regularly operating program.				
Provision does not exist		(b-1) An employee of a charter holder, as defined by Section 12.1012, who is employed on a campus or in a program granted a charter under this subchapter and who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system in the same manner and to the same extent as a qualified employee of an independent school district who is employed on a regularly operating campus or in a regularly operating program.		
(c) A campus or program granted a charter under Section 12.052, 12.0521(a)(1), or 12.053 is immune from liability to the same extent as a school district, and its employees and volunteers are immune from liability to the same extent as school district employees and volunteers.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 1212, Sec. 2, eff. June 20, 2003.				
Amended by:				
Acts 2005, 79th Leg., Ch. 1359, Sec. 1, eff. September 1, 2005.				
Sec. 12.059. CONTENT		**Section 12.059, Education Code**		
Each charter granted under this subchapter must:				
(1) describe the educational program to be offered, which may be a general or specialized program;				
(2) provide that continuation of the charter is contingent on satisfactory student performance under Subchapter B, Chapter 39, and on compliance with other applicable accountability provisions under Chapter 39;		(2) provide that continuation of the charter is contingent on satisfactory student performance under Subchapter B, Chapter 39, satisfactory financial performance under Subchapter D, Chapter 39, and [~~on~~] compliance with other applicable accountability provisions under Chapter 39;		
(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked;		(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be [~~placed on probation or~~] revoked;		
(4) prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;				
(5) describe the governing structure of the campus or program;				
(6) specify any procedure or requirement, in addition to those under Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and				

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(7) describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the school district in which it is located to participate, as required by this code or by State Board of Education rule, in the Public Education Information Management System (PEIMS).		(7) describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the school district in which it is located to participate, as required by this code or by commissioner [~~State Board of Education~~] rule, in the Public Education Information Management System (PEIMS).	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Renumbered from Education Code Sec. 12.058 by Acts 1997, 75th Leg., ch. 1335, Sec. 1, eff. Sept. 1, 1997.			
Sec. 12.101. AUTHORIZATION		**Section 12.101, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-0), (b-1), (b-2), (b-3), (b-4), (b-5), (b-6), (b-7), and (b-8)**	
(a) In accordance with this subchapter, the State Board of Education may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:		(a) In accordance with this subchapter, the commissioner [~~State Board of Education~~] may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:	
(1) an institution of higher education as defined under Section 61.003;			
(2) a private or independent institution of higher education as defined under Section 61.003;			
(3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or			
(4) a governmental entity.			
(b) The State Board of Education may grant a charter for an open-enrollment charter school only to an applicant that meets any financial, governing, and operational standards adopted by the commissioner under this subchapter. The State Board of Education may not grant a total of more than 215 charters for an open-enrollment charter school.		(b) After thoroughly investigating and evaluating an applicant, the commissioner, in coordination with a member of the [~~The~~] State Board of Education designated for the purpose by the chair of the board, may grant a charter for an open-enrollment charter school only to an applicant that meets any financial, governing, educational, and operational standards adopted by the commissioner under this subchapter, that the commissioner determines is capable of carrying out the responsibilities provided by the charter and likely to operate a school of high quality, and that:	
Provision does not exist		(1) has not within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned; or	
Provision does not exist		(2) is not, under rules adopted by the commissioner, considered to be a corporate affiliate of or substantially related to an entity that has within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned.	
Provision does not exist		(b-0) The commissioner shall notify the State Board of Education of each charter the commissioner proposes to grant under this subchapter. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect. The board may not deliberate or vote on any grant of a charter that is not proposed by the commissioner.	
Provision does not exist		(b-1) In granting charters for open-enrollment charter schools, the commissioner [~~The State Board of Education~~] may not grant a total of more than:	
Provision does not exist		(1) 215 charters through the fiscal year ending August 31, 2014;	
Provision does not exist		(2) 225 charters beginning September 1, 2014;	
Provision does not exist		(3) 240 charters beginning September 1, 2015;	
Provision does not exist		(4) 255 charters beginning September 1, 2016;	
Provision does not exist		(5) 270 charters beginning September 1, 2017; and	
Provision does not exist		(6) 285 charters beginning September 1, 2018 [~~for an open-enrollment charter school~~].	
Provision does not exist		(b-2) Beginning September 1, 2019, the total number of charters for open-enrollment charter schools that may be granted is 305 charters.	

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Provision does not exist		(b-3) The commissioner may not grant more than one charter for an open-enrollment charter school to any charter holder. The commissioner may consolidate charters for an open-enrollment charter school held by multiple charter holders into a single charter held by a single charter holder with the written consent to the terms of consolidation by or at the request of each charter holder affected by the consolidation.		
Provision does not exist		(b-4) Notwithstanding Section 12.114, approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection, including the absence of commissioner disapproval under Subdivision (3), are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter 39, or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:		
Provision does not exist		(1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter 39 and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter 39, for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in the most recent ratings;		
Provision does not exist		(2) the charter holder provides written notice to the commissioner of the establishment of a campus under this subsection in the time, manner, and form provided by rule of the commissioner; and		
Provision does not exist		(3) not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder of disapproval of a new campus under this section.		
Provision does not exist		(b-5) The initial term of a charter granted under this section is five years.		
Provision does not exist		(b-6) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories or in the financial accountability system under Chapter 39.		
Provision does not exist		(b-7) A charter granted under this section for a dropout recovery school is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by this section. For purposes of this subsection, an open-enrollment charter school is considered to be a dropout recovery school if the school meets the criteria for designation as a dropout recovery school under Section 12.1141(c).		
Provision does not exist		(b-8) In adopting any financial standards under this subchapter that an applicant for a charter for an open-enrollment charter school must meet, the commissioner shall not:		
Provision does not exist		(1) exclude any loan or line of credit in determining an applicant's available funding; or		
Provision does not exist		(2) exclude an applicant from the grant of a charter solely because the applicant fails to demonstrate having a certain amount of current assets in cash.		
(c) If the facility to be used for an open-enrollment charter school is a school district facility, the school must be operated in the facility in accordance with the terms established by the board of trustees or other governing body of the district in an agreement governing the relationship between the school and the district.				
(d) An educator employed by a school district before the effective date of a charter for an open-enrollment charter school operated at a school district facility may not be transferred to or employed by the open-enrollment charter school over the educator's objection.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 1504, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 193, Sec. 1, eff. June 2, 2003.				

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Provision does not exist	**Sec. 12.1011. CHARTER AUTHORIZATION FOR HIGH-PERFORMING ENTITIES**		
Provision does not exist	(a) Notwithstanding Section 12.101(b), the commissioner may grant a charter for an open-enrollment charter school to an applicant that is:		
Provision does not exist	(1) an eligible entity under Section 12.101(a)(3) that proposes to operate the charter school program of a charter operator that operates one or more charter schools in another state and with which the eligible entity is affiliated and, as determined by the commissioner in accordance with commissioner rule, has performed at a level of performance comparable to performance under the highest or second highest performance rating category under Subchapter C, Chapter 39; or		
Provision does not exist	(2) an entity that has operated one or more charter schools established under this subchapter or Subchapter C or E and, as determined by the commissioner in accordance with commissioner rule, has performed in the highest or second highest performance rating category under Subchapter C, Chapter 39.		
Provision does not exist	(b) A charter holder granted a charter for an open-enrollment charter school under Subsection (a) may vest management of corporate affairs in a member entity provided that the member entity may change the members of the governing body of the charter holder before the expiration of a member's term only with the express written approval of the commissioner.		
Provision does not exist	(c) The initial term of a charter granted under this section is five years.		
Provision does not exist	(d) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories under Subchapter C, Chapter 39.		
Provision does not exist	**Sec. 12.1013. CHARTER AUTHORIZER ACCOUNTABILITY**		
Provision does not exist	(a) The commissioner shall select a center for education research authorized by Section 1.005 to prepare an annual report concerning the performance of open-enrollment charter schools by authorizer compared to campus charters and matched traditional campuses which shall be provided annually under Subchapters J and K, Chapter 39.		
Provision does not exist	(b) The format of the report must enable the public to distinguish and compare the performance of each type of public school by classifying the schools as follows:		
Provision does not exist	(1) open-enrollment charters granted by the State Board of Education;		
Provision does not exist	(2) open-enrollment charters granted by the commissioner;		
Provision does not exist	(3) charters granted by school districts; and		
Provision does not exist	(4) matched traditional campuses.		
Provision does not exist	(c) The report must include the performance of each public school in each class described by Subsection (b) as measured by the student achievement indicators adopted under Section 39.053 and student attrition rates.		
Provision does not exist	(d) The report must also:		
Provision does not exist	(1) aggregate and compare the performance of open-enrollment charter schools granted charters by the State Board of Education, open-enrollment charter schools granted charters by the commissioner, campuses and programs granted charters by school districts, and matched traditional campuses; and		
Provision does not exist	(2) rate the aggregate performance of elementary, middle or junior high, and high schools within each class described by Subsection (b) as indicated by the composite rating that would be assigned to the class of elementary, middle or junior high, and high schools if the students attending all schools in that class were cumulatively enrolled in one elementary, middle or junior high, or high school.		
Provision does not exist	(e) The report must also include an analysis of whether the performance of matched traditional campuses would likely improve if there were consolidation of school districts within the county in which the campuses are located. This subsection applies only to a county that includes at least seven school districts and at least 10 open-enrollment charter schools.		
Provision does not exist	**Sec. 12.1014. AUTHORIZATION FOR GRANT OF CHARTERS FOR SCHOOLS PRIMARILY SERVING STUDENTS WITH DISABILITIES**		

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Provision does not exist		(a) The commissioner may grant under Section 12.101 a charter on the application of an eligible entity for an open-enrollment charter school intended primarily to serve students eligible to receive services under Subchapter A, Chapter 29.		
Provision does not exist		(b) The limit on the number of charters for open-enrollment charter schools imposed by Section 12.101 does not apply to a charter granted under this section to a school at which at least 50 percent of the students are eligible to receive services under Subchapter A, Chapter 29. Not more than five charters may be granted for schools described by this subsection.		
Provision does not exist		(c) For purposes of the applicability of state and federal law, including a law prescribing requirements concerning students with disabilities, an open-enrollment charter school described by Subsection (a) is considered the same as any other school for which a charter is granted under Section 12.101.		
Provision does not exist		(d) To the fullest extent permitted under federal law, a parent of a student with a disability may choose to enroll the parent's child in an open-enrollment charter school described by Subsection (a) regardless of whether a disproportionate number of the school's students are students with disabilities.		
Provision does not exist		(e) This section does not authorize an open-enrollment charter school to discriminate in admissions or in the services provided based on the presence, absence, or nature of an applicant's or student's disability.		
Provision does not exist		(f) The commissioner and the State Board for Educator Certification shall adopt rules as necessary to administer this section.		
Sec. 12.102. AUTHORITY UNDER CHARTER		**Section 12.102, Education Code**		
An open-enrollment charter school:				
(1) shall provide instruction to students at one or more elementary or secondary grade levels as provided by the charter;				
(2) is governed under the governing structure described by the charter;				
(3) retains authority to operate under the charter contingent on satisfactory student performance as provided by the charter in accordance with Section 12.111; and		(3) retains authority to operate under the charter to the extent authorized under Sections 12.1141 and 12.115 and Subchapter E, Chapter 39 [~~contingent on satisfactory student performance as provided by the charter in accordance with Section 12.111~~]; and		
(4) does not have authority to impose taxes.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.				
Sec. 12.104. APPLICABILITY OF TITLE		**Section 12.104, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1)**		
(a) An open-enrollment charter school has the powers granted to schools under this title.				
(b) An open-enrollment charter school is subject to:				
(1) a provision of this title establishing a criminal offense; and				
(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:				
(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;				
(B) criminal history records under Subchapter C, Chapter 22;				
(C) reading instruments and accelerated reading instruction programs under Section 28.006;				
(D) accelerated instruction under Section 28.0211;				
(E) high school graduation requirements under Section 28.025;				
(F) special education programs under Subchapter A, Chapter 29;				
(G) bilingual education under Subchapter B, Chapter 29;				
(H) prekindergarten programs under Subchapter E, Chapter 29;				
(I) extracurricular activities under Section 33.081;				
(J) discipline management practices or behavior management techniques under Section 37.0021;				
(K) health and safety under Chapter 38;				

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(L) public school accountability under Subchapters B, C, D, E, G, and J, Chapter 39;		(L) public school accountability under Subchapters B, C, D, E, F, G, and J, Chapter 39;	
(M) the requirement under Section 21.006 to report an educator's misconduct; and			
(N) intensive programs of instruction under Section 28.0213.			
(c) An open-enrollment charter school is entitled to the same level of services provided to school districts by regional education service centers. The commissioner shall adopt rules that provide for the representation of open-enrollment charter schools on the boards of directors of regional education service centers.		(b-1) During the first three years an open-enrollment charter school is in operation, the agency shall assist the school as necessary in complying with requirements under Subsection (b)(2)(A).	
(d) The commissioner may by rule permit an open-enrollment charter school to voluntarily participate in any state program available to school districts, including a purchasing program, if the school complies with all terms of the program.			
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 396, Sec. 2.04, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 212, Sec. 2, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1504, Sec. 5, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 374, Sec. 1, eff. June 18, 2003; Acts 2003, 78th Leg., ch. 1212, Sec. 3, eff. June 20, 2003.			
Amended by:			
Acts 2005, 79th Leg., Ch. 728, Sec. 5.001, eff. September 1, 2005.			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 16, eff. June 19, 2009.			
Acts 2011, 82nd Leg., R.S., Ch. 662, Sec. 3, eff. June 17, 2011.			
Sec. 12.1053. APPLICABILITY OF LAWS RELATING TO PUBLIC PURCHASING AND CONTRACTING		**Subsection (a), Section 12.1053, Education Code**	
(a) This section applies to an open-enrollment charter school unless the school's charter otherwise describes procedures for purchasing and contracting and the procedures are approved by the State Board of Education.		(a) This section applies to an open-enrollment charter school unless the school's charter otherwise describes procedures for purchasing and contracting and the procedures are approved by the commissioner [~~State Board of Education~~].	
(b) An open-enrollment charter school is considered to be:			
(1) a governmental entity for purposes of:			
(A) Subchapter D, Chapter 2252, Government Code; and			
(B) Subchapter B, Chapter 271, Local Government Code;			
(2) a political subdivision for purposes of Subchapter A, Chapter 2254, Government Code; and			
(3) a local government for purposes of Sections 2256.009-2256.016, Government Code.			
(c) To the extent consistent with this section, a requirement in a law listed in this section that applies to a school district or the board of trustees of a school district applies to an open-enrollment charter school, the governing body of a charter holder, or the governing body of an open-enrollment charter school.			
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 6, eff. Sept. 1, 2001.			
Sec. 12.1055. APPLICABILITY OF NEPOTISM LAWS		**Section 12.1055, Education Code, is amended by adding Subsections (c) and (d)**	
(a) An open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by state law or by a rule adopted under state law, relating to nepotism under Chapter 573, Government Code.			
(b) Notwithstanding Subsection (a), if an open-enrollment charter school is rated acceptable or higher under Section 39.054 for at least two of the preceding three school years, then Chapter 573, Government Code, does not apply to that school; however, a member of the governing body of a charter holder or a member of the governing body or officer of an open-enrollment charter school shall comply with the requirements of Sections 171.003-171.007, Local Government Code, with respect to a personnel matter concerning a person related to the member or officer within the degree specified by Section 573.002, Government Code, as if the personnel matter were a transaction with a business entity subject to those sections, and persons defined under Sections 573.021-573.025, Government Code, shall not constitute a quorum of the governing body or any committee of the governing body.		Repealed	

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Provision does not exist		(c) Section 11.1513(f) applies to an open-enrollment charter school as though the governing body of the school were the board of trustees of a school district and to the superintendent or, as applicable, the administrator serving as educational leader and chief executive officer of the school as though that person were the superintendent of a school district.	
Provision does not exist		(d) Notwithstanding any other provision of this section, a person who was not restricted or prohibited under this section as this section existed before September 1, 2013, from being employed by an open-enrollment charter school and who was employed by an open-enrollment charter school before September 1, 2013, is considered to have been in continuous employment as provided by Section 573.062(a), Government Code, and is not prohibited from continuing employment with the school.	
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 6, eff. Sept. 1, 2001.			
Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 18, eff. June 19, 2009.			
Sec. 12.1057. MEMBERSHIP IN TEACHER RETIREMENT SYSTEM OF TEXAS		**Subsection (a), Section 12.1057**	
(a) An employee of an open-enrollment charter school operating under a charter granted by the State Board of Education who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.		(a) An employee of an open-enrollment charter school [~~operating under a charter granted by the State Board of Education~~] who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.	
(b) For each employee of the school covered under the system, the school is responsible for making any contribution that otherwise would be the legal responsibility of the school district, and the state is responsible for making contributions to the same extent it would be legally responsible if the employee were a school district employee.			
Amended by Acts 1999, 76th Leg., ch. 1335, Sec. 1, eff. June 19, 1999. Renumbered from Sec. 12.105(d) and amended by Acts 2001, 77th Leg., ch. 1504, Sec. 6, eff. Sept. 1, 2001.			
Amended by:			
Acts 2005, 79th Leg., Ch. 1359, Sec. 2, eff. September 1, 2005.			
Sec. 12.110. APPLICATION		**Section 12.110, Education Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (e)**	
(a) The State Board of Education shall adopt:		(a) The commissioner [~~State Board of Education~~] shall adopt:	
(1) an application form and a procedure that must be used to apply for a charter for an open-enrollment charter school; and			
(2) criteria to use in selecting a program for which to grant a charter.			
(b) The application form must provide for including the information required under Section 12.111 to be contained in a charter.			
(c) As part of the application procedure, the board may require a petition supporting a charter for a school signed by a specified number of parents or guardians of school-age children residing in the area in which a school is proposed or may hold a public hearing to determine parental support for the school.		(c) As part of the application procedure, the commissioner [~~board~~] may require a petition supporting a charter for a school signed by a specified number of parents or guardians of school-age children residing in the area in which a school is proposed or may hold a public hearing to determine parental support for the school.	
(d) The board may approve or deny an application based on criteria it adopts. The criteria the board adopts must include:		(d) The commissioner shall [~~board may~~] approve or deny an application based on:	
(1) criteria relating to improving student performance and encouraging innovative programs; and		(1) documented evidence collected through the application review process;	
(2) a statement from any school district whose enrollment is likely to be affected by the open-enrollment charter school, including information relating to any financial difficulty that a loss in enrollment may have on the district.		(2) merit; and	
Provision does not exist		(3) other criteria as adopted by the commissioner, which [~~it adopts. The criteria the board adopts~~] must include:	
Provision does not exist		(A) criteria relating to the capability of the applicant to carry out the responsibilities provided by the charter and the likelihood that the applicant will operate a school of high quality;	
Provision does not exist		(B) [~~(1)~~] criteria relating to improving student performance and encouraging innovative programs; and	

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Provision does not exist		(C) [~~(2)~~] a statement from any school district whose enrollment is likely to be affected by the open-enrollment charter school, including information relating to any financial difficulty that a loss in enrollment may have on the district.	
Provision does not exist		(e) The commissioner shall give priority to applications that propose an open-enrollment charter school campus to be located in the attendance zone of a school district campus assigned an unacceptable performance rating under Section 39.054 for the two preceding school years.	
Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION		**Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR ESTABLISHMENT OF CAMPUS**	
The commissioner by rule shall adopt a procedure for providing notice to the following persons on receipt by the State Board of Education of an application for a charter for an open-enrollment charter school under Section 12.110:		The commissioner by rule shall adopt a procedure for providing notice to the following persons on receipt by the commissioner [~~State Board of Education~~] of an application for a charter for an open-enrollment charter school under Section 12.110 or of notice of the establishment of a campus as authorized under Section 12.101(b-4):	
(1) the board of trustees of each school district from which the proposed open-enrollment charter school is likely to draw students, as determined by the commissioner; and		(1) the board of trustees of each school district from which the proposed open-enrollment charter school or campus is likely to draw students, as determined by the commissioner; and	
(2) each member of the legislature that represents the geographic area to be served by the proposed school, as determined by the commissioner.		(2) each member of the legislature that represents the geographic area to be served by the proposed school or campus, as determined by the commissioner.	
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 10, eff. Sept. 1, 2001.			
Sec. 12.111. CONTENT		**Subsection (a), Section 12.111**	
(a) Each charter granted under this subchapter must:			
(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;			
(2) specify the period for which the charter or any charter renewal is valid;		(2) [~~specify the period for which the charter or any charter renewal is valid;~~	
(3) provide that continuation or renewal of the charter is contingent on acceptable student performance on assessment instruments adopted under Subchapter B, Chapter 39, and on compliance with any accountability provision specified by the charter, by a deadline or at intervals specified by the charter;		[~~(3)~~] provide that continuation [~~or renewal~~] of the charter is contingent on the status of the charter as determined under Section 12.1141 or 12.115 or under Subchapter E, Chapter 39 [~~acceptable student performance on assessment instruments adopted under Subchapter B, Chapter 39, and on compliance with any accountability provision specified by the charter, by a deadline or at intervals specified by the charter~~];	
Provision does not exist		(3) specify the academic, operational, and financial performance expectations by which a school operating under the charter will be evaluated, which must include applicable elements of the performance frameworks adopted under Section 12.1181 [~~(4) establish the level of student performance that is considered acceptable for purposes of Subdivision (3)~~];	
(4) establish the level of student performance that is considered acceptable for purposes of Subdivision (3);		(4) [~~(5)~~] specify:	
Provision does not exist		(A) any basis, in addition to a basis specified by this subchapter or Subchapter E, Chapter 39, on which the charter may be [~~placed on probation or revoked~~, [~~or on which~~] renewal of the charter may be denied, or the charter may be allowed to expire; and	
Provision does not exist		(B) the standards for evaluation of a school operating under the charter for purposes of charter renewal, denial of renewal, expiration, revocation, or other intervention in accordance with Section 12.1141 or 12.115 or Subchapter E, Chapter 39, as applicable;	
(5) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked or on which renewal of the charter may be denied;		(5) [~~(6)~~] prohibit discrimination in admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend in accordance with this code, although the charter may:	
Provision does not exist		(A) provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37; and	
Provision does not exist		(B) provide for an admission policy that requires a student to demonstrate artistic ability if the school specializes in performing arts;	

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(6) prohibit discrimination in admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend in accordance with this code, although the charter may:		(6) [~~(7)~~] specify the grade levels to be offered;		
(A) provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37; and				
(B) provide for an admission policy that requires a student to demonstrate artistic ability if the school specializes in performing arts;				
(7) specify the grade levels to be offered;		(7) [~~(8)~~] describe the governing structure of the program, including:		
Provision does not exist		(A) the officer positions designated;		
Provision does not exist		(B) the manner in which officers are selected and removed from office;		
Provision does not exist		(C) the manner in which members of the governing body of the school are selected and removed from office;		
Provision does not exist		(D) the manner in which vacancies on that governing body are filled;		
Provision does not exist		(E) the term for which members of that governing body serve; and		
Provision does not exist		(F) whether the terms are to be staggered;		
(8) describe the governing structure of the program, including:		(8) [~~(9)~~] specify the powers or duties of the governing body of the school that the governing body may delegate to an officer;		
(A) the officer positions designated;				
(B) the manner in which officers are selected and removed from office;				
(C) the manner in which members of the governing body of the school are selected and removed from office;				
(D) the manner in which vacancies on that governing body are filled;				
(E) the term for which members of that governing body serve; and				
(F) whether the terms are to be staggered;				
(9) specify the powers or duties of the governing body of the school that the governing body may delegate to an officer;		(9) [~~(10)~~] specify the manner in which the school will distribute to parents information related to the qualifications of each professional employee of the program, including any professional or educational degree held by each employee, a statement of any certification under Subchapter B, Chapter 21, held by each employee, and any relevant experience of each employee;		
(10) specify the manner in which the school will distribute to parents information related to the qualifications of each professional employee of the program, including any professional or educational degree held by each employee, a statement of any certification under Subchapter B, Chapter 21, held by each employee, and any relevant experience of each employee;		(10) [~~(11)~~] describe the process by which the person providing the program will adopt an annual budget;		
(11) describe the process by which the person providing the program will adopt an annual budget;		(11) [~~(12)~~] describe the manner in which an annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the person providing the program will provide information necessary for the school district in which the program is located to participate, as required by this code or by commissioner [~~State Board of Education~~] rule, in the Public Education Information Management System (PEIMS);		
(12) describe the manner in which an annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the person providing the program will provide information necessary for the school district in which the program is located to participate, as required by this code or by State Board of Education rule, in the Public Education Information Management System (PEIMS);		(12) [~~(13)~~] describe the facilities to be used;		
(13) describe the facilities to be used;		(13) [~~(14)~~] describe the geographical area served by the program;		
(14) describe the geographical area served by the program; and		(14) [~~and~~		
(15) specify any type of enrollment criteria to be used.		[~~(15)~~] specify any type of enrollment criteria to be used;		
		(15) provide information, as determined by the commissioner, relating to any management company that will provide management services to a school operating under the charter; and		
(b) A charter holder of an open-enrollment charter school shall consider including in the school's charter a requirement that the school develop and administer personal graduation plans under Section 28.0212.				

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Provision does not exist		(16) specify that the governing body of an open-enrollment charter school accepts and may not delegate ultimate responsibility for the school, including the school's academic performance and financial and operational viability, and is responsible for overseeing any management company providing management services for the school and for holding the management company accountable for the school's performance.	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 1335, Sec. 2, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 1504, Sec. 11, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1212, Sec. 4, eff. June 20, 2003.			
Amended by:			
Acts 2005, 79th Leg., Ch. 1032, Sec. 1, eff. September 1, 2005.			
Sec. 12.112. FORM		**Section 12.112, Education Code**	
A charter for an open-enrollment charter school shall be in the form of a written contract signed by the chair of the State Board of Education and the chief operating officer of the school.		A charter for an open-enrollment charter school shall be in the form of a written contract signed by the commissioner [~~chair of the State Board of Education~~] and the chief operating officer of the school.	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.			
Sec. 12.113. CHARTER GRANTED		**Subsection (a), Section 12.113**	
(a) Each charter the State Board of Education grants for an open-enrollment charter school must:		(a) Each charter the commissioner [~~State Board of Education~~] grants for an open-enrollment charter school must:	
(1) satisfy this subchapter; and			
(2) include the information that is required under Section 12.111 consistent with the information provided in the application and any modification the board requires.		(2) include the information that is required under Section 12.111 consistent with the information provided in the application and any modification the commissioner [~~board~~] requires.	
(b) The grant of a charter under this subchapter does not create an entitlement to a renewal of a charter on the same terms as it was originally issued.		Repealed	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 1504, Sec. 11, eff. Sept. 1, 2001.			
Sec. 12.114. REVISION		**Section 12.114, Education Code, is amended by adding Subsection (c)**	
(a) A revision of a charter of an open-enrollment charter school may be made only with the approval of the commissioner.			
(b) Not more than once each year, an open-enrollment charter school may request approval to revise the maximum student enrollment described by the school's charter.			
Provision does not exist		(c) Not later than the 60th day after the date that a charter holder submits to the commissioner a completed request for approval for an expansion amendment, as defined by commissioner rule, including a new school amendment, the commissioner shall provide to the charter holder written notice of approval or disapproval of the amendment.	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 1504, Sec. 12, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1048, Sec. 2, eff. June 20, 2003.			
Provision does not exist		**Sec. 12.1141. RENEWAL OF CHARTER; DENIAL OF RENEWAL; EXPIRATION**	
Provision does not exist		(a) The commissioner shall develop and by rule adopt a procedure for renewal, denial of renewal, or expiration of a charter for an open-enrollment charter school at the end of the term of the charter. The procedure must include consideration of the performance under Chapter 39 of the charter holder and each campus operating under the charter and must include three distinct processes, which must be expedited renewal, discretionary consideration of renewal or denial of renewal, and expiration. To renew a charter at the end of the term, the charter holder must submit a petition for renewal to the commissioner in the time and manner established by commissioner rule.	

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Provision does not exist		(b) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for expedited renewal of the charter, the charter automatically renews unless, not later than the 30th day after the date the charter holder submits the petition, the commissioner provides written notice to the charter holder that expedited renewal of the charter is denied. The commissioner may not deny expedited renewal of a charter if:		
Provision does not exist		(1) the charter holder has been assigned the highest or second highest performance rating under Subchapter C, Chapter 39, for the three preceding school years;		
Provision does not exist		(2) the charter holder has been assigned a financial performance accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better for the three preceding school years; and		
Provision does not exist		(3) no campus operating under the charter has been assigned the lowest performance rating under Subchapter C, Chapter 39, for the three preceding school years or such a campus has been closed.		
Provision does not exist		(c) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for renewal of the charter and the charter does not meet the criteria for expedited renewal under Subsection (b) or for expiration under Subsection (d), the commissioner shall use the discretionary consideration process. The commissioner's decision under the discretionary consideration process must take into consideration the results of annual evaluations under the performance frameworks established under Section 12.1181. The renewal of the charter of an open-enrollment charter school that is registered under the agency's alternative education accountability procedures for evaluation under Chapter 39 shall be considered under the discretionary consideration process regardless of the performance ratings under Subchapter C, Chapter 39, of the open-enrollment charter school or of any campus operating under the charter, except that if the charter holder has been assigned a ferage, beginning with the top percentile rank, until the applicants qualified under Subsection (a) have been offered admission in the number estimated in good faith by the university as sufficient to fill 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students, except that the university must offer admission to all applicants with the same percentile rank. After the applicants qualified for automatic admission under Subsection (a) have been offered admission under this subsection in the number estimated in good faith as sufficient to fill 75 percent of the designated enrollment capacity described by this subsection, the university shall consider any remaining applicants qualified for automatic admission under Subsection (a) in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.803. Other than the PSAT or the ACT-Plan, may retake that test or other assessment instrument for purposes of thi		
Provision does not exist		(1) that serves students in grades 9 through 12 and has an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission; and		
Provision does not exist		(2) that meets the eligibility requirements for and is registered under alternative education accountability procedures adopted by the commissioner.		
Provision does not exist		(d) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for renewal of the charter, the commissioner may not renew the charter and shall allow the charter to expire if:		
Provision does not exist		(1) the charter holder has been assigned the lowest performance rating under Subchapter C, Chapter 39, for any three of the five preceding school years;		
Provision does not exist		(2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance that is lower than satisfactory for any three of the five preceding school years;		

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Provision does not exist		(3) the charter holder has been assigned any combination of the ratings described by Subdivision (1) or (2) for any three of the five preceding school years; or	
Provision does not exist		(4) any campus operating under the charter has been assigned the lowest performance rating under Subchapter C, Chapter 39, for the three preceding school years and such a campus has not been closed.	
Provision does not exist		(e) Notwithstanding any other law, a determination by the commissioner under Subsection (d) is final and may not be appealed.	
Provision does not exist		(f) Not later than the 90th day after the date on which a charter holder submits a petition for renewal of a charter for an open-enrollment charter school at the end of the term of the charter, the commissioner shall provide written notice to the charter holder, in accordance with commissioner rule, of the basis on which the charter qualified for expedited renewal, discretionary consideration, or expiration, and of the commissioner's decision regarding whether to renew the charter, deny renewal of the charter, or allow the charter to expire.	
Provision does not exist		(g) Except as provided by Subsection (e), a decision by the commissioner to deny renewal of a charter for an open-enrollment charter school is subject to review by the State Office of Administrative Hearings. Notwithstanding Chapter 2001, Government Code:	
Provision does not exist		(1) the administrative law judge shall uphold a decision by the commissioner to deny renewal of a charter for an open-enrollment charter school unless the judge finds the decision is arbitrary and capricious or clearly erroneous; and	
Provision does not exist		(2) a decision of the administrative law judge under this subsection is final and may not be appealed.	
Provision does not exist		(h) If a charter holder submits a petition for renewal of a charter for an open-enrollment charter school, notwithstanding the expiration date of the charter, the charter term is extended until the commissioner has provided notice to the charter holder of the renewal, denial of renewal, or expiration of the charter.	
Provision does not exist		(i) The term of a charter renewed under this section is 10 years for each renewal.	
Provision does not exist		(j) The commissioner shall adopt rules to modify criteria for renewal, denial of renewal, or expiration of a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories or in the financial accountability system under Chapter 39.	
Provision does not exist		(k) For purposes of determination of renewal under Subsection (b)(1) or (3) or (d)(1) or (4), performance during the 2011-2012 school year may not be considered. For purposes of determination of renewal under Subsection (b)(1) or (3) or (d)(1) or (4), the initial three school years for which performance ratings under Subchapter C, Chapter 39, shall be considered are the 2009-2010, 2010-2011, and 2012-2013 school years. For purposes of determination of renewal under Subsection (b)(2) or (d)(2), the earliest school year for which financial accountability performance ratings under Subchapter D, Chapter 39, may be considered is the 2010-2011 school year. This subsection expires September 1, 2016.	
Sec. 12.115. BASIS FOR MODIFICATION, PLACEMENT ON PROBATION, REVOCATION, OR DENIAL OF RENEWAL		**Sec. 12.115. BASIS FOR CHARTER [~~MODIFICATION, PLACEMENT ON PROBATION,~~] REVOCATION[~~,~~] OR MODIFICATION OF GOVERNANCE [~~DENIAL OF RENEWAL~~]**	
a) The commissioner may modify, place on probation, revoke, or deny renewal of the charter of an open-enrollment charter school if the commissioner determines that the charter holder:		(a) Except as provided by Subsection (c), the [~~The~~] commissioner shall [~~may modify, place on probation,~~] revoke[~~, or deny renewal of~~] the charter of an open-enrollment charter school or reconstitute the governing body of the charter holder if the commissioner determines that the charter holder:	
(1) committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter;			
(2) failed to satisfy generally accepted accounting standards of fiscal management;			
(3) failed to protect the health, safety, or welfare of the students enrolled at the school; or		(3) failed to protect the health, safety, or welfare of the students enrolled at the school; [~~or~~]	
(4) failed to comply with this subchapter or another applicable law or rule.		(4) failed to comply with this subchapter or another applicable law or rule;	

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Provision does not exist		(5) failed to satisfy the performance framework standards adopted under Section 12.1181; or		
Provision does not exist		(6) is imminently insolvent as determined by the commissioner in accordance with commissioner rule.		
(b) The action the commissioner takes under Subsection (a) shall be based on the best interest of the school's students, the severity of the violation, and any previous violation the school has committed.		(b) The action the commissioner takes under Subsection (a) shall be based on the best interest of the open-enrollment charter school's students, the severity of the violation, [~~and~~] any previous violation the school has committed, and the accreditation status of the school.		
Provision does not exist		(c) The commissioner shall revoke the charter of an open-enrollment charter school if:		
Provision does not exist		(1) the charter holder has been assigned an unacceptable performance rating under Subchapter C, Chapter 39, for the three preceding school years;		
Provision does not exist		(2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance lower than satisfactory for the three preceding school years; or		
Provision does not exist		(3) the charter holder has been assigned any combination of the ratings described by Subdivision (1) or (2) for the three preceding school years.		
Provision does not exist		(c-1) For purposes of revocation under Subsection (c)(1), performance during the 2011-2012 school year may not be considered. For purposes of revocation under Subsection (c)(1), the initial three school years for which performance ratings under Subchapter C, Chapter 39, shall be considered are the 2009-2010, 2010-2011, and 2012-2013 school years. For purposes of revocation under Subsection (c)(2), the initial three school years for which financial accountability performance ratings under Subchapter D, Chapter 39, shall be considered are the 2010-2011, 2011-2012, and 2012-2013 school years. This subsection expires September 1, 2016.		
Provision does not exist		(d) In reconstituting the governing body of a charter holder under this section, the commissioner shall appoint members to the governing body. In appointing members under this subsection, the commissioner:		
Provision does not exist		(1) shall consider:		
Provision does not exist		(A) local input from community members and parents; and		
Provision does not exist		(B) appropriate credentials and expertise for membership, including financial expertise, whether the person lives in the geographic area the charter holder serves, and whether the person is an educator; and		
Provision does not exist		(2) may reappoint current members of the governing body.		
Provision does not exist		(e) If a governing body of a charter holder subject to reconstitution under this section governs enterprises other than the open-enrollment charter school, the commissioner may require the charter holder to create a new, single-purpose organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, to govern the open-enrollment charter school and may require the charter holder to surrender the charter to the commissioner for transfer to the organization created under this subsection. The commissioner shall appoint the members of the governing body of an organization created under this subsection.		
Provision does not exist		(f) This section does not limit the authority of the attorney general to take any action authorized by law.		
Provision does not exist		(g) The commissioner shall adopt rules necessary to administer this section.		
Provision does not exist		(h) The commissioner shall adopt initial rules under Subsection (g) not later than September 1, 2014. This subsection expires October 1, 2014.		
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 1504, Sec. 12, eff. Sept. 1, 2001.				
Sec. 12.116. PROCEDURE FOR MODIFICATION, PLACEMENT ON PROBATION, REVOCATION, OR DENIAL OF RENEWAL		**Sec. 12.116. PROCEDURE FOR [~~MODIFICATION, PLACEMENT ON PROBATION,~~] REVOCATION[~~,~~] OR MODIFICATION OF GOVERNANCE [~~DENIAL OF RENEWAL~~]**		

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(a) The commissioner shall adopt a procedure to be used for modifying, placing on probation, revoking, or denying renewal of the charter of an open-enrollment charter school.		(a) The commissioner shall adopt an informal [a] procedure to be used for [~~modifying, placing on probation,~~] revoking[, ~~or denying renewal of~~] the charter of an open-enrollment charter school or for reconstituting the governing body of the charter holder as authorized by Section 12.115.	
(b) The procedure adopted under Subsection (a) must provide an opportunity for a hearing to the charter holder and to parents and guardians of students in the school. A hearing under this subsection must be held at the facility at which the program is operated.		(b) [~~The procedure adopted under Subsection (a) must provide an opportunity for a hearing to the charter holder and to parents and guardians of students in the school. A hearing under this subsection must be held at the facility at which the program is operated.~~	
(c) Chapter 2001, Government Code, does not apply to a hearing that is related to a modification, placement on probation, revocation, or denial of renewal under this subchapter.		[~~(c)~~] Chapter 2001, Government Code, does not apply to a procedure [~~hearing~~] that is related to a [~~modification, placement on probation,~~] revocation[,] or modification of governance [~~denial of renewal~~] under this subchapter.	
Provision does not exist		(c) A decision by the commissioner to revoke a charter is subject to review by the State Office of Administrative Hearings. Notwithstanding Chapter 2001, Government Code:	
Provision does not exist		(1) the administrative law judge shall uphold a decision by the commissioner to revoke a charter unless the judge finds the decision is arbitrary and capricious or clearly erroneous; and	
Provision does not exist		(2) a decision of the administrative law judge under this subsection is final and may not be appealed.	
Provision does not exist		(d) If the commissioner revokes the charter of an open-enrollment charter school, the commissioner may:	
Provision does not exist		(1) manage the school until alternative arrangements are made for the school's students; and	
Provision does not exist		(2) assign operation of one or more campuses formerly operated by the charter holder who held the revoked charter to a different charter holder who consents to the assignment.	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 1504, Sec. 12, eff. Sept. 1, 2001.			
Sec. 12.1161. EFFECT OF REVOCATION, DENIAL OF RENEWAL, OR SURRENDER OF CHARTER		**Subsection (a), Section 12.1161**	
(a) Except as provided by Subsection (b), if the commissioner revokes or denies the renewal of a charter of an open-enrollment charter school, or if an open-enrollment charter school surrenders its charter, the school may not:		(a) If [~~Except as provided by Subsection (b), if~~] the commissioner revokes or denies the renewal of a charter of an open-enrollment charter school[,] or [~~if~~] an open-enrollment charter school surrenders its charter, the school may not:	
(1) continue to operate under this subchapter; or			
(2) receive state funds under this subchapter.			
(b) An open-enrollment charter school may continue to operate and receive state funds under this subchapter for the remainder of a school year if the commissioner denies renewal of the school's charter before the completion of that school year.		Repealed	
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 13, eff. Sept. 1, 2001.			
Sec. 12.1163. AUDIT BY COMMISSIONER		**Subsection (c), Section 12.1163**	
(a) To the extent consistent with this section, the commissioner may audit the records of:			
(1) an open-enrollment charter school;			
(2) a charter holder; and			
(3) a management company.			
(b) An audit under Subsection (a) must be limited to matters directly related to the management or operation of an open-enrollment charter school, including any financial and administrative records.			
(c) Unless the commissioner has specific cause to conduct an additional audit, the commissioner may not conduct more than one on-site audit under Section 12.1163 during any fiscal year, including any financial and administrative records. For purposes of this subsection, an audit of a charter holder or management company associated with an open-enrollment charter school is not considered an audit of the school.		(c) Unless the commissioner has specific cause to conduct an additional audit, the commissioner may not conduct more than one on-site audit [~~under Section 12.1163~~] during any fiscal year, including any financial and administrative records. For purposes of this subsection, an audit of a charter holder or management company associated with an open-enrollment charter school is not considered an audit of the school.	
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 13, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 511, Sec. 1, eff. Sept. 1, 2003.			
Sec. 12.1164. NOTICE TO TEACHER RETIREMENT SYSTEM OF TEXAS		**Subsection (a), Section 12.1164**	

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(a) The commissioner must notify the Teacher Retirement System of Texas in writing of the revocation, denial of renewal, or surrender of a charter under this subchapter not later than the 10th business day after the date of the event.		(a) The commissioner must notify the Teacher Retirement System of Texas in writing of the revocation, denial of renewal, expiration, or surrender of a charter under this subchapter not later than the 10th business day after the date of the event.	
(b) The commissioner must notify the Teacher Retirement System of Texas in writing that an open-enrollment charter school is no longer receiving state funding not later than the 10th business day after the date on which the funding ceases.			
(c) The commissioner must notify the Teacher Retirement System of Texas in writing that an open-enrollment charter school has resumed receiving state funds not later than the 10th business day after the date on which funding resumes.			
Added by Acts 2005, 79th Leg., Ch. 1359, Sec. 5, eff. September 1, 2005.			
Provision does not exist		**Sec. 12.1181. PERFORMANCE FRAMEWORKS; ANNUAL EVALUATIONS**	
Provision does not exist		(a) The commissioner shall develop and by rule adopt performance frameworks that establish standards by which to measure the performance of an open-enrollment charter school. The commissioner shall develop and by rule adopt separate, specific performance frameworks by which to measure the performance of an open-enrollment charter school that is registered under the agency's alternative education accountability procedures for evaluation under Chapter 39. The performance frameworks shall be based on national best practices that charter school authorizers use in developing and applying standards for charter school performance. In developing the performance frameworks, the commissioner shall solicit advice from charter holders, the members of the governing bodies of open-enrollment charter schools, and other interested persons.	
Provision does not exist		(b) The performance frameworks may include a variety of standards. In evaluating an open-enrollment charter school, the commissioner shall measure school performance against an established set of quality standards developed and adopted by the commissioner.	
Provision does not exist		(c) Each year, the commissioner shall evaluate the performance of each open-enrollment charter school based on the applicable performance frameworks adopted under Subsection (a). The performance of a school on a performance framework may not be considered for purposes of renewal of a charter under Section 12.1141(d) or revocation of a charter under Section 12.115(c).	
Sec. 12.119. BYLAWS; ANNUAL REPORT		**Section 12.119, Education Code**	
(a) A charter holder shall file with the State Board of Education a copy of its articles of incorporation and bylaws, or comparable documents if the charter holder does not have articles of incorporation or bylaws, within the period and in the manner prescribed by the board.		(a) A charter holder shall file with the commissioner [~~State Board of Education~~] a copy of its articles of incorporation and bylaws, or comparable documents if the charter holder does not have articles of incorporation or bylaws, within the period and in the manner prescribed by the commissioner [~~board~~].	
(b) Each year within the period and in a form prescribed by the State Board of Education, each open-enrollment charter school shall file with the board the following information:		(b) Each year within the period and in a form prescribed by the commissioner [~~State Board of Education~~], each open-enrollment charter school shall file with the commissioner [~~board~~] the following information:	
(1) the name, address, and telephone number of each officer and member of the governing body of the open-enrollment charter school; and			
(2) the amount of annual compensation the open-enrollment charter school pays to each officer and member of the governing body.			
(c) On request, the State Board of Education shall provide the information required by this section and Section 12.111(a)(8) to a member of the public. The board may charge a reasonable fee to cover the board's cost in providing the information.		(c) On request, the commissioner [~~State Board of Education~~] shall provide the information required by this section and Section 12.111(a)(7) [~~12.111(a)(8)~~] to a member of the public. The commissioner [~~board~~] may charge a reasonable fee to cover the commissioner's [~~board's~~] cost in providing the information.	
Added by Acts 1999, 76th Leg., ch. 1335, Sec. 3, eff. June 19, 1999. Amended by Acts 2001, 77th Leg., ch. 1504, Sec. 16, eff. Sept. 1, 2001.			
Amended by:			
Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 7.002, eff. September 1, 2011.			
Sec. 12.120. RESTRICTIONS ON SERVING AS MEMBER OF GOVERNING BODY OF CHARTER HOLDER OR OPEN-ENROLLMENT CHARTER SCHOOL OR AS OFFICER OR EMPLOYEE		**Section 12.120, Education Code, is amended by adding Subsection (a-1)**	

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(a) A person may not serve as a member of the governing body of a charter holder, as a member of the governing body of an open-enrollment charter school, or as an officer or employee of an open-enrollment charter school if the person:				
(1) has been convicted of a felony or a misdemeanor involving moral turpitude;				
(2) has been convicted of an offense listed in Section 37.007(a);				
(3) has been convicted of an offense listed in Article 62.001(5), Code of Criminal Procedure; or				
(4) has a substantial interest in a management company.				
(b) For purposes of Subsection (a)(4), a person has a substantial interest in a management company if the person:				
(1) has a controlling interest in the company;				
(2) owns more than 10 percent of the voting interest in the company;				
(3) owns more than $25,000 of the fair market value of the company;				
(4) has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains of the company;				
(5) is a member of the board of directors or other governing body of the company;				
(6) serves as an elected officer of the company; or				
(7) is an employee of the company.				
Provision does not exist		(a-1) Notwithstanding Subsection (a), subject to Section 12.1059, an open-enrollment charter school may employ a person:		
Provision does not exist		(1) as a teacher or educational aide if:		
Provision does not exist		(A) a school district could employ the person as a teacher or educational aide; or		
Provision does not exist		(B) a school district could employ the person as a teacher or educational aide if the person held the appropriate certificate issued under Subchapter B, Chapter 21, and the person has never held a certificate issued under Subchapter B, Chapter 21; or		
Provision does not exist		(2) in a position other than a position described by Subdivision (1) if a school district could employ the person in that position.		
Added by Acts 1999, 76th Leg., ch. 1335, Sec. 3, eff. June 19, 1999. Amended by Acts 2001, 77th Leg., ch. 1504, Sec. 17, eff. Sept. 1, 2001.				
Amended by:				
Acts 2005, 79th Leg., Ch. 1008, Sec. 2.04, eff. September 1, 2005.				
Provision does not exist		**Sec. 12.1202. REQUIREMENT FOR MAJORITY OF MEMBERS OF GOVERNING BODY**		
Provision does not exist		A majority of the members of the governing body of an open-enrollment charter school or the governing body of a charter holder must be qualified voters.		
Provision does not exist		**Sec. 12.1211. NAMES OF MEMBERS OF GOVERNING BODY LISTED ON WEBSITE**		
Provision does not exist		An open-enrollment charter school shall list the names of the members of the governing body on the home page of the school's Internet website.		
Sec. 12.122. LIABILITY OF MEMBERS OF GOVERNING BODY OF OPEN-ENROLLMENT CHARTER SCHOOL		**Subsection (a), Section 12.122**		
(a) Notwithstanding the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) or other law, on request of the commissioner, the attorney general may bring suit against a member of the governing body of an open-enrollment charter school for breach of a fiduciary duty by the member, including misapplication of public funds.		(a) Notwithstanding the applicable provisions of the Business Organizations Code [~~Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes)~~] or other law, on request of the commissioner, the attorney general may bring suit against a member of the governing body of an open-enrollment charter school for breach of a fiduciary duty by the member, including misapplication of public funds.		
(b) The attorney general may bring suit under Subsection (a) for:				
(1) damages;				
(2) injunctive relief; or				
(3) any other equitable remedy determined to be appropriate by the court.				
(c) This section is cumulative of all other remedies.				
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 18, eff. Sept. 1, 2001.				
Provision does not exist		**Sec. 12.1231. TRAINING FOR AGENCY EMPLOYEES**		

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Provision does not exist		Not later than October 1, 2013, each agency employee assigned responsibility related to granting charters for open-enrollment charter schools or providing oversight or monitoring of charter holders or open-enrollment charter schools must participate in training on charter school authorization, oversight, and monitoring provided by a nationally recognized organization of charter school authorizers identified by the commissioner. This section expires January 1, 2014.	
Sec. 12.128. PROPERTY PURCHASED OR LEASED WITH STATE FUNDS		**Subsection (a), Section 12.128**	
(a) Property purchased or leased with funds received by a charter holder under Section 12.106 after September 1, 2001:			
(1) is considered to be public property for all purposes under state law;			
(2) is held in trust by the charter holder for the benefit of the students of the open-enrollment charter school; and		(2) is property of this state held in trust by the charter holder for the benefit of the students of the open-enrollment charter school; and	
(3) may be used only for a purpose for which a school district may use school district property.			
(b) If at least 50 percent of the funds used by a charter holder to purchase real property are funds received under Section 12.106 before September 1, 2001, the property is considered to be public property to the extent it was purchased with those funds.			
(c) The commissioner shall:			
(1) take possession and assume control of the property described by Subsection (a) of an open-enrollment charter school that ceases to operate; and			
(2) supervise the disposition of the property in accordance with law.			
(d) The commissioner may adopt rules necessary to administer this section.			
(e) This section does not affect a security interest in or lien on property established by a creditor in compliance with law if the security interest or lien arose in connection with the sale or lease of the property to the charter holder.			
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 18, eff. Sept. 1, 2001.			
Sec. 12.129. MINIMUM TEACHER QUALIFICATIONS		**Sec. 12.129. MINIMUM [~~TEACHER~~] QUALIFICATIONS FOR PRINCIPALS AND TEACHERS**	
A person employed as a teacher by an open-enrollment charter school must hold a high school diploma.		A person employed as a principal or a teacher by an open-enrollment charter school must hold a baccalaureate degree [~~high school diploma~~].	
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 18, eff. Sept. 1, 2001.			
Provision does not exist		**Sec. 12.136. POSTING OF CHIEF EXECUTIVE OFFICER SALARY**	
Provision does not exist		An open-enrollment charter school shall post on the school's Internet website the salary of the school's superintendent or, as applicable, of the administrator serving as educational leader and chief executive officer.	
Sec. 12.152. AUTHORIZATION		**Sec. 12.152. AUTHORIZATION**	
(a) In accordance with this subchapter and Subchapter D, the State Board of Education may grant a charter on the application of:		[~~(a)~~] In accordance with this subchapter and Subchapter D, the commissioner [~~State Board of Education~~] may grant a charter on the application of:	
(1) a public senior college or university for an open-enrollment charter school to operate on the campus of the public senior college or university or in the same county in which the campus of the public senior college or university is located; or			
(2) a public junior college for an open-enrollment charter school to operate on the campus of the public junior college or in the same county in which the campus of the public junior college is located.			
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 19, eff. Sept. 1, 2001.			
Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 631, Sec. 2, eff. June 19, 2009.			
Sec. 12.153. RULES. The commissioner may adopt rules to implement this subchapter.			
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 19, eff. Sept. 1, 2001.			
Sec. 12.154. CONTENT		**Sec. 12.154. CONTENT**	

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(a) Notwithstanding Section 12.110(d), the State Board of Education may grant a charter under this subchapter to a public senior college or university only if the following criteria are satisfied in the public senior college's or university's application, as determined by the State Board of Education:		(a) Notwithstanding Section 12.110(d), the commissioner [~~State Board of Education~~] may grant a charter under this subchapter to a public senior college or university only if the following criteria are satisfied in the public senior college's or university's application, as determined by the commissioner [~~State Board of Education~~]:		
(1) the college or university charter school's educational program must include innovative teaching methods;				
(2) the college or university charter school's educational program must be implemented under the direct supervision of a member of the teaching or research faculty of the public senior college or university;				
(3) the faculty member supervising the college or university charter school's educational program must have substantial experience and expertise in education research, teacher education, classroom instruction, or educational administration;				
(4) the college or university charter school's educational program must be designed to meet specific goals described in the charter, including improving student performance, and each aspect of the program must be directed toward the attainment of the goals;				
(5) the attainment of the college or university charter school's educational program goals must be measured using specific, objective standards set forth in the charter, including assessment methods and a time frame; and				
(6) the financial operations of the college or university charter school must be supervised by the business office of the public senior college or university.				
(b) Notwithstanding Section 12.110(d), the State Board of Education may grant a charter under this subchapter to a public junior college only if the following criteria are satisfied in the public junior college's application, as determined by the State Board of Education:		(b) Notwithstanding Section 12.110(d), the commissioner [~~State Board of Education~~] may grant a charter under this subchapter to a public junior college only if the following criteria are satisfied in the public junior college's application, as determined by the commissioner [~~State Board of Education~~]:		
(1) the junior college charter school's educational program must be implemented under the direct supervision of a member of the faculty of the public junior college;				
(2) the faculty member supervising the junior college charter school's educational program must have substantial experience and expertise in teacher education, classroom instruction, or educational administration;				
(3) the junior college charter school's educational program must be designed to meet specific goals described in the charter, such as dropout recovery, and each aspect of the program must be directed toward the attainment of the goals;				
(4) the attainment of the junior college charter school's educational program goals must be measured using specific, objective standards set forth in the charter, including assessment methods and a time frame; and				
(5) the financial operations of the junior college charter school must be supervised by the business office of the junior college.				
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 19, eff. Sept. 1, 2001.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 631, Sec. 2, eff. June 19, 2009.				
Sec. 12.156. APPLICABILITY OF CERTAIN PROVISIONS		**Subsection (b), Section 12.156**		
(a) Except as otherwise provided by this subchapter, Subchapter D applies to a college or university charter school or junior college charter school as though the college or university charter school or junior college charter school, as applicable, were granted a charter under that subchapter.				
(b) A charter granted under this subchapter is not considered for purposes of the limit on the number of open-enrollment charter schools imposed by Section 12.101(b).		(b) A charter granted under this subchapter is not considered for purposes of the limit on the number of open-enrollment charter schools imposed by Section 12.101 [~~12.101(b)~~].		
Added by Acts 2001, 77th Leg., ch. 1504, Sec. 19, eff. Sept. 1, 2001.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 631, Sec. 3, eff. June 19, 2009.				
Sec. 25.082. SCHOOL DAY; PLEDGES OF ALLEGIANCE; MINUTE OF SILENCE		**Subsections (b), (c), and (d), Section 25.082**		
(a) A school day shall be at least seven hours each day, including intermissions and recesses.				

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(b) The board of trustees of each school district shall require students, once during each school day at each school in the district, to recite:		(b) The board of trustees of each school district and the governing board of each open-enrollment charter school shall require students, once during each school day at each campus [~~school in the district~~], to recite:	
(1) the pledge of allegiance to the United States flag in accordance with 4 U.S.C. Section 4, and its subsequent amendments; and		(1) the pledge of allegiance to the United States flag in accordance with 4 U.S.C. Section 4[~~, and its subsequent amendments~~]; and	
(2) the pledge of allegiance to the state flag in accordance with Subchapter C, Chapter 3100, Government Code.			
(c) On written request from a student's parent or guardian, a school district shall excuse the student from reciting a pledge of allegiance under Subsection (b).		(c) On written request from a student's parent or guardian, a school district or open-enrollment charter school shall excuse the student from reciting a pledge of allegiance under Subsection (b).	
(d) The board of trustees of each school district shall provide for the observance of one minute of silence at each school in the district following the recitation of the pledges of allegiance to the United States and Texas flags under Subsection (b). During the one-minute period, each student may, as the student chooses, reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of students during that period shall ensure that each of those students remains silent and does not act in a manner that is likely to interfere with or distract another student.		(d) The board of trustees of each school district and the governing board of each open-enrollment charter school shall provide for the observance of one minute of silence at each campus [~~school in the district~~] following the recitation of the pledges of allegiance to the United States and Texas flags under Subsection (b). During the one-minute period, each student may, as the student chooses, reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of students during that period shall ensure that each of those students remains silent and does not act in a manner that is likely to interfere with or distract another student.	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 126, Sec. 1, 2, eff. Sept. 1, 2003.			
Sec. 39.152. REVIEW BY STATE OFFICE OF ADMINISTRATIVE HEARINGS: SANCTIONS		**Section 39.152, Education Code**	
(a) A school district or open-enrollment charter school that intends to challenge a decision by the commissioner under this chapter to close the district or a district campus or the charter school or to pursue alternative management of a district campus or the charter school must appeal the decision under the procedures provided for a contested case under Chapter 2001, Government Code.		(a) A school district or open-enrollment charter school that intends to challenge a decision by the commissioner under this chapter to close the district or a district campus or the charter school or to pursue alternative management of a district campus or the charter school must appeal the decision under this section [~~the procedures provided for a contested case under Chapter 2001, Government Code~~].	
(b) A challenge to a decision under this section is under the substantial evidence rule as provided by Subchapter G, Chapter 2001, Government Code.		(b) A challenge to a decision under this section is under the substantial evidence rule as provided by Subchapter G, Chapter 2001, Government Code. The commissioner shall adopt procedural rules for a challenge under this section.	
(c) Notwithstanding other law:			
(1) the State Office of Administrative Hearings shall provide an expedited review of a challenge under this section;		(1) the State Office of Administrative Hearings shall conduct [~~provide~~] an expedited review of a challenge under this section;	
(2) the administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed; and		(2) the administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed; [~~and~~]	
(3) the decision of the administrative law judge is final and may not be appealed.		(3) the decision of the administrative law judge is final and may not be appealed; and	
Provision does not exist		(4) the decision of the administrative law judge may set an effective date for an action under this section.	
Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.			
Sec. 221.0071. CHARTER SCHOOL		**Subsection (a), Section 221.0071, Human Resources Code**	
(a) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education may grant a charter on the application of a detention, correctional, or residential facility established only for juvenile offenders under Section 51.12, 51.125, or 51.126, Family Code.		(a) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the commissioner of education [~~State Board of Education~~] may grant a charter on the application of a detention, correctional, or residential facility established only for juvenile offenders under Section 51.12, 51.125, or 51.126, Family Code.	
(b) If a local detention, correctional, or residential facility described by Subsection (a) applies for a charter, the facility must provide all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.			

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Redesignated and amended from Human Resources Code, Subchapter C, Chapter 141 by Acts 2011, 82nd Leg., R.S., Ch. 85, Sec. 1.004, eff. September 1, 2011.			
Sec. 221.056. RESIDENTIAL TREATMENT FACILITY	**Subsection (d), Section 221.056, Human Resources Code**		
(a) The department may contract with a local mental health and mental retardation authority for the establishment of a residential treatment facility for juveniles with mental illness or emotional injury who, as a condition of juvenile probation, are ordered by a court to reside at the facility and receive education services at the facility. The department may work in cooperation with the local mental health and mental retardation authority to provide mental health residential treatment services for juveniles residing at a facility established under this section.			
(b) A residential treatment facility established under this section must provide juveniles receiving treatment at the facility:			
(1) a short-term program of mental health stabilization that does not exceed 150 days in duration; and			
(2) all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.			
(c) If a residential treatment facility established under this section is unable to provide adequate and sufficient educational opportunities and services to juveniles residing at the facility, the facility may not continue to operate beyond the end of the school year in which the opportunities or services provided by the facility are determined to be inadequate or insufficient.			
(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education shall grant a charter on the application of a residential treatment facility established under this section for a school chartered for the purposes of this section.	(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the commissioner of education [~~State Board of Education~~] shall grant a charter on the application of a residential treatment facility established under this section for a school chartered for the purposes of this section.		
Redesignated and amended from Human Resources Code, Subchapter C, Chapter 141 by Acts 2011, 82nd Leg., R.S., Ch. 85, Sec. 1.004, eff. September 1, 2011.			
Sec. 140.006. PUBLICATION OF ANNUAL FINANCIAL STATEMENT BY SCHOOL, ROAD, OR OTHER DISTRICT	**Subsection (c), Section 140.006, Local Government Code**		
(a) Except as provided by Subsections (c) and (e), the presiding officer of a governing body shall submit a financial statement prepared under Section 140.005 to a newspaper in each county in which the district or any part of the district is located.			
(b) If a district is located in more than one county, the financial statement may be published in a newspaper that has general circulation in the district. If a newspaper is not published in the county, the financial statement may be published in a newspaper in an adjoining county.			
(c) The presiding officer of a school district shall submit a financial statement prepared under Section 140.005 to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the school district, the financial statement shall be published in the manner provided by Subsections (a) and (b). The financial statement of an open-enrollment charter school shall be made available in the manner provided by Chapter 552, Government Code.	(c) The presiding officer of a school district shall submit a financial statement prepared under Section 140.005 to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the school district, the financial statement shall be published in the manner provided by Subsections (a) and (b). The governing body of an open-enrollment charter school shall take action to ensure that the school's financial statement is [~~of an open-enrollment charter school shall be~~] made available in the manner provided by Chapter 552, Government Code, and is posted continuously on the school's Internet website.		
(d) A statement shall be published not later than two months after the date the fiscal year ends, except that a school district's statement shall be published not later than the 150th day after the date the fiscal year ends and in accordance with the accounting method required by the Texas Education Agency.			

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(e) This section does not apply to an entity created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.				
Added by Acts 1993, 73rd Leg., ch. 268, Sec. 37, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1070, Sec. 50, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1504, Sec. 35, eff. Sept. 1, 2001.				
Amended by:				
Acts 2007, 80th Leg., R.S., Ch. 41, Sec. 1, eff. May 8, 2007.				
Provision does not exist		**Implementations**		
Provision does not exist		. The State Board of Education is required to implement Section 12.1014, Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the board may, but it is not required to, implement that section using other appropriations available for that purpose.		
Provision does not exist		**Effective Date**		
Provision does not exist		This Act takes effect September 1, 2013.		

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SB 758
Passed by the 83rd Legislature

Old Law	New Law	Nature of the Change
Sec. 42.259. FOUNDATION SCHOOL FUND TRANSFERS	**Section 42.259, Education Code, is amended by amending Subsections (c), (d), and (f) and adding Subsections (c-1) and (d-1)**	
(a) In this section:		
(1) "Category 1 school district" means a school district having a wealth per student of less than one-half of the statewide average wealth per student.		
(2) "Category 2 school district" means a school district having a wealth per student of at least one-half of the statewide average wealth per student but not more than the statewide average wealth per student.		
(3) "Category 3 school district" means a school district having a wealth per student of more than the statewide average wealth per student.		
(4) "Wealth per student" means the taxable property values reported by the comptroller to the commissioner under Section 42.252 divided by the number of students in average daily attendance.		
(b) Payments from the foundation school fund to each category 1 school district shall be made as follows:		
(1) 15 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of September of a fiscal year;		
(2) 80 percent of the yearly entitlement of the district shall be paid in eight equal installments to be made on or before the 25th day of October, November, December, January, March, May, June, and July; and		
(3) five percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of February.		
(c) Payments from the foundation school fund to each category 2 school district shall be made as follows:		
(1) 22 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of September of a fiscal year;		
(2) 18 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of October;		
(3) 9.5 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of November;		
(4) 7.5 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of April;		
(5) five percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of May;		
(6) 10 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of June;		
(7) 13 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of July; and		
(8) 15 percent of the yearly entitlement of the district shall be paid in an installment to be made after the 5th day of September and not later than the 10th day of September of the calendar year following the calendar year of the payment made under Subdivision (1).	(8) 15 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of August [~~after the 5th day of September and not later than the 10th day of September of the calendar year following the calendar year of the payment made under Subdivision (1)~~].	
Provision did not exist	(c-1) Notwithstanding Subsection (c)(8), for the state fiscal year ending August 31, 2013, the installment described by that subdivision shall be paid on or before the 30th day of August, 2013. This subsection expires August 31, 2013.	
(d) Payments from the foundation school fund to each category 3 school district shall be made as follows:		
(1) 45 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of September of a fiscal year;		
(2) 35 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of October; and		
(3) 20 percent of the yearly entitlement of the district shall be paid in an installment to be made after the 5th day of September and not later than the 10th day of September of the calendar year following the calendar year of the payment made under Subdivision (1).	(3) 20 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of August [~~after the 5th day of September and not later than the 10th day of September of the calendar year following the calendar year of the payment made under Subdivision (1)~~].	
Provision did not exist	(d-1) Notwithstanding Subsection (d)(3), for the state fiscal year ending August 31, 2013, the installment described by that subdivision shall be paid on or before the 30th day of August, 2013. This subsection expires August 31, 2013.	

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(e) The amount of any installment required by this section may be modified to provide a school district with the proper amount to which the district may be entitled by law and to correct errors in the allocation or distribution of funds. If an installment under this section is required to be equal to other installments, the amount of other installments may be adjusted to provide for that equality. A payment under this section is not invalid because it is not equal to other installments.				
(f) Except as provided by Subsection (c)(8) or (d)(3), any previously unpaid additional funds from prior fiscal years owed to a district shall be paid to the district together with the September payment of the current fiscal year entitlement.		(f) Previously [~~Except as provided by Subsection (c)(8) or (d)(3), any previously~~] unpaid additional funds from prior fiscal years owed to a district shall be paid to the district together with the September payment of the current fiscal year entitlement.		
(g) The commissioner shall make all annual Foundation School Program payments under this section for purposes described by Sections 45.252(a)(1) and (2) before the deadline established under Section 45.263(b) for payment of debt service on bonds. Notwithstanding any other provision of this section, the commissioner may make Foundation School Program payments under this section after the deadline established under Section 45.263(b) only if the commissioner has not received notice under Section 45.258 concerning a district's failure or inability to pay matured principal or interest on bonds.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1995, 74th Leg., ch. 426, Sec. 31, eff. June 9, 1995; Acts 1997, 75th Leg., ch. 165, Sec. 6.03, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 201, Sec. 35, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1310, Sec. 4, eff. June 20, 2003.				
Amended by:				
Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 1.06, eff. August 1, 2009.				
Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 61, eff. September 1, 2009.				
Acts 2011, 82nd Leg., 1st C.S., Ch. 4, Sec. 1.01, eff. September 28, 2011.				
Sec. 466.355. STATE LOTTERY ACCOUNT		**Subsection (c), Section 466.355, Government Code, is amended to read as follows:**		
(a) The state lottery account is a special account in the general revenue fund. The account consists of all revenue received from the sale of tickets, license and application fees under this chapter, and all money credited to the account from any other fund or source under law. Interest earned by the state lottery account shall be deposited in the unobligated portion of the general revenue fund.				
(b) Money in the state lottery account may be used only for the following purposes and shall be distributed as follows:				
(1) the payment of prizes to the holders of winning tickets;				
(2) the payment of costs incurred in the operation and administration of the lottery, including any fees received by a lottery operator, provided that the costs incurred in a fiscal biennium may not exceed an amount equal to 12 percent of the gross revenue accruing from the sale of tickets in that biennium;				
(3) the establishment of a pooled bond fund, lottery prize reserve fund, unclaimed prize fund, and prize payment account; and				
(4) the balance, after creation of a reserve sufficient to pay the amounts needed or estimated to be needed under Subdivisions (1) through (3), to be transferred on or before the 15th day of each month as follows:				
(A) the portion of the balance attributable to the lottery game operated under Section 466.027 to the fund for veterans' assistance established by Section 434.017; and				
(B) the remainder to the foundation school fund.				
(c) Each August the comptroller shall:				
(1) estimate the amount to be transferred to the foundation school fund on or before September 15; and				
(2) notwithstanding Subsection (b)(4), transfer the amount estimated in Subdivision (1) to the foundation school fund before August 25.		(2) notwithstanding Subsection (b)(4), transfer the amount estimated in Subdivision (1) to the foundation school fund before August installment payments are made under Section 42.259, Education Code [~~25~~].		
Added by Acts 1993, 73rd Leg., ch. 107, Sec. 4.03(b), eff. Aug. 30, 1993. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 6.47, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 592, Sec. 3.02, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1178, Sec. 1, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1158, Sec. 29, eff. June 15, 2001.				
Effective Date		**Effective Date**		

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Provision did not exist		The changes made by this Act to Section 42.259, Education Code, apply only to a payment from the foundation school fund that is made on or after the effective date of this Act. A payment to a school district from the foundation school fund that is made before that date is governed by Section 42.259, Education Code, as it existed before amendment by this Act, and the former law is continued in effect for that purpose.		
Provision did not exist		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 on the 91st day after the last day of the legislative session.		

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HB5
Passed by the 83rd Legislature

Old Law	New Law	Nature of the Change
Sec. 1.005. EDUCATION RESEARCH CENTERS; SHARING STUDENT INFORMATION	**Sec. 1.005. EDUCATION RESEARCH CENTERS; SHARING STUDENT INFORMATION**	
(a) In this section:		
(1) "Center" means a center for education research authorized by this section.		
(2) "Coordinating board" means the Texas Higher Education Coordinating Board.		
(b) The commissioner of education and the coordinating board may establish not more than three centers for education research for conducting research described by Subsections (e) and (f).		
(c) A center may be established as part of:		
(1) the Texas Education Agency;		
(2) the coordinating board; or		
(3) a public junior college, public senior college or university, or public state college, as those terms are defined by Section 61.003.		
(d) A center may be operated under a memorandum of understanding between the commissioner of education, the coordinating board, and the governing board of an educational institution described by Subsection (c)(3). The memorandum of understanding must require the commissioner of education, or a person designated by the commissioner, and the coordinating board, or a person designated by the coordinating board, to provide direct, joint supervision of the center under this section.		
(e) A center shall conduct research for the benefit of education in this state, including research relating to the impact of state and federal education programs, the performance of educator preparation programs, public school finance, and the best practices of school districts with regard to classroom instruction, bilingual education programs, special language programs, and business practices.		
(f) The commissioner of education and the coordinating board:		
(1) under the memorandum of understanding described by Subsection (d), may require a center to conduct certain research projects considered of particular importance to the state, as determined by the commissioner and the coordinating board;		
(2) not later than the 45th day before the date a research project required to be conducted under this subsection is scheduled to begin, shall notify the governor, the Legislative Budget Board, and the governing body of the educational institution in which the center is established that the research project is required; and		
(3) shall provide sufficient funds to finance the project.		
(g) In conducting research under this section, a center:		
(1) may use data on student performance, including data that is confidential under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), the center has collected from the Texas Education Agency, the coordinating board, any public or private institution of higher education, and any school district; and		
(2) shall comply with rules adopted by the commissioner of education and the coordinating board to protect the confidentiality of student information, including rules establishing procedures to ensure that confidential student information is not duplicated or removed from a center in an unauthorized manner.		
(h) The commissioner of education and the coordinating board may:		
(1) accept gifts and grants to be used in operating one or more centers; and		
(2) by rule impose reasonable fees, as appropriate, for the use of a center's research, resources, or facilities.		
(i) This section does not authorize the disclosure of student information that may not be disclosed under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).		

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(j) The commissioner of education and the coordinating board shall adopt rules as necessary to implement this section.				
(k) In implementing this section, the commissioner of education may use funds appropriated to the agency and available for the purpose of establishing the centers. After a center is established, the center must be funded by gifts and grants accepted under Subsection (h)(1) and fees imposed under Subsection (h)(2). Fees adopted under Subsection (h)(2) must be set in an amount sufficient to provide for the continued operation of the center.				
Provision does not exist		(a) The Texas Education Agency, in collaboration with the Texas Higher Education Coordinating Board and the Texas Workforce Commission, shall, through an external evaluator at a center for education research authorized by Section 1.005, Education Code, evaluate the implementation of the changes made by this Act to the curriculum requirements for high school graduation. The evaluation must include an estimation of this Act's effect on high school graduation rates, college readiness, college admissions, college completion, obtainment of workforce certificates, employment rates, and earnings. (b) The commissioner of education shall submit an initial report regarding the review to the governor, lieutenant governor, and members of the legislature not later than December 1, 2015. The commissioner of education shall submit a final report regarding the review to the governor, lieutenant governor, and members of the legislature not later than December 1, 2017.		
Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 2.01, eff. May 31, 2006.				
Sec. 7.010. ELECTRONIC STUDENT RECORDS SYSTEM.		**Section 7.010(c) Education Code**		
(a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.				
(b) Each school district, open-enrollment charter school, and institution of higher education shall participate in an electronic student records system that satisfies standards approved by the commissioner of education and the commissioner of higher education.				
(c) The electronic student records system must permit an authorized state or district official or an authorized representative of an institution of higher education to electronically transfer to and from an educational institution in which the student is enrolled and retrieve student transcripts, including information concerning a student's:				
(1) course or grade completion;				
(2) teachers of record;				
(3) assessment instrument results;				
(4) receipt of special education services, including placement in a special education program and the individualized education program developed; and				
(5) personal graduation plan as described by Section 28.0212.		(5) personal graduation plan as described by Section 28.0212 or 28.02121, as applicable.		
(d) The commissioner of education or the commissioner of higher education may solicit and accept grant funds to maintain the electronic student records system and to make the system available to school districts, open-enrollment charter schools, and institutions of higher education.				

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(e) A private or independent institution of higher education, as defined by Section 61.003, may participate in the electronic student records system under this section. If a private or independent institution of higher education elects to participate, the institution must provide the funding to participate in the system.				
(f) Any person involved in the transfer and retrieval of student information under this section is subject to any state or federal law governing the release of or providing access to any confidential information to the same extent as the educational institution from which the data is collected. A person may not release or distribute the data to any other person in a form that contains confidential information.				
(g) Expired.				
Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 3.01, eff. May 31, 2006.				
Sec. 7.062. SCIENCE LABORATORY GRANT PROGRAM		**Section 7.062(e), Education Code**		
(a) In this section, "wealth per student" means a school district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, Section 42.2521, divided by the district's average daily attendance as determined under Section 42.005.				
(b) The commissioner shall establish a program to provide competitive grants to school districts for the purpose of constructing or renovating high school science laboratories.				
(c) Except as otherwise provided by this subsection, if the commissioner certifies that the amount appropriated for a state fiscal year for purposes of Subchapters A and B, Chapter 46, exceeds the amount to which school districts are entitled under those subchapters for that year, the commissioner shall use the excess funds, in an amount not to exceed $20 million in any state fiscal year, for the purpose of making grants under this section. The use of excess funds under this subsection has priority over any provision of Chapter 42 that permits or directs the use of excess foundation school program funds, including Sections 42.2517, 42.2521, 42.2522, and 42.2531. The commissioner is required to use excess funds as provided by this subsection only if the commissioner is not required to reduce the total amount of state funds allocated to school districts under Section 42.253(h).				
(d) The commissioner shall adopt rules necessary to implement the program, including rules addressing eligibility, application procedures, and accountability for use of grant funds.				
(e) The rules must:				
(1) limit the amount of assistance provided through a grant to not more than:				
(A) for a construction project, $200 per square foot of the science laboratory to be constructed; or				
(B) for a renovation project, $100 per square foot of the science laboratory to be renovated;				
(2) require a school district to demonstrate, as a condition of eligibility for a grant, that the existing district science laboratories are insufficient in number to comply with the curriculum requirements imposed for the recommended and advanced high school programs under Section 28.025(b-1)(1); and		(2) require a school district to demonstrate, as a condition of eligibility for a grant, that the existing district science laboratories are insufficient in number to comply with the curriculum requirements imposed for the distinguished level of achievement under the foundation [~~recommended and advanced~~] high school program [~~programs~~] under Section 28.025 [~~28.025(b-1)(1)~~]; and		
(3) provide for ranking school districts that apply for grants on the basis of wealth per student and giving priority in the award of grants to districts with low wealth per student.				
Added by Acts 2007, 80th Leg., R.S., Ch. 1058, Sec. 3, eff. June 15, 2007.		(b) This section applies beginning with the 2014-2015 school year.		
Provision does not exist.		**Sec. 7.064. CAREER AND TECHNOLOGY CONSORTIUM**		
Provision does not exist.		(a) The commissioner shall investigate available options for the state to join a consortium of states for the purpose of developing sequences of academically rigorous career and technology courses in career areas that are high-demand, high-wage career areas in this state.		

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Provision does not exist.		(b) The curricula for the courses must include the appropriate essential knowledge and skills adopted under Subchapter A, Chapter 28.		
Provision does not exist.		(c) If the commissioner determines that joining a consortium of states for this purpose would be beneficial for the educational and career success of students in the state, the commissioner may join the consortium on behalf of the state.		
Sec. 12.111. CONTENT		**Section 12.111(b), Education Code**		
(a) Each charter granted under this subchapter must:				
(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;				
(2) specify the period for which the charter or any charter renewal is valid;				
(3) provide that continuation or renewal of the charter is contingent on acceptable student performance on assessment instruments adopted under Subchapter B, Chapter 39, and on compliance with any accountability provision specified by the charter, by a deadline or at intervals specified by the charter;				
(4) establish the level of student performance that is considered acceptable for purposes of Subdivision (3);				
(5) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked or on which renewal of the charter may be denied;				
(6) prohibit discrimination in admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend in accordance with this code, although the charter may:				
(A) provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A, Chapter 37; and				
(B) provide for an admission policy that requires a student to demonstrate artistic ability if the school specializes in performing arts;				
(7) specify the grade levels to be offered;				
(8) describe the governing structure of the program, including:				
(A) the officer positions designated;				
(B) the manner in which officers are selected and removed from office;				
(C) the manner in which members of the governing body of the school are selected and removed from office;				
(D) the manner in which vacancies on that governing body are filled;				
(E) the term for which members of that governing body serve; and				
(F) whether the terms are to be staggered;				
(9) specify the powers or duties of the governing body of the school that the governing body may delegate to an officer;				
(10) specify the manner in which the school will distribute to parents information related to the qualifications of each professional employee of the program, including any professional or educational degree held by each employee, a statement of any certification under Subchapter B, Chapter 21, held by each employee, and any relevant experience of each employee;				
(11) describe the process by which the person providing the program will adopt an annual budget;				
(12) describe the manner in which an annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the person providing the program will provide information necessary for the school district in which the program is located to participate, as required by this code or by State Board of Education rule, in the Public Education Information Management System (PEIMS);				
(13) describe the facilities to be used;				
(14) describe the geographical area served by the program; and				
(15) specify any type of enrollment criteria to be used.				

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(b) A charter holder of an open-enrollment charter school shall consider including in the school's charter a requirement that the school develop and administer personal graduation plans under Section 28.0212.		(b) A charter holder of an open-enrollment charter school shall consider including in the school's charter a requirement that the school develop and administer personal graduation plans under Sections [~~Section~~] 28.0212 and 28.02121.	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 1335, Sec. 2, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 1504, Sec. 11, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1212, Sec. 4, eff. June 20, 2003.			
Amended by:			
Acts 2005, 79th Leg., Ch. 1032, Sec. 1, eff. September 1, 2005.		(b) This section applies beginning with the 2014-2015 school year.	
Sec. 25.083. SCHOOL DAY INTERRUPTIONS		**Sec. 25.083. SCHOOL DAY INTERRUPTIONS**	
The board of trustees of each school district shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.		(a) The board of trustees of each school district shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.	
Provision does not exist.		(b) The board of trustees of each school district shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose.	
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.		(b) This section applies beginning with the 2013-2014 school year.	
Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT		**Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE SECTION 7. (a) Sections 25.092(a), (a-1), (b), and (d), Education Code**	
(a) Except as provided by this section, a student may not be given credit for a class unless the student is in attendance for at least 90 percent of the days the class is offered.		(a) Except as provided by this section, a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.	
(a-1) A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. A student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit under this subsection without the consent of the judge presiding over the student's case.		(a-1) A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. A student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade under this subsection without the consent of the judge presiding over the student's case.	
(b) The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit under Subsection (a-1). Classroom teachers shall comprise a majority of the membership of the committee. A committee may give class credit to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing alternative ways for students to make up work or regain credit lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(15). A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.		(b) The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit or a final grade under Subsection (a-1). Classroom teachers shall comprise a majority of the membership of the committee. A committee may give class credit or a final grade to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(15). A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.	
(c) A member of an attendance committee is not personally liable for any act or omission arising out of duties as a member of an attendance committee.			

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(d) If a student is denied credit for a class by an attendance committee, the student may appeal the decision to the board of trustees. The decision of the board may be appealed by trial de novo to the district court of the county in which the school district's central administrative office is located.		(d) If a student is denied credit or a final grade for a class by an attendance committee, the student may appeal the decision to the board of trustees. The decision of the board may be appealed by trial de novo to the district court of the county in which the school district's central administrative office is located.	
(e) This section does not affect the provision of Section 25.087(b) regarding a student's excused absence from school to observe religious holy days.			
(f) The availability of the option developed under Subsection (b) must be substantially the same as the availability of the educational program developed under Section 11.158(a)(15).			
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 698, Sec. 2, eff. June 18, 1999.			
Amended by:			
Acts 2007, 80th Leg., R.S., Ch. 850, Sec. 3, eff. June 15, 2007.		(b) This section applies beginning with the 2013-2014 school year.	
Sec. 28.002. REQUIRED CURRICULUM		**Section 28.002, Education Code, is amended by amending Subsection (c) and adding Subsections (g-1), (g-2), and (o)**	
(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:			
(1) a foundation curriculum that includes:			
(A) English language arts;			
(B) mathematics;			
(C) science; and			
(D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and			
(2) an enrichment curriculum that includes:			
(A) to the extent possible, languages other than English;			
(B) health, with emphasis on the importance of proper nutrition and exercise;			
(C) physical education;			
(D) fine arts;			
(E) career and technology education;			
(F) technology applications; and			
(G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.			
(b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.			
(c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter 31 and addressed on the assessment instruments required under Subchapter B, Chapter 39. As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels.		(c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter 31 and addressed on the assessment instruments required under Subchapter B, Chapter 39. As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.	
(c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district's fine arts curriculum.			
(c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).			

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(d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:				
(1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;				
(2) is consistent with national physical education standards for:				
(A) the information that students should learn about physical activity; and				
(B) the physical activities that students should be able to perform;				
(3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;				
(4) offers students an opportunity to choose among many types of physical activity in which to participate;				
(5) offers students both cooperative and competitive games;				
(6) meets the needs of students of all physical ability levels, including students who have a disability, chronic health problem, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;				
(7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;				
(8) teaches self-management and movement skills;				
(9) teaches cooperation, fair play, and responsible participation in physical activity;				
(10) promotes student participation in physical activity outside of school; and				
(11) allows physical education classes to be an enjoyable experience for students.				
(e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.				
(f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall be flexible in approving a course for credit for high school graduation under this subsection.				
(g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs.				
Provision does not exist.		(g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:		
Provision does not exist.		(1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and		
Provision does not exist.		(2) the course or other activity allows students to enter:		
Provision does not exist.		(A) a career or technology training program in the district's region of the state;		
Provision does not exist.		(B) an institution of higher education without remediation;		
Provision does not exist.		(C) an apprenticeship training program; or		

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Provision does not exist.		(D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.		
Provision does not exist.		(g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1). The agency shall make available information provided under this subsection to other districts.		
Provision does not exist.		(o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.		
(h) The State Board of Education and each school district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter and in reading courses and in the adoption of instructional materials. A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage.				
(i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.				
(j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.				
(k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).				
(l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:				
(1) any student who is unable to participate in the required physical activity because of illness or disability; and				
(2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.				

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(l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.				
(l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).				
(l-3)(1) This subsection may be cited as "Lauren's Law."				
(2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:				
(A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or				
(B) children at a school-designated function.				
(m) Section 2001.039, Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).				
(n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).				
(p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:				
(1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;				
(2) address relationship skills, including money management, communication skills, and marriage preparation; and				
(3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.				
(p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:				
(1) child development;				
(2) parenting skills, including child abuse and neglect prevention; and				
(3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.				
(p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.				
(p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.				

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(q) Notwithstanding any other provision of this title, a school district may not vary the curriculum for a course in the required curriculum under Subsection (a) based on whether a student is enrolled in the minimum, recognized, or advanced high school program.				
(r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning. The agency shall compile a list of evidence-based alcohol awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.				
(s) In this subsection, "bullying" has the meaning assigned by Section 37.0832 and "harassment" has the meaning assigned by Section 37.001. In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1285, Sec. 4.02, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 907, Sec. 1, eff. June 14, 2001; Acts 2001, 77th Leg., ch. 925, Sec. 3, eff. June 14, 2001; Acts 2003, 78th Leg., ch. 61, Sec. 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1264, Sec. 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1275, Sec. 2(14), eff. Sept. 1, 2003.				
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Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(5), eff. September 1, 2011.				
Acts 2011, 82nd Leg., R.S., Ch. 776, Sec. 4, eff. June 17, 2011.				
Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 13, eff. July 19, 2011.		(b) This section applies beginning with the 2014-2015 school year.		
Provision does not exist		**Sec. 28.00222. INCREASE IN ADVANCED TECHNOLOGY AND CAREER-RELATED COURSES**		
Provision does not exist		(a) Not later than September 1, 2014, the State Board of Education shall ensure that at least six advanced computer and technology education or technology applications courses, including courses in personal financial literacy consistent with Section 28.0021 and in statistics, are approved to satisfy a fourth credit in mathematics.		

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Provision does not exist		(b) Not later than January 1, 2015, the commissioner shall review and report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with primary responsibility over public primary and secondary education regarding the progress of increasing the number of courses approved for the career and technology education or technology applications curriculum. The commissioner shall include in the report a detailed description of any new courses, including instructional materials and required equipment, if any.	
		(c) This section expires September 1, 2015.	
Sec. 28.014. COLLEGE PREPARATORY COURSES.		**Sec. 28.014. COLLEGE PREPARATORY COURSES**	
(a) The commissioner of education and the commissioner of higher education shall develop and recommend to the State Board of Education for adoption under Section 28.002 the essential knowledge and skills of courses in college preparatory mathematics, science, social studies, and English language arts. The courses must be designed:		(a) Each school district shall partner with at least one institution of higher education to develop and provide [~~The commissioner of education and the commissioner of higher education shall develop and recommend to the State Board of Education for adoption under Section 28.002 the essential knowledge and skills of~~] courses in college preparatory mathematics[~~, science, social studies,~~] and English language arts. The courses must be designed:	
(1) for students at the 12th grade level who do not meet college readiness standards on an end-of-course assessment instrument required under Section 39.023(c); and		(1) for students at the 12th grade level whose performance on:	
Provision does not exist		(A) [~~who do not meet college readiness standards on~~] an end-of-course assessment instrument required under Section 39.023(c) does not meet college readiness standards; or	
Provision does not exist		(B) coursework, a college entrance examination, or an assessment instrument designated under Section 51.3062(c) indicates that the student is not ready to perform entry-level college coursework; and	
(2) to prepare students for success in entry-level college courses.		(2) to prepare students for success in entry-level college courses.	
(b) A student who successfully completes a course developed under this section may use the credit earned in the course toward satisfying the applicable mathematics or science curriculum requirement for the recommended or advanced high school program under Section 28.025.		(b) A course developed under this section must be provided:	
		(1) on the campus of the high school offering the course; or	
Provision does not exist		(2) through distance learning or as an online course provided through an institution of higher education with which the school district partners as provided by Subsection (a).	
(c) The agency, in consultation with the Texas Higher Education Coordinating Board, shall adopt an end-of-course assessment instrument for each course developed under this section to ensure the rigor of the course. A school district shall, in accordance with State Board of Education rules, administer the end-of-course assessment instrument to a student enrolled in a course developed under this section. Each school district shall adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for 15 percent of the student's final grade for the course. A student's performance on an end-of-course assessment instrument administered under this subsection may be used, on a scale of 0-40, in calculating whether the student satisfies the graduation requirements established under Section 39.025.		(c) Appropriate faculty of each high school offering courses under this section and appropriate faculty of each institution of higher education with which the school district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations. The commissioner of education, in coordination with the commissioner of higher education, may adopt rules to administer this subsection.	
(d) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Subsection (c) to be used for purposes of Section 51.3062. The questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 and 51.3062.		(d) Each school district shall provide a notice to each district student to whom Subsection (a) applies and the student's parent or guardian regarding the benefits of enrolling in a course under this section.	

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(e) The State Board of Education shall adopt instructional materials for a course developed under this section in accordance with Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.		(e) A student who successfully completes an English language arts [a] course developed under this section may use the credit earned in the course toward satisfying the advanced English language arts [applicable mathematics or science] curriculum requirement for the foundation [recommended or advanced] high school program under Section 28.025(b-1)(1) [28.025]. A student who successfully completes a mathematics course developed under this section may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Section 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Section 28.025(b-1)(2).		
(f) To the extent applicable, the commissioner shall draw from curricula and instructional materials developed under Sections 28.008 and 61.0763 in developing a course and related instructional materials under this section. Not later than September 1, 2010, the State Board of Education shall adopt essential knowledge and skills for each course developed under this section. The State Board of Education shall make each course developed under this section and the related instructional materials available to school districts not later than the 2014-2015 school year. As required by Subsection (c), a school district shall adopt a policy requiring a student's performance on an end-of-course assessment instrument administered under that subsection to account for 15 percent of the student's grade for a course developed under this section not later than the 2014-2015 school year. This subsection expires September 1, 2015.		(f) A course provided under this section may be offered for dual credit at the discretion of the institution of higher education with which a school district partners under this section.		
Provision does not exist		(g) Each school district, in consultation with each institution of higher education with which the district partners, shall develop or purchase [(c) The agency, in consultation with the Texas Higher Education Coordinating Board, shall adopt an end-of-course assessment instrument for each course developed under this section to ensure the rigor of the course. A school district shall, in accordance with State Board of Education rules, administer the end-of-course assessment instrument to a student enrolled in a course developed under this section. Each school district shall adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for 15 percent of the student's final grade for the course. A student's performance on an end-of-course assessment instrument administered under this subsection may be used, on a scale of 0-40, in calculating whether the student satisfies the graduation requirements established under Section 39.025.		
Provision does not exist		[(d) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Subsection (c) to be used for purposes of Section 51.3062. The questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 and 51.3062.		
Provision does not exist		[(e) The State Board of Education shall adopt] instructional materials for a course developed under this section consistent [in accordance] with Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.		

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Provision does not exist		(h) [~~(f)~~] To the extent applicable, a district [~~the commissioner~~] shall draw from curricula and instructional materials developed under Section [~~Sections~~] 28.008 [~~and 61.0763~~] in developing a course and related instructional materials under this section. A [~~Not later than September 1, 2010, the State Board of Education shall adopt essential knowledge and skills for each course developed under this section. The State Board of Education shall make each~~] course developed under this section and the related instructional materials shall be made available to students [~~school districts~~] not later than the 2014-2015 school year. [~~As required by Subsection (c), a school district shall adopt a policy requiring a student's performance on an end-of-course assessment instrument administered under that subsection to account for 15 percent of the student's grade for a course developed under this section not later than the 2014-2015 school year.~~] This subsection expires September 1, 2015.		
Added by Acts 2007, 80th Leg., R.S., Ch. 1058, Sec. 8(a), eff. June 15, 2007.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 27, eff. June 19, 2009.				
		(b) This section applies beginning with the 2013-2014 school year.		
Sec. 28.002. REQUIRED CURRICULUM		**Sec. 28.002. REQUIRED CURRICULUM**		
a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:				
(1) a foundation curriculum that includes:				
(A) English language arts;				
(B) mathematics;				
(C) science; and				
(D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and				
(2) an enrichment curriculum that includes:				
(A) to the extent possible, languages other than English;				
(B) health, with emphasis on the importance of proper nutrition and exercise;				
(C) physical education;				
(D) fine arts;				
(E) career and technology education;				
(F) technology applications; and				
(G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.				
(b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.				
(c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter 31 and addressed on the assessment instruments required under Subchapter B, Chapter 39. As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels.				
(c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district's fine arts curriculum.				
(c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).				

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(d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:				
(1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;				
(2) is consistent with national physical education standards for:				
(A) the information that students should learn about physical activity; and				
(B) the physical activities that students should be able to perform;				
(3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;				
(4) offers students an opportunity to choose among many types of physical activity in which to participate;				
(5) offers students both cooperative and competitive games;				
(6) meets the needs of students of all physical ability levels, including students who have a disability, chronic health problem, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;				
(7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;				
(8) teaches self-management and movement skills;				
(9) teaches cooperation, fair play, and responsible participation in physical activity;				
(10) promotes student participation in physical activity outside of school; and				
(11) allows physical education classes to be an enjoyable experience for students.				
(e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.				
(f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall be flexible in approving a course for credit for high school graduation under this subsection.				
(g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs.				
(h) The State Board of Education and each school district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter and in reading courses and in the adoption of instructional materials. A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage.				
(i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.				

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(j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.				
(k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).				
(l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:				
(1) any student who is unable to participate in the required physical activity because of illness or disability; and				
(2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.				
(l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.				
(l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).				
(l-3)(1) This subsection may be cited as "Lauren's Law."				
(2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:				
(A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or				
(B) children at a school-designated function.				
(m) Section 2001.039, Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).				

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(n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).				
(p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:				
(1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;				
(2) address relationship skills, including money management, communication skills, and marriage preparation; and				
(3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.				
(p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:				
(1) child development;				
(2) parenting skills, including child abuse and neglect prevention; and				
(3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.				
(p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.				
(p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.				
(q) Notwithstanding any other provision of this title, a school district may not vary the curriculum for a course in the required curriculum under Subsection (a) based on whether a student is enrolled in the minimum, recognized, or advanced high school program.		Repealed effective September 1, 2014		
(r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning. The agency shall compile a list of evidence-based alcohol awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.				
(s) In this subsection, "bullying" has the meaning assigned by Section 37.0832 and "harassment" has the meaning assigned by Section 37.001. In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.				

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Acts 2011, 82nd Leg., R.S., Ch. 776, Sec. 4, eff. June 17, 2011.				
Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 13, eff. July 19, 2011.				
Sec. 28.0211. SATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS REQUIRED; ACCELERATED INSTRUCTION		**Section 28.02 Education Code, is amended by amending Subsection (m) and adding Subsection (m-1)**		
(a) 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 and reading assessment instruments under Section 39.023; or				
(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 and reading assessment 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.				
(a-2) A student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) and who is promoted to the next grade level must complete accelerated instruction required under Subsection (a-1) before placement in the next grade level. A student who fails to complete required accelerated instruction may not be promoted.				
(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.				
(b) A school district shall provide to a student who initially fails to perform satisfactorily on an assessment instrument specified under Subsection (a) at least two additional opportunities to take the assessment instrument. A school district may administer an alternate assessment instrument to a student who has failed an assessment instrument specified under Subsection (a) on the previous two opportunities. Notwithstanding any other provision of this section, a student may be promoted if the student performs at grade level on an alternate assessment instrument under this subsection that is appropriate for the student's grade level and approved by the commissioner.				

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(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 a second time, 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 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 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.				
(d) In addition to providing accelerated instruction to a student under Subsection (c), the district shall notify the student's parent or guardian of:				
(1) the student's failure to perform satisfactorily on the assessment instrument;				
(2) the accelerated instruction program to which the student is assigned; and				
(3) the possibility that the student might be retained at the same grade level for the next school year.				
(e) A student who, after at least three attempts, fails to perform satisfactorily on an assessment instrument specified under Subsection (a) shall be retained at the same grade level for the next school year in accordance with Subsection (a). The student's parent or guardian may appeal the student's retention by submitting a request to the grade placement committee established under Subsection (c). The school district shall give the parent or guardian written notice of the opportunity to appeal. The grade placement committee may decide in favor of a student's promotion only if the committee concludes, using standards adopted by the board of trustees, that if promoted and given accelerated instruction, the student is likely to perform at grade level. A student may not be promoted on the basis of the grade placement committee's decision unless that decision is unanimous. The commissioner by rule shall establish a time line for making the placement determination. This subsection does not create a property interest in promotion. The decision of the grade placement committee is final and may not be appealed.				
(f) 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 established under Subsection (c). The district shall provide that accelerated instruction regardless of whether the student has been promoted or retained. The educational plan must be designed to enable the student to perform at the appropriate grade level by the conclusion of the 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.				
(g) This section does not preclude the retention at a grade level, in accordance with state law or school district policy, of a student who performs satisfactorily on an assessment instrument specified under Subsection (a).				

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(h) In each instance under this section in which a school district is specifically required to provide notice to a parent or guardian of a student, the district shall make a good faith effort to ensure that such notice is provided either in person or by regular mail and that the notice is clear and easy to understand and is written in English or the parent or guardian's native language.				
(i) The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter 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 instructional program under this section; and				
(2) whether the student will be promoted or retained under this section.				
(j) A school district or open-enrollment charter school shall provide students required to attend accelerated programs under this section with transportation to those programs if the programs occur outside of regular school hours.				
(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.				
(l) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1058, Sec. 17, eff. June 15, 2007.				
(l-1) The commissioner may adopt rules requiring a school district that receives federal funding under Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.) to use that funding to provide supplemental educational services under 20 U.S.C. Section 6316 in conjunction with the accelerated instruction provided under this section, provided that the rules may not conflict with federal law governing the use of that funding.				
(m) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner may not consider Foundation School Program funds. This section may be implemented only if the commissioner certifies that sufficient funds have been appropriated during a school year for administering the accelerated instruction programs specified under this section, including teacher training for that purpose.		(m) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section and Section 28.0217. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner shall consider:		
Provision does not exist		(1) the average cost per student per assessment instrument administered;		
Provision does not exist		(2) the number of students that require accelerated instruction because the student failed to perform satisfactorily on an assessment instrument;		
Provision does not exist		(3) whether sufficient funds have been appropriated to provide support to students in grades three through 12 identified as being at risk of dropping out of school, as defined in Section 29.081(d); and		
Provision does not exist		(4) whether sufficient funds have been appropriated to provide instructional materials that are aligned with the assessment instruments under Sections 39.023(a) and (c).		
Provision does not exist		(m-1) For purposes of certification under Subsection (m), the commissioner may not consider Foundation School Program funds except for compensatory education funds under Section 42.152. This section may be implemented only if the commissioner certifies that sufficient funds have been appropriated during a school year for administering the accelerated instruction programs specified under this section and Section 28.0217, including teacher training for that purpose.		
(n) A student who is promoted by a grade placement committee under this section must be assigned 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.				

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(o) This section does not require the administration of a fifth or eighth grade assessment instrument in a subject under Section 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:				
(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Section 39.023(a) that aligns with the curriculum for the course in which the student is enrolled; or				
(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Section 39.023(c) for the course.				
(p) Notwithstanding any other provision of this section, a student described by Subsection (o) may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student in accordance with that subsection.				
Added by Acts 1999, 76th Leg., ch. 396, Sec. 2.12, eff. Sept. 1, 1999.				
Amended by:				
Acts 2007, 80th Leg., R.S., Ch. 1058, Sec. 9, eff. June 15, 2007.				
Acts 2007, 80th Leg., R.S., Ch. 1058, Sec. 17, eff. June 15, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 29, eff. June 19, 2009.				
Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 7.006, eff. September 1, 2011.				
Acts 2011, 82nd Leg., R.S., Ch. 307, Sec. 2, eff. June 17, 2011.				
Sec. 28.0212. PERSONAL GRADUATION PLAN		**Sec. 28.0212. JUNIOR HIGH OR MIDDLE SCHOOL PERSONAL GRADUATION PLAN**		
(a) A principal shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in a junior high, middle, or high school who:		(a) A principal of a junior high or middle school shall designate a school [~~guidance~~] counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in the [~~a~~] junior high or[~~,~~] middle[~~, or high~~] school who:		
(1) does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or				
(2) is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.				
(b) A personal graduation plan must:		(b) A personal graduation plan under this section must:		
(1) identify educational goals for the student;				
(2) include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;				
(3) include an intensive instruction program described by Section 28.0213;				
(4) address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and				
(5) provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, on-line instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.				
(c) Notwithstanding Subsection (b), a student's individualized education program developed under Section 29.005 may be used as the student's personal graduation plan under this section.				
(d) The agency shall establish minimum standards for a personal graduation plan under this section.				
(e) Each school district is encouraged to establish for each student entering grade nine a personal graduation plan that identifies a course of study that:		Repealed effective September 1, 2014		
(1) promotes:		Repealed effective September 1, 2014		
(A) college and workforce readiness; and		Repealed effective September 1, 2014		
(B) career placement and advancement; and		Repealed effective September 1, 2014		
(2) facilitates the student's transition from secondary to postsecondary education.		Repealed effective September 1, 2014		

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(g) Each school district is encouraged to establish for each student entering grade nine a personal graduation plan that identifies a course of study that:		Repealed effective September 1, 2014		
(1) promotes:				
(A) college and workforce readiness; and				
(B) career placement and advancement; and				
(2) facilitates the student's transition from secondary to postsecondary education.				
Added by Acts 2003, 78th Leg., ch. 1212, Sec. 7, eff. June 20, 2003.				
Amended by:				
Acts 2007, 80th Leg., R.S., Ch. 763, Sec. 3, eff. June 15, 2007.				
Acts 2007, 80th Leg., R.S., Ch. 1058, Sec. 10, eff. June 15, 2007.		(b) This section applies beginning with the 2014-2015 school year.		
Provision does not exist		**Sec. 28.02121. HIGH SCHOOL PERSONAL GRADUATION PLAN**		
Provision does not exist		(a) The agency, in consultation with the Texas Workforce Commission and the Texas Higher Education Coordinating Board, shall prepare and make available to each school district in English and Spanish information that explains the advantages of the distinguished level of achievement described by Section 28.025(b-15) and each endorsement described by Section 28.025(c-1). The information must contain an explanation:		
Provision does not exist		(1) concerning the benefits of choosing a high school personal graduation plan that includes the distinguished level of achievement under the foundation high school program and includes one or more endorsements to enable the student to achieve a class rank in the top 10 percent for students at the campus; and		
Provision does not exist		(2) that encourages parents, to the greatest extent practicable, to have the student choose a high school personal graduation plan described by Subdivision (1).		
Provision does not exist		(b) A school district shall publish the information provided to the district under Subsection (a) on the Internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient. A district is required to provide information under this subsection in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.		
Provision does not exist		(c) A principal of a high school shall designate a school counselor or school administrator to review personal graduation plan options with each student entering grade nine together with that student's parent or guardian. The personal graduation plan options reviewed must include the distinguished level of achievement described by Section 28.025(b-15) and the endorsements described by Section 28.025(c-1). Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student.		
Provision does not exist		(d) A personal graduation plan under Subsection (c) must identify a course of study that:		
Provision does not exist		(1) promotes:		
Provision does not exist		(A) college and workforce readiness; and		
Provision does not exist		(B) career placement and advancement; and		
Provision does not exist		(2) facilitates the student's transition from secondary to postsecondary education.		
Provision does not exist		(e) A school district may not prevent a student and the student's parent or guardian from confirming a personal graduation plan that includes pursuit of a distinguished level of achievement or an endorsement.		
Provision does not exist		(f) A student may amend the student's personal graduation plan after the initial confirmation of the plan under this section. If a student amends the student's personal graduation plan, the school shall send written notice to the student's parents regarding the change.		
Provision does not exist		(b) This section applies beginning with the 2014-2015 school year.		

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Provision does not exist		**Sec. 28.0217. ACCELERATED INSTRUCTION FOR HIGH SCHOOL STUDENTS**	
Provision does not exist		Each time a student fails to perform satisfactorily on an assessment instrument administered under Section 39.023(c), the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Section 28.0211. 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.	
Sec. 28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD		**Section 28.025, Education Code, is amended by amending Subsections (a), (b), (b-1), (b-2), (b-3), (b-4), (b-5), (b-7), (b-9), (b-10), (b-11), and (e) and adding Subsections (b-12), (b-13), (b-14), (b-15), (b-16), (b-17), (b-18), (b-19), (c-1), (c-2), (c-3), (c-4), (c-5), (e-1), (e-2), (e-3), (h), (h-1), and (h-2)**	
(a) The State Board of Education by rule shall determine curriculum requirements for the minimum, recommended, and advanced high school programs that are consistent with the required curriculum under Section 28.002. Subject to Subsection (b-1), the State Board of Education shall designate the specific courses in the foundation curriculum required for a student participating in the minimum, recommended, or advanced high school program. Except as provided by Subsection (b-1), the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the recommended program.		(a) The State Board of Education by rule shall determine curriculum requirements for the foundation [~~minimum, recommended, and advanced~~] high school program [~~programs~~] that are consistent with the required curriculum under Section 28.002. The [~~Subject to Subsection (b-1), the~~] State Board of Education shall designate the specific courses in the foundation curriculum under Section 28.002(a)(1) required under [~~for a student participating in~~] the foundation [~~minimum, recommended, or advanced~~] high school program. Except as provided by this section [~~Subsection (b-1)~~], the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the [~~recommended~~] program.	
(b) A school district shall ensure that each student enrolls in the courses necessary to complete the curriculum requirements identified by the State Board of Education under Subsection (a) for the recommended or advanced high school program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the minimum high school program and the student:		(b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:	
(1) is at least 16 years of age;		(1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and	
(2) has completed two credits required for graduation in each subject of the foundation curriculum under Section 28.002(a)(1); or		(2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement [~~enrolls in the courses necessary to complete the curriculum requirements identified by the State Board of Education under Subsection (a) for the recommended or advanced high school program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the minimum high school program and the student~~]	
(3) has failed to be promoted to the tenth grade one or more times as determined by the school district.			
Provision does not exist		[~~(1) is at least 16 years of age;~~	
Provision does not exist		[~~(2) has completed two credits required for graduation in each subject of the foundation curriculum under Section 28.002(a)(1); or~~	
Provision does not exist		[~~(3) has failed to be promoted to the tenth grade one or more times as determined by the school district~~].	
(b-1) The State Board of Education by rule shall require that:		(b-1) The State Board of Education by rule shall require that[~~:~~	
(1) except as provided by Subsection (b-2), the curriculum requirements for the recommended and advanced high school programs under Subsection (a) include a requirement that students successfully complete:		[~~(1) except as provided by Subsection (b-2),~~] the curriculum requirements for the foundation [~~recommended and advanced~~] high school program [~~programs~~] under Subsection (a) include a requirement that students successfully complete:	

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(A) four credits in each subject of the foundation curriculum under Section 28.002(a)(1), including at least one-half credit in government and at least one-half credit in economics to meet the social studies requirement;		(1) [~~(A)~~] four credits in English language arts [~~each subject of the foundation curriculum~~] under Section 28.002(a)(1)(A), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);		
(B) for the recommended high school program, two credits in the same language in a language other than English under Section 28.002(a)(2)(A) and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A); and				
(C) for the recommended high school program, six elective credits and, for the advanced high school program, five elective credits;				
(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and		(2) three credits in mathematics under Section 28.002(a)(1)(B), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);		
(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:		(3) three credits in science under Section 28.002(a)(1)(C), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);		
Provision does not exist		(4) three credits in social studies under Section 28.002(a)(1)(D) [~~28.002(a)(1)~~], including one credit in United States history, at least one-half credit in government and at least one-half credit in economics, and one credit in world geography or world history [~~to meet the social studies requirement~~];		
Provision does not exist		(5) except as provided under Subsections (b-12), (b-13), and (b-14) [~~(B) for the recommended high school program~~], two credits in the same language in a language other than English under Section 28.002(a)(2)(A) [~~and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A)~~]; [~~and~~]		
Provision does not exist		(6) five [~~(C) for the recommended high school program, six~~] elective credits [~~and, for the advanced high school program, five elective credits~~];		
Provision does not exist		(7) [~~(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; an~~		
Provision does not exist		[~~(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:~~		
(A) one credit in fine arts under Section 28.002(a)(2)(D); and		[~~(A)~~] one credit in fine arts under Section 28.002(a)(2)(D); and		
(B) except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C).		(8) [~~(B)~~] except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C).		
(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements for a mathematics course under Subsection (b-1)(1) taken after the successful completion of Algebra I and geometry and either after the successful completion of or concurrently with Algebra II or a science course under Subsection (b-1)(1) taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses.		(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall provide for [~~allow~~] a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1) taken after successful completion of English I, English II, and English III, for an advanced [~~a~~] mathematics course under Subsection (b-1)(2) [~~(b-1)(1)~~] taken after the successful completion of Algebra I and geometry, and for any advanced [~~either after the successful completion of or concurrently with Algebra II or a~~] science course under Subsection (b-1)(3) [~~(b-1)(1) taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics~~] by successfully completing a course in the approved content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section 28.002(g-1) [~~career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses~~].		

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(b-3) In adopting rules to provide students with the option described by Subsection (b-1)(1)(A), the State Board of Education must approve a variety of mathematics and science courses that may be taken after the completion of Algebra II and physics to comply with the recommended program requirements.		(b-3) In adopting rules for purposes of Subsection (b-2) [~~to provide students with the option described by Subsection (b-1)(1)(A)~~], the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken [~~after the completion of Algebra II and physics~~] to comply with the foundation high school [~~recommended~~] program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.		
(b-4) A school district may offer the curriculum described in Subsection (b-1)(1)(A) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025.		(b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) [~~Subsection (b-1)(1)(A)~~] in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025.		
(b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics to comply with the recommended program requirements in Subsection (b-1)(1)(A). A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.		(b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics [~~to comply with the recommended program requirements in Subsection (b-1)(1)(A)~~]. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.		
(b-6) Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the minimum high school program as provided by Subsection (b), a school district must provide written notice to the parent or person standing in parental relation explaining the benefits of the recommended high school program. The notice shall be developed by the agency and must:		Repealed effective September 1, 2014		
(1) be printed in English and Spanish; and		Repealed effective September 1, 2014		
(2) require that the student's parent or person standing in parental relation to the student sign a confirmation of receipt and return the confirmation to the student's campus.		Repealed effective September 1, 2014		
(b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the minimum, recommended, or advanced high school program for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English under Section 28.002(a)(2)(A) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822.		(b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation [~~minimum, recommended, or advanced~~] high school program or for an endorsement under Subsection (c-1) [~~for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English under Section 28.002(a)(2)(A)~~] by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822. Notwithstanding Subsection (b-15) or (c) of this section, Section 39.025, or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section 61.822, as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.		
(b-8) A student agreeing to take courses under the minimum high school program as provided by Subsection (b) may, upon request, resume taking courses under the recommended high school program.		Repealed effective September 1, 2014		

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(b-9) The agency shall establish a pilot program allowing a student attending school in a county with a population of more than one million and in which more than 75 percent of the population resides in a single municipality to satisfy the fine arts credit required under Subsection (b-1)(3)(A) by participating in a fine arts program not provided by the school district in which the student is enrolled. The fine arts program may be provided on or off a school campus and outside the regular school day. Not later than December 1, 2010, the agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.		(b-9) A school district, with the approval of the commissioner, may allow [~~The agency shall establish a pilot program allowing~~] a student [~~attending school in a county with a population of more than one million and in which more than 75 percent of the population resides in a single municipality~~] to satisfy the fine arts credit required under Subsection (b-1)(7) [~~(b-1)(3)(A)~~] by participating in a community-based fine arts program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the essential knowledge and skills identified for fine arts by the State Board of Education under Section 28.002(c). The fine arts program may be provided on or off a school campus and outside the regular school day. [~~Not later than December 1, 2010, the agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.~~]	
(b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(3)(B) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.		(b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) [~~(b-1)(3)(B)~~] by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.	
(b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies or one academic elective credit for the physical education credit required under Subsection (b-1)(3)(B). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:		(b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for credit as provided by Section 28.002(g-1), or one academic elective credit for the physical education credit required under Subsection (b-1)(8) [~~(b-1)(3)(B)~~]. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:	
(1) if the student receives special education services under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee;			
(2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or			
(3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.			
Provision does not exist		(b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages.	
Provision does not exist		(b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:	
Provision does not exist		(1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and	
Provision does not exist		(2) appropriate substitute courses for purposes of this subsection.	

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Provision does not exist		(b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:		
Provision does not exist		(1) if the student receives special education services under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee; or		
Provision does not exist		(2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.		
Provision does not exist		(b-15) A student may earn a distinguished level of achievement under the foundation high school program by successfully completing:		
Provision does not exist		(1) four credits in mathematics, which must include Algebra II and the courses described by Subsection (b-1)(2);		
Provision does not exist		(2) four credits in science, which must include the courses described by Subsection (b-1)(3);		
Provision does not exist		(3) the remaining curriculum requirements under Subsection (b-1); and		
Provision does not exist		(4) the curriculum requirements for at least one endorsement under Subsection (c-1).		
Provision does not exist		(b-16) A student may satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). This subsection may apply to more than one elective credit.		
Provision does not exist		(b-17) The State Board of Education shall adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.		
Provision does not exist		(b-18) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.		
Provision does not exist		(b-19) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.		
(c) A person may receive a diploma if the person is eligible for a diploma under Section 28.0251. In other cases, a student may graduate and receive a diploma only if:				
Provision does not exist		(c-1) A student may earn an endorsement on the student's diploma and transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:		

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(1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Section 39.025; or		(1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, engineering, and advanced mathematics;		
(2) the student successfully completes an individualized education program developed under Section 29.005.		(2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;		
Provision does not exist		(3) public services, which includes courses directly related to health sciences and occupations, education and training, law enforcement, and culinary arts and hospitality;		
Provision does not exist		(4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and		
Provision does not exist		(5) multidisciplinary studies, which allows a student to:		
Provision does not exist		(A) select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and		
Provision does not exist		(B) earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.		
Provision does not exist		(c-2) In adopting rules under Subsection (c-1), the State Board of Education shall:		
Provision does not exist		(1) require a student in order to earn any endorsement to successfully complete:		
Provision does not exist		(A) four credits in mathematics, which must include:		
Provision does not exist		(i) the courses described by Subsection (b-1)(2); and		
Provision does not exist		(ii) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;		
Provision does not exist		(B) four credits in science, which must include:		
Provision does not exist		(i) the courses described by Subsection (b-1)(3); and		
Provision does not exist		(ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and		
Provision does not exist		(C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and		
Provision does not exist		(2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.		
Provision does not exist		(c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.		
Provision does not exist		(c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.		
Provision does not exist		(c-5) A student may earn a performance acknowledgment on the student's diploma and transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:		

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Provision does not exist		(1) for outstanding performance:		
Provision does not exist		(A) in a dual credit course;		
Provision does not exist		(B) in bilingualism and biliteracy;		
Provision does not exist		(C) on a college advanced placement test or international baccalaureate examination; or		
Provision does not exist		(D) on the PSAT, the ACT-Plan, the SAT, or the ACT; or		
Provision does not exist		(2) for earning a nationally or internationally recognized business or industry certification or license.		
(d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section 39.025. A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.				
(e) Each school district shall report the academic achievement record of students who have completed a minimum, recommended, or advanced high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly differentiate between each of the high school programs and identify whether a student received a diploma or a certificate of coursework completion.		(e) Each school district shall report the academic achievement record of students who have completed the foundation [~~a minimum, recommended, or advanced~~] high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly [~~differentiate between each of the high school programs and~~] identify whether a student received a diploma or a certificate of coursework completion.		
Provision does not exist		(e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the diploma and transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.		
Provision does not exist		(e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:		
Provision does not exist		(1) enrolled in the foundation high school program;		
Provision does not exist		(2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and		
Provision does not exist		(3) enrolled in a program to earn an endorsement described by Subsection (c-1).		
Provision does not exist		(e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29.		
(f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter A, Chapter 29, and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).				
(g) If a student, other than a student permitted to take courses under the minimum high school program as provided by Subsection (b), is unable to complete the recommended or advanced high school program solely because necessary courses were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control, the school district shall indicate that fact on the student's transcript form described by Subsection (e).		Repealed effective September 1, 2014		
(g-1) Expired.				

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Provision does not exist		(h) The commissioner by rule shall adopt a transition plan to implement and administer the amendments made by H.B. No. 5, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2014-2015 school year. Under the transition plan, a student who entered the ninth grade before the 2014-2015 school year must be permitted to complete the curriculum requirements required for high school graduation under:		
Provision does not exist		(1) the foundation high school program, if the student chooses during the 2014-2015 school year to take courses under this program;		
Provision does not exist		(2) the minimum high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year;		
Provision does not exist		(3) the recommended high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year; or		
Provision does not exist		(4) the advanced high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year.		
Provision does not exist		(h-1) This subsection and Subsection (h) expire September 1, 2018.		
Provision does not exist		(h-2) This subsection applies only to a student participating in the minimum, recommended, or advanced high school program who is completing the fourth year of high school during the 2013-2014 school year. The commissioner by rule shall permit a student who does not satisfy the curriculum requirements of the high school program in which the student is participating to graduate if the student satisfies the curriculum requirements established for the foundation high school program under this section as amended by H.B. No. 5, 83rd Legislature, Regular Session, 2013, and any other requirement required for graduation. This subsection expires September 1, 2015.		
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 767, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 397, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 187, Sec. 2, eff. May 19, 2001; Acts 2001, 77th Leg., ch. 834, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 365, Sec. 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 6.003, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1317, Sec. 10, eff. Sept. 1, 2003.				
Amended by:				
Acts 2005, 79th Leg., Ch. 164, Sec. 4, eff. May 27, 2005.				
Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 5.02, eff. May 31, 2006.				
Acts 2007, 80th Leg., R.S., Ch. 46, Sec. 1, eff. May 28, 2007.				
Acts 2007, 80th Leg., R.S., Ch. 763, Sec. 4, eff. June 15, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 30, eff. June 19, 2009.				
Acts 2011, 82nd Leg., R.S., Ch. 714, Sec. 1, eff. June 17, 2011.				
Acts 2011, 82nd Leg., R.S., Ch. 926, Sec. 3, eff. June 17, 2011.		(b) Except as provided by Subsection (c) of this section, this section applies beginning with the 2014-2015 school year.		
Acts 2011, 82nd Leg., R.S., Ch. 1163, Sec. 9, eff. September 1, 2011.		(c) Section 28.025(h-2), Education Code, as added by this section, applies during the 2013-2014 school year.		
Sec. 28.0253. PILOT PROGRAM: HIGH SCHOOL DIPLOMAS FOR STUDENTS WHO DEMONSTRATE EARLY READINESS FOR COLLEGE		**Section 28.0253(e), Education Code**		
(a) In this section:				
(1) "Institution of higher education" has the meaning assigned by Section 61.003.				
(2) "Research university" means an institution of higher education that is designated as a research university under the Texas Higher Education Coordinating Board's accountability system.				
(b) A research university that chooses to participate in the pilot program shall:				

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(1) not later than September 1 of each year, make available on the university's Internet website detailed standards for use in the program regarding:				
(A) the specific competencies that demonstrate a student's mastery of each subject area for which the Texas Higher Education Coordinating Board and the commissioner have adopted college readiness standards;				
(B) the specific competencies that demonstrate a student's mastery of a language other than English; and				
(C) acceptable assessments or other means by which a student may demonstrate the student's early readiness for college with respect to each subject area and the language described by this subdivision, subject to Subsection (c);				
(2) partner with at least 10 school districts that reflect the geographic diversity of this state and the student compositions of which reflect the socioeconomic diversity of this state; and				
(3) assist school administrators, school counselors, and other educators in each of those school districts in designing the specific requirements of and implementing the program in the district.				
(c) The assessments or other means filed by a research university under Subsection (b)(1)(C) must be equivalent to the assessments or other means the university uses to place students at the university in courses that may be credited toward a degree requirement.				
(d) A research university that partners with a school district under this section shall enter into an agreement with the district under which the university and district agree that the district will assess a student's mastery of the subject areas described by Subsection (b)(1) and a language other than English in accordance with the standards the university filed under Subsection (b)(1). The district may issue a high school diploma to a student under the program if, using the standards, the student demonstrates mastery of and early readiness for college in each of those subject areas and in a language other than English, notwithstanding any other local or state requirements.				
(e) A student who receives a high school diploma through the pilot program is considered to have completed the recommended high school program adopted under Section 28.025(a). The student is not guaranteed admission to any institution of higher education or to any academic program at an institution of higher education solely on the basis of having received the diploma through the program.		(e) A student who receives a high school diploma through the pilot program is considered to have earned a distinguished level of achievement under [~~complete~~ the foundation [~~recommended~~] high school program adopted under Section 28.025 [~~28.025(a)~~]. The student is not guaranteed admission to any institution of higher education or to any academic program at an institution of higher education solely on the basis of having received the diploma through the program. The student may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student earns a diploma through the pilot program.		
(f) A research university that participates in the pilot program shall enter into an agreement with an education research center established under Section 1.005 to conduct an evaluation of the program with respect to that university and the school districts with which the university partners. Not later than January 1, 2013, the education research center shall provide a written report of the evaluation to the commissioner and the commissioner of higher education and make the report available on the center's Internet website. The report may include an analysis of the effects of the program on the university's admissions review process.				
Added by Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 32, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 28.026. NOTICE OF AUTOMATIC COLLEGE ADMISSION		**Sec. 28.026. NOTICE OF REQUIREMENTS FOR AUTOMATIC COLLEGE ADMISSION AND FINANCIAL AID**		

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(a) The board of trustees of a school district shall require each high school in the district to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803 regarding automatic college admission. To assist in the dissemination of this information, the school district shall:		(a) The board of trustees of a school district and the governing body of each open-enrollment charter school that provides a high school shall require each high school in the district or provided by the charter school, as applicable, to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803 regarding automatic college admission and stating the curriculum requirements for financial aid authorized under Title 3. To assist in the dissemination of that [~~this~~] information, the [~~school~~] district or charter school shall:	
(1) require that each high school counselor and class advisor be provided a detailed explanation of the substance of Section 51.803;		(1) require that each high school counselor and class advisor be provided a detailed explanation of the substance of Section 51.803 and the curriculum requirements for financial aid authorized under Title 3;	
(2) provide each district student, at the time the student first registers for one or more classes required for high school graduation, with a written notification of the substance of Section 51.803;		(2) provide each district or school student, at the time the student first registers for one or more classes required for high school graduation, with a written notification, including a detailed explanation in plain language, of the substance of Section 51.803, the curriculum requirements for financial aid authorized under Title 3, and the benefits of completing the requirements for that automatic admission and financial aid;	
(3) require that each high school counselor and senior class advisor explain to eligible students the substance of Section 51.803; and			
(4) not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, provide each eligible senior student under Section 51.803 and each student enrolled in the junior year of high school who has a grade point average in the top 10 percent of the student's high school class, and the student's parent or guardian, with a written notification of the student's eligibility with a detailed explanation in plain language of the substance of Section 51.803.		(4) not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, provide each [~~eligible~~] senior student eligible under Section 51.803 and each student enrolled in the junior year of high school who has a grade point average in the top 10 percent of the student's high school class, and the student's parent or guardian, with a written notification of the student's eligibility with a detailed explanation in plain language of the substance of Section 51.803.	
(b) The commissioner shall adopt forms to use in providing notice under Subsections (a)(2) and (4). In providing notice under Subsection (a)(2) or (4), a school district shall use the appropriate form adopted by the commissioner. The notice to a student and the student's parent or guardian under Subsection (a)(4) must be on a single form that may contain one or more signature lines to indicate receipt of notice by the student or the student's parent or guardian.		(b) The commissioner shall adopt forms, including specific language, to use in providing notice under Subsections (a)(2) and (4). In providing notice under Subsection (a)(2) or (4), a school district or open-enrollment charter school shall use the appropriate form adopted by the commissioner. The notice to a student and the student's parent or guardian under Subsections (a)(2) and (4) [~~Subsection (a)(4)~~] must be on a single form that contains [~~may contain one or more~~] signature lines to indicate receipt of notice by the student and [~~or~~] the student's parent or guardian. The notice under Subsection (a)(4) must be signed by the student's counselor in addition to being signed by the student and the student's parent or guardian.	
(c) Expired.			
Added by Acts 1999, 76th Leg., ch. 1511, Sec. 1, eff. June 19, 1999.			
Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 1342, Sec. 3, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.	
Sec. 28.027. APPLIED SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS COURSES		**Sections 28.027(a) and (b), Education Code**	
(a) In this section, "applied STEM course" means an applied science, technology, engineering, or mathematics course offered as part of a school district's career and technology education curriculum.		(a) In this section, "applied STEM course" means an applied science, technology, engineering, or mathematics course offered as part of a school district's career and technology education or technology applications curriculum.	

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(b) The State Board of Education shall establish a process under which an applied STEM course may be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the recommended high school program imposed under Section 28.025(b-1)(1)(A) through substitution of the applied STEM course for a specific mathematics or science course otherwise required under the recommended high school program and completed during the student's fourth year of mathematics or science course work. The State Board of Education may only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry and after successful completion of or concurrently with Algebra II. The State Board of Education may only approve a course to substitute for a science course taken after successful completion of biology and chemistry and after successful completion of or concurrently with physics.		(b) The State Board of Education shall establish a process under which an applied STEM course may be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the foundation [~~recommended~~] high school program [~~imposed~~] under Section 28.025 [~~28.025(b-1)(1)(A)~~] through substitution of the applied STEM course for a specific mathematics or science course otherwise required under the foundation [~~recommended~~] high school program [~~and completed during the student's fourth year of mathematics or science course work~~]. [~~The State Board of Education may only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry and after successful completion of or concurrently with Algebra II.~~] The State Board of Education may only approve a course to substitute for a science course taken after successful completion of biology [~~and chemistry and after successful completion of or concurrently with physics~~].	
(c) The process must provide that an applied STEM course is entitled to be approved for the purpose described by Subsection (b) if the course meets the following requirements:			
(1) the applied STEM course is part of a curriculum created by a recognized national or international business and industry group to prepare a student for a national or international business and industry certification or license;			
(2) the applied STEM course qualifies as:			
(A) a dual credit course; or			
(B) an articulated postsecondary course provided for local credit or articulated postsecondary advanced technical credit course provided for state credit;			
(3) the essential knowledge and skills covered in the applied STEM course are equivalent to the essential knowledge and skills covered in the mathematics or science course for which the applied STEM course is proposed to be approved for substitution; and			
(4) the applied STEM course:			
(A) provides substantial mathematics content or science content, as applicable, taught in an applied or symbolic format, that enables a student to develop relevant critical thinking skills necessary for preparation for employment or additional training in a career identified by the Texas Workforce Commission as a high-demand or emerging occupation; and			
(B) incorporates college and career readiness skills.			
(d) If an applied STEM course approved under this section is part of a coherent sequence of career and technology courses, a student is eligible to enroll in the applied STEM course for the purpose described in Subsection (b) only if the student has completed the prerequisite course work, if any, for the applied STEM course.			
Added by Acts 2011, 82nd Leg., R.S., Ch. 926, Sec. 2, eff. June 17, 2011.		(b) This section applies beginning with the 2014-2015 school year.	
Sec. 29.081. COMPENSATORY, INTENSIVE, AND ACCELERATED INSTRUCTION		**Section 29.081, Education Code, is amended by adding Subsections (b-1), (b-2), and (b-3) and amending Subsection (d)**	
(a) Each school district shall use the student performance data resulting from the basic skills assessment instruments and achievement tests administered under Subchapter B, Chapter 39, to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to be performing at grade level at the conclusion of the next regular school term.			
(b) Each district shall provide accelerated instruction to a student enrolled in the district who has taken an end-of-course assessment instrument administered under Section 39.023(c) and has not performed satisfactorily on the assessment instrument or who is at risk of dropping out of school.			

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Provision does not exist		(b-1) Each school district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.		
Provision does not exist		(b-2) A district that is required to provide accelerated instruction under Subsection (b-1) shall separately budget sufficient funds, including funds under Section 42.152, for that purpose. A district may not budget funds received under Section 42.152 for any other purpose until the district adopts a budget to support additional accelerated instruction under Subsection (b-1).		
Provision does not exist		(b-3) A district shall evaluate the effectiveness of accelerated instruction programs under Subsection (b-1) and annually hold a public hearing to consider the results.		
(c) Each school district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students.				
(d) For purposes of this section, "student at risk of dropping out of school" includes each student who is under 21 years of age and who:		(d) For purposes of this section, "student at risk of dropping out of school" includes each student who is under 26 [~~21~~] years of age and who:		
(1) was not advanced from one grade level to the next for one or more school years;				
(2) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;				
(3) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;				
(4) if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;				
(5) is pregnant or is a parent;				
(6) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;				
(7) has been expelled in accordance with Section 37.007 during the preceding or current school year;				
(8) is currently on parole, probation, deferred prosecution, or other conditional release;				
(9) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;				
(10) is a student of limited English proficiency, as defined by Section 29.052;				
(11) is in the custody or care of the Department of Protective and Regulatory Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;				
(12) is homeless, as defined by 42 U.S.C. Section 11302, and its subsequent amendments; or				
(13) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.				

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(d-1) Notwithstanding Subsection (d)(1), a student is not considered a student at risk of dropping out of school if the student did not advance from prekindergarten or kindergarten to the next grade level only as the result of the request of the student's parent.				
(e) A school district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must:				
(1) provide not less than four hours of instructional time per day;				
(2) employ as faculty and administrators persons with baccalaureate or advanced degrees;				
(3) provide at least one instructor for each 28 students;				
(4) perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the commissioner; and				
(5) comply with this title and rules adopted under this title except as otherwise provided by this subsection.				
(f) The commissioner shall include students in attendance in a program under Subsection (e) in the computation of the district's average daily attendance for funding purposes.				
(g) In addition to students described by Subsection (d), a student who satisfies local eligibility criteria adopted by the board of trustees of a school district may receive instructional services under this section. The number of students receiving services under this subsection during a school year may not exceed 10 percent of the number of students described by Subsection (d) who received services from the district during the preceding school year.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 1588, Sec. 1, eff. Aug. 30, 1999; Acts 2001, 77th Leg., ch. 725, Sec. 1, 2, eff. June 13, 2001.				
Amended by:				
Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 4, eff. September 1, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 690, Sec. 1, eff. June 19, 2009.				
Sec. 29.096. COLLABORATIVE DROPOUT REDUCTION PILOT PROGRAM		**Section 29.096(e) Education Code**		
(a) In this section, "council" means the High School Completion and Success Initiative Council established under Subchapter M, Chapter 39.				
(b) Using funds appropriated for that purpose in an amount not to exceed $4 million each year, the commissioner shall establish a pilot program under which a school district or open-enrollment charter school may receive a grant to implement a local collaborative dropout reduction program.				
(c) A school district or open-enrollment charter school is eligible to participate and receive a grant under this section under the eligibility criteria established under Section 39.408.				
(d) The commissioner shall establish application criteria for receiving a grant under this section. The criteria must require a school district or open-enrollment charter school that applies for a grant to collaborate with local businesses, other local governments or law enforcement agencies, nonprofit organizations, faith-based organizations, and institutions of higher education to deliver proven, research-based intervention services. The goal of the program is to coordinate services and programs among local entities to:				
(1) comprehensively reduce the number of students who drop out of school in that community; and				
(2) increase the job skills, employment opportunities, and continuing education opportunities of students who might otherwise have dropped out of school.				

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(e) The commissioner shall establish minimum standards for a local collaborative agreement, including a requirement that the agreement must be signed by an authorized school district or open-enrollment charter school officer and an authorized representative of each of the other participating entities that is a partner in the collaboration. The program must:				
(1) limit participation in the program to students authorized to participate by a parent or other person standing in parental relationship;				
(2) have as a primary goal graduation from high school under at least the recommended high school program;		(2) have as a primary goal graduation from high school [~~under at least the recommended high school program~~];		
(3) provide for local businesses or other employers to offer paid employment or internship opportunities and advanced career and vocational training;				
(4) include an outreach component and a lead educational staff member to identify and involve eligible students and public and private entities in participating in the program;				
(5) serve a population of students of which at least 50 percent are identified as students at risk of dropping out of school, as described by Section 29.081(d);				
(6) allocate not more than 15 percent of grant funds and matching funds, as determined by the commissioner, to administrative expenses;				
(7) include matching funds from any of the participating entities; and				
(8) include any other requirements as determined by the council.				
(f) A local collaborative agreement under this section may:				
(1) be coordinated with other services provided to students or their families by public or private entities;				
(2) provide for local businesses to support the program, including:				
(A) encouraging employees to engage in mentoring students and other school-related volunteer activities; and				
(B) using matching funds to provide paid time off for volunteer activities under Paragraph (A) and other activities related to encouraging school involvement of parents of students enrolled in the program;				
(3) allow grant funds to reimburse reasonable costs of participating entities;				
(4) provide for electronic course delivery by a school district, an open-enrollment charter school, or an institution of higher education; and				
(5) be hosted or housed by a chamber of commerce, local workforce agency, local employer, or other public or private participating entity.				
(g) The commissioner may approve innovative instructional techniques for courses in the enrichment curriculum leading to high school graduation under a local collaborative dropout reduction program and shall develop accountability measures appropriate to those programs. From funds appropriated, the commissioner may fund electronic courses that are part of a collaborative program and that are otherwise eligible for state funds. Funding for an electronic course may not exceed the total amount of state and local funding for a student to which the school district or open-enrollment charter school would otherwise be entitled.				
(h) Nothing in this section authorizes the award of a high school diploma other than in compliance with Section 28.025.				
(i) The commissioner shall adopt rules necessary to administer the pilot program under this section.				
Added by Acts 2007, 80th Leg., R.S., Ch. 1058, Sec. 11, eff. June 15, 2007.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 37, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 29.182. STATE PLAN FOR CAREER AND TECHNOLOGY EDUCATION		**Section 29.182(b), Education Code**		
(a) The agency shall prepare and biennially update a state plan for career and technology education that sets forth objectives for career and technology education for the next biennium and long-term goals for the following five years.				
(b) The state plan must include procedures designed to ensure that:				

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(1) all secondary and postsecondary students have the opportunity to participate in career and technology education programs;				
(2) the state complies with requirements for supplemental federal career and technology education funding; and		(2) the state complies with requirements for supplemental federal career and technology education funding; [~~and~~]		
(3) career and technology education is established as a part of the total education system of this state and constitutes an option for student learning that provides a rigorous course of study consistent with the required curriculum under Section 28.002 and under which a student may receive specific education in a career and technology program that:				
(A) incorporates competencies leading to academic and technical skill attainment;				
(B) leads to:				
(i) an industry-recognized license, credential, or certificate; or				
(ii) at the postsecondary level, an associate or baccalaureate degree;				
(C) includes opportunities for students to earn college credit for coursework; and				
(D) includes, as an integral part of the program, participation by students and teachers in activities of career and technical student organizations supported by the agency and the State Board of Education.				
Provision did not exist		(4) a school district provides, to the greatest extent possible, to a student participating in a career and technology education program opportunities to enroll in dual credit courses designed to lead to a degree, license, or certification as part of the program.		
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 41, eff. June 19, 2009.				
Sec. 29.190. SUBSIDY FOR CERTIFICATION EXAMINATION		**Sections 29.190(a) and (c), Education Code**		
(a) A student is entitled to a subsidy under this section if:				
(1) the student:				
(A) successfully completes the career and technology program of a school district in which the student receives training and instruction for employment in a current or emerging high-demand, high-wage, high-skill occupation, as determined under Subsection (e); or		(A) successfully completes the career and technology program of a school district in which the student receives training and instruction for employment [~~in a current or emerging high-demand, high-wage, high-skill occupation, as determined under Subsection (e)~~]; or		
(B) is enrolled in a special education program under Subchapter A;		(B) is enrolled in a special education program under Subchapter A; and		
(2) the student passes a certification examination to qualify for a license or certificate for the occupation; and		(2) the student passes a certification examination to qualify for a license or certificate [~~for the occupation; and~~		
(3) the student submits to the district a written application in the form, time, and manner required by the district for the district to subsidize the cost of an examination described by Subdivision (2).		[~~(3) the student submits to the district a written application in the form, time, and manner required by the district for the district to subsidize the cost of an examination described by Subdivision (2)~~].		
(b) The commissioner shall adopt guidelines for determining financial need consistent with the definition of financial need adopted by the College Board and Education Testing Service.		Repealed effective September 1, 2013		
(c) On approval by the commissioner, the agency shall pay each school district an amount equal to the cost paid by the district or student for the certification examination. To obtain reimbursement for a subsidy paid under this section, a district must:				
(1) pay the fee for the examination or pay the student the amount of the fee paid by the student for the examination; and		(1) pay the fee for the examination [~~or pay the student the amount of the fee paid by the student for the examination~~]; and		
(2) submit to the commissioner a written application on a form prescribed by the commissioner stating the amount of the fee paid under Subdivision (1) for the certification examination.				
(d) The commissioner may adopt rules as necessary to implement this section.		Repealed effective September 1, 2013		
(e) The commissioner, in collaboration with the commissioner of higher education and the Texas Workforce Commission, shall determine as necessary the occupations that qualify for purposes of this section.		Repealed effective September 1, 2013		
Added by Acts 2007, 80th Leg., R.S., Ch. 1225, Sec. 1, eff. June 15, 2007.				

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Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 22, eff. September 1, 2009.		(b) This section applies beginning with the 2013-2014 school year.		
Sec. 29.402. PARTNERSHIP		**Section 29.402(b), Education Code**		
(a) Beginning September 1, 2012, a public junior college may enter into an articulation agreement to partner with one or more school districts located in the public junior college district to provide on the campus of the public junior college a dropout recovery program for students described by Subsection (b) to successfully complete and receive a diploma from a high school of the appropriate partnering school district.				
(b) A person who is under 26 years of age is eligible to enroll in a dropout recovery program under this subchapter if the person:				
(1) must complete not more than three course credits to complete the curriculum requirements for the minimum, recommended, or advanced high school program, as appropriate, for high school graduation; or		(1) must complete not more than three course credits to complete the curriculum requirements for the foundation [~~minimum, recommended, or advanced~~] high school program[~~, as appropriate,~~] for high school graduation; or		
(2) has failed to perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c) or an assessment instrument 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.				
(c) A public junior college under this section shall:				
(1) design a dropout recovery curriculum that includes career and technology education courses that lead to industry or career certification;				
(2) integrate into the dropout recovery curriculum research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:				
(A) high quality, college readiness instruction with strong academic and social supports;				
(B) secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and				
(C) information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose;				
(3) offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses; and				
(4) coordinate with each partnering school district to provide in the articulation agreement that the district retains accountability for student attendance, student completion of high school course requirements, and student performance on assessment instruments as necessary for the student to receive a diploma from a high school of the partnering school district.				
(d) A dropout recovery program provided under this subchapter must comply with the requirements of Sections 29.081(e) and (f).				
Added by Acts 2011, 82nd Leg., R.S., Ch. 643, Sec. 1, eff. June 17, 2011.				
Added by Acts 2011, 82nd Leg., R.S., Ch. 1186, Sec. 1, eff. June 17, 2011.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 29.904. PLAN TO INCREASE ENROLLMENT IN INSTITUTIONS OF HIGHER EDUCATION		**Section 29.904(d), Education Code**		
(a) This section applies only to a school district with one or more high schools that:				
(1) during the preceding five years, have had an average of at least 26 students in the high school graduating class; and				
(2) for any two consecutive years during the preceding five years, have been among the lowest 10 percent of high schools in this state in the percentage of students graduating from the high school and enrolling for the following academic year in an institution of higher education.				

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(b) The agency and the Texas Higher Education Coordinating Board shall collaborate in identifying each school district to which this section applies. Not later than May 1 of each year:				
(1) the agency shall notify a district to which this section applies of the applicability of this section to the district unless the district is operating under a plan required by this section; and				
(2) the coordinating board shall notify each public institution of higher education in this state in closest geographic proximity to a district to which this section applies of the applicability of this section to the district unless the district is operating under a plan required by this section.				
(c) Except as otherwise provided by this subsection, not later than August 1 of the year in which a school district receives notice under Subsection (b), the district shall enter into an agreement with the public institution of higher education in this state in closest geographic proximity to the district to develop a plan to increase the percentage of the district's graduating seniors who enroll in an institution of higher education for the academic year following graduation. The public institution of higher education in this state in closest geographic proximity to the district shall enter into an agreement under this subsection unless that institution of higher education or the district recruits another public institution of higher education in this state to enter into that agreement. A district and the public institution of higher education entering into the agreement with the district may also enter into an agreement with one or more other public institutions of higher education in this state to participate in developing the plan.				
(d) A plan developed under this section:				
(1) must establish clear, achievable goals for increasing the percentage of the school district's graduating seniors, particularly the graduating seniors attending a high school described by Subsection (a), who enroll in an institution of higher education for the academic year following graduation;				
(2) must establish an accurate method of measuring progress toward the goals established under Subdivision (1) that may include the percentage of district high school students and the percentage of students attending a district high school described by Subsection (a) who:				
(A) are enrolled in a course for which a student may earn college credit, such as an advanced placement or international baccalaureate course or a course offered through concurrent enrollment in high school and at an institution of higher education;				
(B) are enrolled in courses that meet the curriculum requirements for the recommended or advanced high school program as determined under Section 28.025;		(B) are enrolled in courses that meet the curriculum requirements for the distinguished level of achievement under the foundation [~~recommended or advanced~~] high school program as determined under Section 28.025;		
(C) have submitted a free application for federal student aid (FAFSA);				
(D) are exempt under Section 51.3062(p) or (q) from administration of an assessment instrument under Section 51.3062 or have performed successfully on an assessment instrument under Section 51.3062;				
(E) graduate from high school;				
(F) graduate from an institution of higher education; and				
(G) have taken college entrance examinations and the average score of those students on the examinations;				
(3) must cover a period of at least five years; and				
(4) may be directed at district students at any level of primary or secondary education.				
(e) A school district shall file the plan with the commissioner of education and the commissioner of higher education.				
(f) A school district must implement the plan at the beginning of the school year following the year during which the district receives notice under Subsection (b).				

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(g) A school district may revise the plan as necessary in response to achieving or failing to achieve goals under the plan.				
Added by Acts 2001, 77th Leg., ch. 795, Sec. 1, eff. Sept 1, 2001. Renumbered from Education Code Sec. 29.903 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(16), eff. Sept. 1, 2003.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 43, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 31.0211. INSTRUCTIONAL MATERIALS ALLOTMENT		**Section 31.0211(c), Education Code**		
(a) A school district is entitled to an annual allotment from the state instructional materials fund for each student enrolled in the district on a date during the preceding school year specified by the commissioner. The commissioner shall determine the amount of the allotment per student each year on the basis of the amount of money available in the state instructional materials fund to fund the allotment. An allotment under this section shall be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Section 31.0212.				
(b) A juvenile justice alternative education program under Section 37.011 is entitled to an allotment from the state instructional materials fund in an amount determined by the commissioner. The program shall use the allotment to purchase items listed in Subsection (c) for students enrolled in the program. The commissioner's determination under this subsection is final and may not be appealed.				
(c) Subject to Subsection (d), funds allotted under this section may be used to:				
(1) purchase:				
(A) materials on the list adopted by the commissioner, as provided by Section 31.0231;				
(B) instructional materials, regardless of whether the instructional materials are on the list adopted under Section 31.024;				
(C) consumable instructional materials, including workbooks;				
(D) instructional materials for use in bilingual education classes, as provided by Section 31.029;				
(E) supplemental instructional materials, as provided by Section 31.035;		(E) instructional materials for use in college preparatory courses under Section 28.014, as provided by Section 31.031;		
(F) state-developed open-source instructional materials, as provided by Subchapter B-1;		(F) supplemental instructional materials, as provided by Section 31.035;		
(G) instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011; and		(G) [~~(F)~~] state-developed open-source instructional materials, as provided by Subchapter B-1;		
(H) technological equipment necessary to support the use of materials included on the list adopted by the commissioner under Section 31.0231 or any instructional materials purchased with an allotment under this section; and		(H) [~~(G)~~] instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011; and		
Provision did not exist		(I) [~~(H)~~] technological equipment necessary to support the use of materials included on the list adopted by the commissioner under Section 31.0231 or any instructional materials purchased with an allotment under this section; and		
(2) pay:				
(A) for training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use; and				
(B) the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.				
(d) Each year a school district shall use the district's allotment under this section to purchase, in the following order:				
(1) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Section 28.002; and				

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(2) any other instructional materials or technological equipment as determined by the district.			
(d-1) Notwithstanding Subsection (d), for the state fiscal biennium beginning September 1, 2011, a school district shall use an allotment received under this section to purchase instructional materials that will assist the district in satisfying performance standards under Section 39.0241, as added by Chapter 895 (H.B. 3), Acts of the 81st Legislature, Regular Session, 2009, on assessment instruments adopted under Sections 39.023(a) and (c).			
(d-2) Subsection (d-1) and this subsection expire August 31, 2013.			
(e) Not later than May 31 of each school year, a school district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment under Subsection (a) on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination under this subsection is final.			
(f) The commissioner may adopt rules as necessary to implement this section.			
Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 23, eff. July 19, 2011.		(b) This section applies beginning with the 2014-2015 school year.	
Provision did not exist		**Sec. 31.0215. INSTRUCTIONAL MATERIAL ALLOTMENT PURCHASES**	
Provision did not exist		(a) The commissioner shall, as early as practicable during each fiscal year, notify each school district and open-enrollment charter school of the estimated amount to which the district or charter school will be entitled under Section 31.0211 during the next fiscal year.	
Provision does not exist		(b) The commissioner may allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal year and to receive instructional materials before payment. The commissioner shall limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and shall first credit any balance in a district or charter school instructional materials account to pay for an order placed under this section.	
Provision does not exist		(c) The commissioner shall make payments for orders placed under this section as funds become available to the instructional materials fund and shall prioritize payment of orders placed under this section over reimbursement of purchases made directly by a school district or open-enrollment charter school.	
Provision does not exist		(d) The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. A publisher may decline to accept an order placed under this section.	
Provision does not exist		(e) Chapter 2251, Government Code, does not apply to purchases of instructional materials under this section.	
Provision does not exist		(f) The commissioner may adopt rules to implement this section.	
Provision did not exist		**Sec. 31.031. COLLEGE PREPARATORY INSTRUCTIONAL MATERIALS**	
Provision does not exist		(a) A school district may purchase with the district's instructional materials allotment or otherwise acquire instructional materials for use in college preparatory courses under Section 28.014.	
Provision does not exist		(b) The commissioner shall adopt rules regarding the purchase of instructional materials under this section.	
Provision does not exist		(b) This section applies beginning with the 2014-2015 school year.	
Sec. 33.007. COUNSELING REGARDING HIGHER EDUCATION		**Sec. 33.007. COUNSELING REGARDING POSTSECONDARY [~~HIGHER~~] EDUCATION.**	
		(b) This section takes effect beginning with the 2014-2015 school year.	

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Sec. 33.007. COUNSELING REGARDING HIGHER EDUCATION		Sections 33.007(a) and (b), Education Code		
a) Each counselor at an elementary, middle, or junior high school, including an open-enrollment charter school offering those grades, shall advise students and their parents or guardians regarding the importance of higher education, coursework designed to prepare students for higher education, and financial aid availability and requirements.		(a) Each school counselor at an elementary, middle, or junior high school, including an open-enrollment charter school offering those grades, shall advise students and their parents or guardians regarding the importance of postsecondary [~~higher~~] education, coursework designed to prepare students for postsecondary [~~higher~~] education, and financial aid availability and requirements.		
(b) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during a student's senior year, a counselor shall provide information about higher education to the student and the student's parent or guardian. The information must include information regarding:		(b) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during each [~~a student's senior~~] year of a student's enrollment in high school or at the high school level, a school counselor shall provide information about postsecondary [~~higher~~] education to the student and the student's parent or guardian. The information must include information regarding:		
(1) the importance of higher education;		(1) the importance of postsecondary [~~higher~~] education;		
(2) the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a);		(2) the advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation [~~recommended or advanced~~] high school program [~~adopted~~] under Section 28.025 [~~28.025(a)~~];		
(3) the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;				
(4) financial aid eligibility;				
(5) instruction on how to apply for federal financial aid;				
(6) the center for financial aid information established under Section 61.0776;				
(7) the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803;				
(8) the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56; and				
(9) the availability of programs in the district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs.				
(c) At the beginning of grades 10 and 11, a school counselor certified under the rules of the State Board for Educator Certification shall explain the requirements of automatic admission to a general academic teaching institution under Section 51.803 to each student enrolled in a high school or at the high school level in an open-enrollment charter school who has a grade point average in the top 25 percent of the student's high school class.				
Added by Acts 2001, 77th Leg., ch. 1223, Sec. 1, eff. June 15, 2001.				
Amended by:				
Acts 2007, 80th Leg., R.S., Ch. 973, Sec. 2, eff. June 15, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 1342, Sec. 4, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 39.023. ADOPTION AND ADMINISTRATION OF INSTRUMENTS		**Section 39.023, Education Code, is amended by amending Subsections (a-2), (b), (c), (e-3), (e), and (h) and adding Subsections (b-1), (e-1), (e-2), and (e-3)**		
(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;				
(4) social studies, in grade eight;				

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(5) science, in grades five and eight; and				
(6) any other subject and grade required by federal law.				
(a-1) The agency shall develop assessment instruments required under Subsection (a) in a manner that allows, to the extent practicable:				
(1) the score a student receives to provide reliable information relating to a student's satisfactory performance for each performance standard under Section 39.0241; and				
(2) an appropriate range of performances to serve as a valid indication of growth in student achievement.				
(a-2) A student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:		(a-2) Except as required by federal law, a [A] student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:		
(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or				
(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.				
(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.		(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee, including assessment instruments approved by the commissioner that measure growth. The assessment instruments developed or adopted under this subsection, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students under this subsection.		
		(b-1) The agency, in conjunction with appropriate interested persons, shall redevelop assessment instruments adopted or developed under Subsection (b) for administration to significantly cognitively disabled students in a manner consistent with federal law. An assessment instrument under this subsection may not require a teacher to prepare tasks or materials for a student who will be administered such an assessment instrument. Assessment instruments adopted or developed under this subsection shall be administered not later than the 2014-2015 school year.		

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(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. The Algebra I, Algebra II, and geometry end-of-course assessment instruments must be administered with the aid of technology. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course. 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).		(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, [~~Algebra II, geometry,~~] biology, [~~chemistry, physics,~~] English I, English II, [~~English III, world geography, world history,~~] and United States history. The Algebra I [~~, Algebra II, and geometry~~] end-of-course assessment instrument [~~instruments~~] 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 [~~and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course~~]. 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).		
(c-1) The agency shall develop any assessment instrument required under this section in a manner that allows for the measurement of annual improvement in student achievement as required by Sections 39.034(c) and (d).				
(c-2) The agency may adopt end-of-course assessment instruments for courses not listed in Subsection (c). A student's performance on an end-of-course assessment instrument adopted under this subsection is not subject to the performance requirements established under Subsection (c) or Section 39.025.				
(c-3) In adopting a schedule for the administration of assessment instruments under this section, 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 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, English II, and English III must be permitted to occur at an earlier date.		(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[~~, and English III~~] must be permitted to occur at an earlier date.		
(c-4) To the extent practicable and subject to Section 39.024, the agency shall ensure that each end-of-course assessment instrument adopted under Subsection (c) is:				
(1) developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and				
(2) validated by national postsecondary education experts for college readiness content and performance standards.				
(c-5) A student's performance on an end-of-course assessment instrument required under Subsection (c) must be included in the student's academic achievement record.				

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(c-6) In adopting an end-of-course assessment instrument under this section, the agency shall consider the use of an existing assessment instrument that is currently available. The agency may use an existing assessment instrument that is currently available only if the assessment instrument:				
(1) is aligned with the essential knowledge and skills of the subject being assessed; and				
(2) allows for the measurement of annual improvement in student achievement as provided by Subsection (c-1).				
(d) The commissioner may participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments. The commissioner by rule may require a school district to administer an end-of-course assessment instrument developed through the multistate efforts. The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument.				
(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score.		(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score. During the 2014-2015 and 2015-2016 school years, the agency shall release the questions and answer keys to assessment instruments as described by this subsection each year.		
Provision does not exist		(e-1) Under rules adopted by the commissioner, for the 2012-2013 school year, the agency each year shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. This subsection expires December 31, 2013.		
Provision does not exist		(e-2) Under rules adopted by the commissioner, for the 2013-2014 school year, the agency each year shall release the questions and answer keys to each assessment instrument administered under Subsection (b), (c), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument and any assessment instrument covering a subject or course for which the questions and answer keys for the 2012-2013 assessment instrument covering that subject or course were released, after the last time the instrument is administered for the 2013-2014 school year. This subsection expires December 31, 2014.		
Provision does not exist		(e-3) Under rules adopted by the commissioner, for the 2013-2014 school year, the agency each year shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l) during the 2013-2014 school year after the last time any assessment instrument is administered for the 2013-2014 school year. This subsection expires December 31, 2014.		
(f) The assessment instruments shall be designed to include assessment of a student's problem-solving ability and complex-thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable.				

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(g) The State Board of Education may adopt one appropriate, nationally recognized, norm-referenced assessment instrument in reading and mathematics to be administered to a selected sample of students in the spring. If adopted, a norm-referenced assessment instrument must be a secured test. The state may pay the costs of purchasing and scoring the adopted assessment instrument and of distributing the results of the adopted instrument to the school districts. A district that administers the norm-referenced test adopted under this subsection shall report the results to the agency in a manner prescribed by the commissioner.				
(h) The agency shall notify school districts and campuses of the results of assessment instruments administered under this section at the earliest possible date determined by the State Board of Education but not later than the beginning of the subsequent school year.		(h) The agency shall notify school districts and campuses of the results of assessment instruments administered under this section [~~at the earliest possible date determined by the State Board of Education but~~] not later than the 21st day after the date the assessment instrument is administered [~~beginning of the subsequent school year~~]. The school district shall disclose to each district teacher the results of assessment instruments administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.		
(i) The provisions of this section, except Subsection (d), are subject to modification by rules adopted under Section 39.022. Each assessment instrument adopted under those rules and each assessment instrument required under Subsection (d) must be reliable and valid and must meet any applicable federal requirements for measurement of student progress.				
(j) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 18, eff. September 1, 2007.				
(k) Expired.				
(l) The State Board of Education shall adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to students in grades three through five who are of limited English proficiency, as defined by Section 29.052, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section 39.027(a)(1) or (2). Each student of limited English proficiency whose primary language is Spanish, other than a student to whom Subsection (b) applies, may be assessed using assessment instruments in Spanish under this subsection for up to three years or assessment instruments in English under Subsection (a). The language proficiency assessment committee established under Section 29.063 shall determine which students are administered assessment instruments in Spanish under this subsection.				
(m) The commissioner by rule shall develop procedures under which the language proficiency assessment committee established under Section 29.063 shall determine which students are exempt from the administration of the assessment instruments under Section 39.027(a)(1) or (2). The rules adopted under this subsection shall ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) at the earliest practical date.				

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(n) This subsection applies only to a student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. Section 705(20) and its subsequent amendments. The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student to whom this subsection applies for whom the assessment instruments adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the board of trustees of the district to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this subsection. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).				
(o) The commissioner of education and the commissioner of higher education shall study the feasibility of allowing students to satisfy end-of-course requirements under Subsection (c) by successfully completing a dual credit course through an institution of higher education. Not later than December 1, 2010, the commissioner of education and the commissioner of higher education shall make recommendations to the legislature based on the study conducted under this subsection.				
(p) On or before September 1 of each year, the commissioner shall make the following information available on the agency's Internet website for each assessment instrument administered under Subsection (a), (c), or (l):				
(1) the number of questions on the assessment instrument;				
(2) the number of questions that must be answered correctly to achieve satisfactory performance as determined by the commissioner under Section 39.0241(a);				
(3) the number of questions that must be answered correctly to achieve satisfactory performance under the college readiness performance standard as provided by Section 39.0241; and				
(4) the corresponding scale scores.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 767, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 397, Sec. 3, 8, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 8, Sec. 1, eff. April 11, 2001; Acts 2001, 77th Leg., ch. 834, Sec. 9, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 201, Sec. 25, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 430, Sec. 5, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 433, Sec. 1, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1212, Sec. 11, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1275, Sec. 2(20), eff. Sept. 1, 2003.				
Amended by:				
Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 8, eff. September 1, 2007.				
Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 18, eff. September 1, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 50, eff. June 19, 2009.				
Acts 2011, 82nd Leg., R.S., Ch. 307, Sec. 3, eff. June 17, 2011.		(b) This section applies beginning with the 2013-2014 school year.		
Sec. 39.0232. USE OF END-OF-COURSE ASSESSMENT INSTRUMENT AS PLACEMENT INSTRUMENT		**Sec. 39.0232. USE OF END-OF-COURSE ASSESSMENT INSTRUMENT AS PLACEMENT INSTRUMENT; CERTAIN USES PROHIBITED**		
To the extent practicable, the agency shall ensure that any high school end-of-course assessment instrument developed by the agency is developed in such a manner that the assessment instrument may be used to determine the appropriate placement of a student in a course of the same subject matter at an institution of higher education.		(a) To the extent practicable, the agency shall ensure that any high school end-of-course assessment instrument developed by the agency is developed in such a manner that the assessment instrument may be used to determine the appropriate placement of a student in a course of the same subject matter at an institution of higher education.		
Provision does not exist		(b) A student's performance on an end-of-course assessment instrument may not be used:		

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Provision does not exist		(1) in determining the student's class ranking for any purpose, including entitlement to automatic college admission under Section 51.803 or 51.804; or	
Provision does not exist		(2) as a sole criterion in the determination of whether to admit the student to a general academic teaching institution in this state.	
Provision does not exist		(c) Subsection (b)(2) does not prohibit a general academic teaching institution from implementing an admission policy that takes into consideration a student's performance on an end-of-course assessment instrument in addition to other criteria.	
Provision does not exist		(d) In this section, "general academic teaching institution" has the meaning assigned by Section 61.003.	
Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 5.05, eff. May 31, 2006.		(b) This section applies beginning with the 2013-2014 school year.	
Sec. 39.0233. SPECIAL-PURPOSE QUESTIONS INCLUDED IN END-OF-COURSE ASSESSMENT INSTRUMENTS		**Section 39.0233(a), Education Code**	
(a) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Section 39.023(c) to be used for purposes of Section 51.3062. The questions adopted under this subsection must be developed in a manner consistent with any college readiness standards adopted under Sections 39.113 and 51.3062.		(a) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Section 39.023(c) to be used for purposes of Section 51.3062. The questions adopted under this subsection must be developed in a manner consistent with any college readiness standards adopted under Sections 39.233 [~~39.113~~] and 51.3062.	
(b) In addition to the questions adopted under Subsection (a), the agency shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Section 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A school district shall notify a student who performs at a high level on the questions adopted under this subsection and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A school district may not require a student to perform at a particular level on the questions adopted under this subsection in order to be eligible to enroll in an advanced high school course.			
(c) The State Board of Education shall establish a level of performance on the questions adopted under this section that indicates a student's college readiness. A student's performance on the questions adopted under this section must be evaluated separately from the student's performance on the remainder of the assessment instrument. A student's performance on a question adopted under this section may not be used to determine the student's performance on the assessment instrument for purposes of Section 39.023 or 39.025. The commissioner shall adopt rules concerning the reporting of a student's performance on the questions adopted under this section.			
(d) The questions adopted under this section may not be administered in a separate section of the end-of-course assessment instrument.			
Added by Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 9, eff. September 1, 2007.			
Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 51, eff. June 19, 2009.		(b) This section applies beginning with the 2013-2014 school year.	
Provision did not exist		**Sec. 39.0238. ADOPTION AND ADMINISTRATION OF POSTSECONDARY READINESS ASSESSMENT INSTRUMENTS**	
Provision does not exist		(a) In addition to other assessment instruments adopted and developed under this subchapter, the agency shall adopt or develop appropriate postsecondary readiness assessment instruments for Algebra II and English III that a school district may administer at the district's option.	
Provision does not exist		(b) To the extent practicable, the agency shall ensure that each postsecondary readiness assessment instrument:	
Provision does not exist		(1) assesses essential knowledge and skills and growth;	
Provision does not exist		(2) is developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and	

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Provision does not exist		(3) is validated by national postsecondary education experts for college readiness content and performance standards.		
Provision does not exist		(c) In adopting a schedule for the administration of postsecondary readiness assessment instruments under this section, the State Board of Education shall require the annual administration of the postsecondary readiness assessment instruments to occur not earlier than the second full week in May.		
Provision does not exist		(d) The agency shall adopt a policy requiring each school district that elects to administer postsecondary readiness assessment instruments under Subsection (a) to annually:		
Provision does not exist		(1) administer the applicable postsecondary readiness assessment instrument to each student enrolled in a course for which a postsecondary readiness assessment instrument is adopted or developed under Subsection (a), including applied Algebra II; and		
Provision does not exist		(2) report the results of the postsecondary readiness assessment instruments to the agency.		
Provision does not exist		(e) The agency shall annually deliver a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the legislature with jurisdiction over public education. The report must include a summary of student performance on the preceding year's postsecondary readiness assessment instruments.		
Provision does not exist		(f) The results of a postsecondary readiness assessment instrument administered under this section may not be used by:		
Provision does not exist		(1) the agency for accountability purposes for a school campus or school district;		
Provision does not exist		(2) a school district:		
Provision does not exist		(A) for the purpose of teacher evaluations; or		
Provision does not exist		(B) in determining a student's final course grade or determining a student's class rank for the purpose of high school graduation; or		
Provision does not exist		(3) an institution of higher education:		
Provision does not exist		(A) for admission purposes; or		
Provision does not exist		(B) to determine eligibility for a TEXAS grant.		
Provision does not exist		(g) A school district may not administer an additional benchmark assessment instrument solely for the purpose of preparing for a postsecondary readiness assessment instrument administered under this section. In this subsection, "benchmark assessment instrument" means a district-required assessment instrument designed to prepare students for a postsecondary readiness assessment instrument administered under this section.		
Provision does not exist		(h) The agency shall acknowledge a school district that elects to administer the postsecondary readiness assessment instruments as provided by Subsection (a).		
Provision does not exist		(b) This section applies beginning with the 2015-2016 school year.		
Sec. 39.024. MEASURE OF COLLEGE READINESS		**Sec. 39.024. MEASURE OF COLLEGE READINESS**		
(a) In this section, "college readiness" means the level of preparation a student must attain in English language arts and mathematics courses to enroll and succeed, without remediation, in an entry-level general education course for credit in that same content area for a baccalaureate degree or associate degree program at:				
(1) a general academic teaching institution, as defined by Section 61.003, other than a research institution, as categorized under the Texas Higher Education Coordinating Board's accountability system; or				
(2) a postsecondary educational institution that primarily offers associate degrees or certificates or credentials other than baccalaureate or advanced degrees.				
(b) The agency and the Texas Higher Education Coordinating Board shall ensure that the Algebra II and English III end-of-course assessment instruments required under Section 39.023(c) are developed to be capable of, beginning with the 2011-2012 school year, measuring college readiness.		Repealed effective September 1, 2013		

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(c) Before the beginning of the 2011-2012 school year, the agency, in collaboration with the Texas Higher Education Coordinating Board, shall gather data and conduct research studies to substantiate the correlation between a certain level of performance by students on the Algebra II and English III end-of-course assessment instruments and college readiness.		Repealed effective September 1, 2013		
(d) Studies under Subsection (c) must include an evaluation of any need for remediation courses to facilitate college readiness.		Repealed effective September 1, 2013		
(e) Based on the results of the studies conducted under Subsection (c), the commissioner of education and the commissioner of higher education shall establish student performance standards for the Algebra II and English III end-of-course assessment instruments indicating that students have attained college readiness.		Repealed effective September 1, 2013		
(f) The agency, in collaboration with the Texas Higher Education Coordinating Board, shall conduct research studies similar to the studies conducted under Subsection (c) for the appropriate science and social studies end-of-course assessment instruments. If the commissioner of education, in collaboration with the commissioner of higher education, determines that the research studies conducted under this subsection substantiate a correlation between a certain level of performance by students on science and social studies end-of-course assessment instruments and college readiness, the commissioner of education, in collaboration with the commissioner of higher education, as soon as practicable, may establish student performance standards for the science and social studies end-of-course assessment instruments indicating that students have attained college readiness.		Repealed effective September 1, 2013		
(f-1) Not later than December 1, 2012, the agency and the Texas Higher Education Coordinating Board shall deliver to the lieutenant governor, the speaker of the house of representatives, and the clerks of the standing committees of the senate and the house of representatives with primary jurisdiction over public education and higher education a report that includes:				
(1) an analysis of the feasibility of establishing college readiness performance standards for science and social studies end-of-course assessment instruments; and				
(2) a summary of any implementation procedures adopted for each standard.				
(f-2) Subsection (f-1) and this subsection expire January 1, 2013.				
(g) The agency, in collaboration with the Texas Higher Education Coordinating Board, shall continue to gather data to perform studies as provided under Subsections (c) and (f) at least once every three years.		Repealed effective September 1, 2013		
(h) The agency and the Texas Higher Education Coordinating Board shall periodically review the college readiness performance standards established under this section and compare the performance standards to performance standards established nationally and internationally for comparable assessment instruments. Following each review, the agency and the Texas Higher Education Coordinating Board shall deliver to the lieutenant governor, the speaker of the house of representatives, and the clerks of the standing committees of the senate and the house of representatives with primary jurisdiction over public education and higher education a report on the results of the review indicating whether the college readiness performance standards established under this section are sufficiently rigorous to prepare students in this state to compete academically with students nationally and internationally. If the agency and the Texas Higher Education Coordinating Board determine that the college readiness performance standards established under this section are not sufficiently rigorous, the agency and the Texas Higher Education Coordinating Board shall recommend changes to the college readiness performance standards.				

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(i) The agency shall gather data and conduct research to substantiate any correlation between a certain level of performance by students on end-of-course assessment instruments and success in:				
(1) military service; or				
(2) a workforce training, certification, or other credential program at a postsecondary educational institution that primarily offers associate degrees or certificates or credentials other than baccalaureate or advanced degrees.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 767, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 396, Sec. 2.19, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 397, Sec. 4, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 4.006, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1212, Sec. 12.01, eff. June 20, 2003.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 53, eff. June 19, 2009.				
Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 40, eff. September 1, 2009.				
Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 105(a)(5), eff. September 1, 2009.				
Sec. 39.0241. PERFORMANCE STANDARDS		**Sec. 39.0241. PERFORMANCE STANDARDS**		
a) The commissioner shall determine the level of performance considered to be satisfactory on the assessment instruments.				
(a-1) The commissioner of education, in collaboration with the commissioner of higher education, shall determine the level of performance necessary to indicate college readiness, as defined by Section 39.024(a).				
(a-2) For the purpose of establishing performance across grade levels, the commissioner shall establish:		Repealed effective September 1, 2013		
(1) the performance standards for the Algebra II and English III end-of-course assessment instruments, as provided under Section 39.024(b) and under Subsection (a);				
(2) the performance standards for the Algebra I and English II end-of-course assessment instruments, as determined based on studies under Section 39.0242 that correlate student performance on the Algebra I and English II end-of-course assessment instruments with student performance on the Algebra II and English III assessment instruments;				
(3) the performance standards for the English I end-of-course assessment instrument, as determined based on studies under Section 39.0242 that correlate student performance on the English I end-of-course assessment instrument with student performance on the English II assessment instrument;				
(4) the performance standards for the grade eight assessment instruments, as determined based on studies under Section 39.0242 that correlate student performance on the grade eight assessment instruments with student performance on the Algebra I and English I end-of-course assessment instruments in the same content area; and				
(5) the performance standards on the assessment instruments in each of grades three through seven, as determined based on studies under Section 39.0242 that correlate student performance in the same content area on the assessment instrument for each grade with student performance on the assessment instrument in the succeeding grade.				
(c) Using funds appropriated for purposes of this subsection, the agency may develop study guides for the assessment instruments administered under Sections 39.023(a) and (c). To assist parents in providing assistance during the period that school is recessed for summer, each school district shall make the study guides available to parents of students who do not perform satisfactorily as determined by the commissioner under Subsection (a) on one or more parts of an assessment instrument administered under this subchapter.				

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(d) Using funds appropriated for purposes of this subsection, the agency shall develop and make available teacher training materials and other teacher training resources to assist teachers in enabling students of limited English proficiency to meet state performance expectations. The teacher training resources shall be designed to support intensive, individualized, and accelerated instructional programs developed by school districts for students of limited English proficiency.				
(e) Expired.				
Added by Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 53, eff. June 19, 2009.				
Sec. 39.0242. PERFORMANCE STANDARDS: RESEARCH STUDIES AND IMPLEMENTATION OF STANDARDS		**Sec. 39.0242. PERFORMANCE STANDARDS: RESEARCH STUDIES AND IMPLEMENTATION OF STANDARDS**		
(a) During the 2009-2010 and 2010-2011 school years, the agency shall collect data through:		Repealed effective September 1, 2013		
(1) the annual administration of assessment instruments required under Section 39.023(a) in grades three through eight; and		Repealed effective September 1, 2013		
(2) the administration to a sufficiently large sample of students throughout the state of end-of-course assessment instruments required under Section 39.023(c) for the purpose of setting performance standards.		Repealed effective September 1, 2013		
(b) Before the beginning of the 2011-2012 school year, the agency shall analyze the data collected under Subsection (a) to substantiate:		Repealed effective September 1, 2013		
(1) the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the grade three, four, five, six, or seven assessment instruments with satisfactory performance under the same performance standard on the assessment instruments in the same content area for the next grade level;		Repealed effective September 1, 2013		
(2) the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the grade eight assessment instruments with satisfactory performance under the same performance standard on the Algebra I and English I end-of-course assessment instruments in the same content area;		Repealed effective September 1, 2013		
(3) the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the English I end-of-course assessment instrument with satisfactory performance under the same performance standard on the English II end-of-course assessment instrument;		Repealed effective September 1, 2013		
(4) the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the English II end-of-course assessment instrument with satisfactory performance under the same performance standard on the English III end-of-course assessment instrument; and		Repealed effective September 1, 2013		
(5) the correlation between satisfactory student performance for each performance standard under Section 39.0241 on the Algebra I end-of-course assessment instrument with satisfactory performance under the same performance standard on the Algebra II end-of-course assessment instrument.		Repealed effective September 1, 2013		
(c) Studies under this section must include an evaluation of any need for remediation courses to facilitate college readiness.		Repealed effective September 1, 2013		
(d) The agency shall continue to gather data and perform studies as provided under this section at least once every three years. If the data do not support the correlation between student performance standards and college readiness, the commissioner of education, in collaboration with the commissioner of higher education, shall revise the standard of performance considered to be satisfactory.		Repealed effective September 1, 2013		
(e) Based on the data collected and studies performed periodically under Subsection (d), the commissioner shall increase the rigor of the performance standard established under Section 39.0241(a) as the commissioner determines necessary.		Repealed effective September 1, 2013		
Added by Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 53, eff. June 19, 2009.		Repealed effective September 1, 2013		

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Sec. 39.025. SECONDARY-LEVEL PERFORMANCE REQUIRED	Section 39.025, Education Code, is amended by amending Subsections (a), (a-1), (b), and (b-2) and adding Subsection (a-4)	
(a) The commissioner shall adopt rules requiring a student participating in the recommended or advanced high school program to be administered each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. A student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a). A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student. A student may not receive a high school diploma until the student has performed satisfactorily on the end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.	(a) The commissioner shall adopt rules requiring a student participating in the recommended or advanced high school program to be administered each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. A student is required to achieve[~~, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and~~] a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a), on each end-of-course assessment instrument listed under Section 39.023(c) that is administered to the student as provided by this subsection. For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. [~~A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student.~~] A student may not receive a high school diploma until the student has performed satisfactorily on [~~the~~] end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.	

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(a-1) The commissioner by rule shall determine a method by which a student's satisfactory performance on an advanced placement test, international baccalaureate examination, an SAT Subject Test, or another assessment instrument determined by the commissioner to be at least as rigorous as an end-of-course assessment instrument adopted under Section 39.023(c) may be used as a factor in determining whether the student satisfies the requirements of Subsection (a), including the cumulative score requirement of that subsection. The commissioner by rule may determine a method by which a student's satisfactory performance on a Preliminary Scholastic Assessment Test (PSAT) assessment or a preliminary American College Test (ACT) assessment may be used as a factor in determining whether the student satisfies the requirements of Subsection (a).		(a-1) A student enrolled in a college preparatory course under Section 28.014 who satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.3062(c) administered at the end of the college preparatory course satisfies the requirements concerning an end-of-course assessment in an equivalent course as prescribed by Subsection (a). The commissioner [by rule] shall determine a method by which a student's satisfactory performance on an advanced placement test, an international baccalaureate examination, an SAT Subject Test, the SAT, the ACT, or any nationally recognized norm-referenced [another] assessment instrument used by institutions of higher education to award course credit based on satisfactory performance on the [determined by the commissioner to be at least as rigorous as an end-of-course] assessment instrument shall [adopted under Section 39.023(c) may] be used to satisfy [as a factor in determining whether the student satisfies] the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by [of] Subsection (a)[, including the cumulative score requirement of that subsection]. The commissioner shall [by rule may] determine a method by which a student's satisfactory performance on the PSAT [a Preliminary Scholastic Assessment Test (PSAT) assessment] or the ACT-Plan shall [a preliminary American College Test (ACT) assessment may] be used to satisfy [as a factor in determining whether the student satisfies] the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by [of] Subsection (a). A student who fails to perform satisfactorily on the test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, may retake that test or other assessment instrument for purposes of this subsection or may take the appropriate end-of-course assessment instrument. A student who fails to perform satisfactorily on the PSAT or the ACT-Plan must take the appropriate end-of-course assessment instrument. The commissioner shall adopt rules as necessary for the administration of this subsection.		
(a-2) In addition to the cumulative score requirements under Subsection (a), a student must achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) for English III and Algebra II end-of-course assessment instruments to graduate under the recommended high school program.		Repealed effective September 1, 2013		
(a-3) In addition to the cumulative score requirements under Subsection (a), a student must achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a-1) on English III and Algebra II end-of-course assessment instruments in order to graduate under the advanced high school program.		Repealed effective September 1, 2013		
		(a-4) The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on end-of-course assessment instruments.		
(b) Each time an end-of-course assessment instrument is administered, a student who failed to achieve a minimum score under Subsection (a) shall retake the assessment instrument. A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under Section 39.024(b), may retake the assessment instrument. Any other student may retake an end-of-course assessment instrument for any reason. A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.		(b) Each time an end-of-course assessment instrument adopted under Section 39.023(c) is administered, a student who failed to achieve a [minimum] score requirement under Subsection (a) may [shall] retake the assessment instrument. [A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under Section 39.024(b), may retake the assessment instrument. Any other student may retake an end-of-course assessment instrument for any reason.] A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.		

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(b-1) A school district shall provide each student who fails to perform satisfactorily as determined by the commissioner under Section 39.0241(a) on an end-of-course assessment instrument with accelerated instruction in the subject assessed by the assessment instrument.				
(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the cumulative score requirements for one or more subjects prescribed by Subsection (a) for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a). A student may use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the cumulative score requirements prescribed by Subsection (a).		(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the [~~cumulative~~] score requirement under Subsection (a) [~~requirements~~] for one or more end-of-course assessment instruments administered to the student as provided [~~subjects prescribed~~] by Subsection (a) for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner [~~not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a)~~]. A student may use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the [~~cumulative~~] score requirement [~~requirements~~] prescribed by Subsection (a).		
(c) A student who has been denied a high school diploma under this section and who subsequently performs at the level necessary to comply with the requirements of this section shall be issued a high school diploma.				
(c-1) A school district may not administer an assessment instrument required for graduation administered under this section as this section existed before September 1, 1999. A school district may administer to a student who failed to perform satisfactorily on an assessment instrument described by 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 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.				
(d) Notwithstanding Subsection (a), the commissioner by rule shall adopt one or more alternative nationally recognized norm referenced assessment instruments under this section to administer to a student to qualify for a high school diploma if the student enrolls after January 1 of the school year in which the student is otherwise eligible to graduate:				
(1) for the first time in a public school in this state; or				
(2) after an absence of at least four years from any public school in this state.				
(e) The commissioner shall establish a required performance level for an assessment instrument adopted under Subsection (d) that is at least as rigorous as the performance level required to be met under Subsection (a).				
(e-1) Nothing in this section has the effect of prohibiting the administration of an end-of-course assessment instrument listed in Section 39.023(c) to a student enrolled below the high school level who is enrolled in the course for which the assessment instrument is adopted. The commissioner shall adopt rules necessary to ensure that the student's performance on the assessment instrument is considered in the same manner for purposes of this section as the performance of a student enrolled at the high school level.				

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(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 entering the ninth grade during the 2011-2012 school year. During this 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;				
(2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily on 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; and				
(3) the agency may defer releasing assessment instrument questions and answer keys as required by Section 39.023(e) to the extent necessary to develop additional assessment instruments.				
(g) Rules adopted under Subsection (f) must require that each student who will be subject to the requirements of Subsection (a) is entitled to notice of the specific requirements applicable to the student. Notice under this subsection must be provided not later than the date the student enters the eighth grade. Subsection (f) and this subsection expire September 1, 2015.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 767, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 397, Sec. 5, eff. Sept. 1, 1999.				
Amended by:				
Acts 2005, 79th Leg., Ch. 164, Sec. 6, eff. May 27, 2005.				
Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 10, eff. September 1, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 54, eff. June 19, 2009.				
Acts 2011, 82nd Leg., R.S., Ch. 307, Sec. 4, eff. June 17, 2011.		(b) This section applies beginning with the 2013-2014 school year.		
Sec. 39.025. SECONDARY-LEVEL PERFORMANCE REQUIRED		**Section 39.025, Education Code**		

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(a) The commissioner shall adopt rules requiring a student participating in the recommended or advanced high school program to be administered each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. A student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a). A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student. A student may not receive a high school diploma until the student has performed satisfactorily on the end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.		(a) The commissioner shall adopt rules requiring a student [~~participating~~] in the foundation [~~recommended or advanced~~] high school program under Section 28.025 to be administered each end-of-course assessment instrument listed in Section 39.023(c) [~~and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered~~]. A student is required to achieve[~~, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and~~] a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a), on each end-of-course assessment instrument listed under Section 39.023(c). For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. [~~A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student.~~] A student may not receive a high school diploma until the student has performed satisfactorily on [~~the~~] end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.		

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(a-1) The commissioner by rule shall determine a method by which a student's satisfactory performance on an advanced placement test, international baccalaureate examination, an SAT Subject Test, or another assessment instrument determined by the commissioner to be at least as rigorous as an end-of-course assessment instrument adopted under Section 39.023(c) may be used as a factor in determining whether the student satisfies the requirements of Subsection (a), including the cumulative score requirement of that subsection. The commissioner by rule may determine a method by which a student's satisfactory performance on a Preliminary Scholastic Assessment Test (PSAT) assessment or a preliminary American College Test (ACT) assessment may be used as a factor in determining whether the student satisfies the requirements of Subsection (a).		(a-1) A student enrolled in a college preparatory course under Section 28.014 who satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.3062(c) administered at the end of the college preparatory course satisfies the requirements concerning an end-of-course assessment in an equivalent course as prescribed by Subsection (a). The commissioner [~~by rule~~] shall determine a method by which a student's satisfactory performance on an advanced placement test, an international baccalaureate examination, an SAT Subject Test, the SAT, the ACT, or any nationally recognized norm-referenced [~~another~~] assessment instrument used by institutions of higher education to award course credit based on satisfactory performance on the [~~determined by the commissioner to be at least as rigorous as an end-of-course~~] assessment instrument shall [~~adopted under Section 39.023(c) may~~] be used to satisfy [~~as a factor in determining whether the student satisfies~~] the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by [~~of~~] Subsection (a)[~~, including the cumulative score requirement of that subsection~~]. The commissioner shall [~~by rule may~~] determine a method by which a student's satisfactory performance on the PSAT [~~a Preliminary Scholastic Assessment Test (PSAT) assessment~~] or the ACT-Plan shall [~~a preliminary American College Test (ACT) assessment may~~] be used to satisfy [~~as a factor in determining whether the student satisfies~~] the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by [~~of~~] Subsection (a). A student who fails to perform satisfactorily on a test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, may retake that test or other assessment instrument for purposes of this subsection or may take the appropriate end-of-course assessment instrument. A student who fails to perform satisfactorily on the PSAT or the ACT-Plan must take the appropriate end-of-course assessment instrument. The commissioner shall adopt rules as necessary for the administration of this subsection. *Not later than October 1, 2012, the commissioner of education shall adopt rules to administer Section 39.025(a-1), Education Code, as amended by this Act.		
(a-2) In addition to the cumulative score requirements under Subsection (a), a student must achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) for English III and Algebra II end-of-course assessment instruments to graduate under the recommended high school program.				
(a-3) In addition to the cumulative score requirements under Subsection (a), a student must achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a-1) on English III and Algebra II end-of-course assessment instruments in order to graduate under the advanced high school program.				
		(a-4) The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on end-of-course assessment instruments.		
(b) Each time an end-of-course assessment instrument is administered, a student who failed to achieve a minimum score under Subsection (a) shall retake the assessment instrument.		(b) Each time an end-of-course assessment instrument adopted under Section 39.023(c) is administered, a student who failed to achieve a [~~minimum~~] score requirement under Subsection (a) may [~~shall~~] retake the assessment instrument. [~~A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under Section 39.024(b), may retake the assessment instrument. Any other student may retake an end-of-course assessment instrument for any reason.~~] A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.		

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A student who fails to perform satisfactorily on an Algebra II or English III end-of-course assessment instrument under the college readiness performance standard, as provided under Section 39.024(b), may retake the assessment instrument. Any other student may retake an end-of-course assessment instrument for any reason. A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.				
(b-1) A school district shall provide each student who fails to perform satisfactorily as determined by the commissioner under Section 39.0241(a) on an end-of-course assessment instrument with accelerated instruction in the subject assessed by the assessment instrument.				
(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the cumulative score requirements for one or more subjects prescribed by Subsection (a) for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a). A student may use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the cumulative score requirements prescribed by Subsection (a).		(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the [~~cumulative~~] score requirement under Subsection (a) [~~requirements~~] for one or more end-of-course assessment instruments administered to the student as provided [~~subjects prescribed~~] by Subsection (a) for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner [~~not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a)~~]. A student may use the student's score on the end-of-course assessment instrument for the college preparatory course under this subsection that is not ~~based on~~ a 100-point scale scoring ~~system,~~ the commissioner shall provide.		
(c) A student who has been denied a high school diploma under this section and who subsequently performs at the level necessary to comply with the requirements of this section shall be issued a high school diploma.				
(c-1) A school district may not administer an assessment instrument required for graduation administered under this section as this section existed before September 1, 1999. A school district may administer to a student who failed to perform satisfactorily on an assessment instrument described by 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 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.				
(d) Notwithstanding Subsection (a), the commissioner by rule shall adopt one or more alternative nationally recognized norm referenced assessment instruments under this section to administer to a student to qualify for a high school diploma if the student enrolls after January 1 of the school year in which the student is otherwise eligible to graduate:				
(1) for the first time in a public school in this state; or				
(2) after an absence of at least four years from any public school in this state.				
(e) The commissioner shall establish a required performance level for an assessment instrument adopted under Subsection (d) that is at least as rigorous as the performance level required to be met under Subsection (a).				

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(e-1) Nothing in this section has the effect of prohibiting the administration of an end-of-course assessment instrument listed in Section 39.023(c) to a student enrolled below the high school level who is enrolled in the course for which the assessment instrument is adopted. The commissioner shall adopt rules necessary to ensure that the student's performance on the assessment instrument is considered in the same manner for purposes of this section as the performance of a student enrolled at the high school level.				
(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 entering the ninth grade 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;				
(2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily on 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; and				
(3) the agency may defer releasing assessment instrument questions and answer keys as required by Section 39.023(e) to the extent necessary to develop additional assessment instruments.				
(g) Rules adopted under Subsection (f) must require that each student who will be subject to the requirements of Subsection (a) is entitled to notice of the specific requirements applicable to the student. Notice under this subsection must be provided not later than the date the student enters the eighth grade. Subsection (f) and this subsection expire September 1, 2015.				
Provision does not exist		(a) Except as provided by Subsection (b) of this section, Section 39.025, Education Code, as amended by Sections 35 and 36 of this Act, as related to reducing end-of-course testing requirements, applies only to students who have entered or will enter the ninth grade during the 2011-2012 school year or a later school year.		
Provision does not exist		(b) Students who have entered the ninth grade during or after the 2011-2012 school year but before the 2013-2014 school year may be administered only those end-of-course assessment instruments that would have been administered to those students under Section 39.025, Education Code, as amended by Section 35 of this Act, and Section 39.025, Education Code, as amended by Section 35 of this Act, is continued in effect for purposes of satisfying those end-of-course testing requirements.		
Provision does not exist		(c) The commissioner of education may by rule adopt a transition plan to implement the amendments made by this Act relating to end-of-course testing requirements during the 2013-2014 and 2014-2015 school years.		
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 767, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 397, Sec. 5, eff. Sept. 1, 1999.				
Amended by:				
Acts 2005, 79th Leg., Ch. 164, Sec. 6, eff. May 27, 2005.				

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Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 10, eff. September 1, 2007.			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 54, eff. June 19, 2009.			
Acts 2011, 82nd Leg., R.S., Ch. 307, Sec. 4, eff. June 17, 2011.		(b) This section applies beginning with the 2014-2015 school year.	
Provision does not exist		**Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS**	
Provision does not exist		(a) In this section, "benchmark assessment instrument" means a district-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument.	
Provision does not exist		(b) Except as provided by Subsection (c), a school district may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.	
Provision does not exist		(c) The prohibition prescribed by this section does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an independent classroom examination designed or adopted and administered by a classroom teacher.	
Provision does not exist		(d) A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with commissioner rule, may request administration to the student of additional benchmark assessment instruments.	
Provision does not exist		(b) This section applies beginning with the 2013-2014 school year.	
Sec. 39.027. EXEMPTION		**Section 39.027, Education Code, is amended by adding Subsection (a-2)**	
(a) A student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of an assessment instrument under:			
(1) Section 39.023(a), (b), (c), or (l) for a period of up to one year after initial enrollment in a school in the United States if the student is of limited English proficiency, as defined by Section 29.052, and has not demonstrated proficiency in English as determined by the assessment system under Subsection (e);			
(2) Section 39.023(a), (b), (c), or (l) for a period of up to two years in addition to the exemption period authorized by Subdivision (1) if the student has received an exemption under Subdivision (1) and:			
(A) is a recent unschooled immigrant; or			
(B) is in a grade for which no assessment instrument in the primary language of the student is available; or			
(3) Section 39.023(a), (b), (c), or (l) for a period of up to four years, in addition to the exemption period authorized under Subdivision (1), if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee.			
(4) Expired.			
(a-1) For purposes of this section, "unschooled asylee or refugee" means a student who:			
(1) initially enrolled in a school in the United States as:			
(A) an asylee as defined by 45 C.F.R. Section 400.41; or			
(B) a refugee as defined by 8 U.S.C. Section 1101;			
(2) has a visa issued by the United States Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the United States Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and			
(3) as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Section 28.002, as determined by the language proficiency assessment committee established under Section 29.063.			

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		(a-2) Unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Subsection (a)(1), (2), or (3). Section 39.027(a-2), Education Code, as added by this Act, applies to a student regardless of the date on which the student initially enrolled in a school in the United States		
(b) The State Board of Education shall adopt rules under which a dyslexic student who is not exempt under Subsection (a) may use procedures including oral examinations if appropriate or may be allowed additional time or the materials or technology necessary for the student to demonstrate the student's mastery of the competencies the assessment instruments are designed to measure.				
(c) The commissioner shall develop and adopt a process for reviewing the exemption process of a school district or shared services arrangement that gives an exemption under Subsection (a)(1) as follows:				
(1) to more than five percent of the students in the special education program, in the case of a district or shared services arrangement with an average daily attendance of at least 1,600;				
(2) to more than 10 percent of the students in the special education program, in the case of a district or shared services arrangement with an average daily attendance of at least 190 and not more than 1,599; or				
(3) to the greater of more than 10 percent of the students in the special education program or to at least five students in the special education program, in the case of a district or shared services arrangement with an average daily attendance of not more than 189.				
(d) Expired.				
(e) The commissioner shall develop an assessment system that shall be used for evaluating the academic progress, including reading proficiency in English, of all students of limited English proficiency, as defined by Section 29.052. A student who is exempt from the administration of an assessment instrument under Subsection (a)(1) or (2) who achieves reading proficiency in English as determined by the assessment system developed under this subsection shall be administered the assessment instruments described by Sections 39.023(a) and (c). The performance under the assessment system developed under this subsection of students to whom Subsection (a)(1) or (2) applies shall be included in the indicator systems under Section 39.301, as applicable, the performance report under Section 39.306, and the comprehensive annual report under Section 39.332. This information shall be provided in a manner that is disaggregated by the bilingual education or special language program, if any, in which the student is enrolled.				
(f) In this section, "average daily attendance" is computed in the manner provided by Section 42.005.				
(g) For purposes of this section, "recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment instrument under Section 39.023(a) or (l) and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Section 28.002 as determined by the language proficiency assessment committee established under Section 29.063. For purposes of this subsection and to the extent authorized by federal law, a child's prior enrollment in a school in the United States shall be determined on the basis of documents and records required under Section 25.002(a).				

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Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 767, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 397, Sec. 6, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 8, Sec. 2, eff. April 11, 2001; Acts 2001, 77th Leg., ch. 725, Sec. 3, eff. June 13, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 6.007, eff. Sept. 1, 2003.				
Amended by:				
Acts 2007, 80th Leg., R.S., Ch. 1340, Sec. 4, eff. June 15, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 56, eff. June 19, 2009.		(b) This section applies beginning with the 2013-2014 school year.		
Sec. 39.0301. SECURITY IN ADMINISTRATION OF ASSESSMENT INSTRUMENTS		**Section 39.0301, Education Code, is amended by adding Subsection (a-1)**		
(a) The commissioner:				
(1) shall establish procedures for the administration of assessment instruments adopted or developed under Section 39.023, including procedures designed to ensure the security of the assessment instruments; and				
(2) may establish record retention requirements for school district records related to the security of assessment instruments.				
		(a-1) In establishing procedures under Subsection (a)(1) for the administration of assessment instruments, the commissioner shall ensure that the procedures are designed to minimize disruptions to school operations and the classroom environment. In implementing the procedures established under Subsection (a)(1) for the administration of assessment instruments, a school district shall minimize disruptions to school operations and the classroom environment.		
(b) The commissioner may develop and implement statistical methods and standards for identifying potential violations of procedures established under Subsection (a) to ensure the security of assessment instruments adopted or developed under Section 39.023. In developing the statistical methods and standards, the commissioner may include indicators of:				
(1) potential violations that are monitored annually; and				
(2) patterns of inappropriate assessment practices that occur over time.				
(c) The commissioner may establish one or more advisory committees to advise the commissioner and agency regarding the monitoring of assessment practices and the use of statistical methods and standards for identifying potential violations of assessment instrument security, including standards to be established by the commissioner for selecting school districts for investigation for a potential assessment security violation under Subsection (e). The commissioner may not appoint an agency employee to an advisory committee established under this subsection.				
(d) Any document created for the deliberation of an advisory committee established under Subsection (c) or any recommendation of such a committee is confidential and not subject to disclosure under Chapter 552, Government Code. Except as provided by Subsection (e), the statistical methods and standards adopted under this section and the results of applying those methods and standards are confidential and not subject to disclosure under Chapter 552, Government Code.				
(e) The agency may conduct an investigation of a school district for a potential violation of assessment instrument security in accordance with the standards described by Subsection (c). Each school year, after completing all investigations of school districts selected for investigation, the agency shall disclose the identity of each district selected for investigation and the statistical methods and standards used to select the district.				

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(f) At any time, the commissioner may authorize the audit of a random sample of school districts to determine the compliance of the districts with procedures established under Subsection (a). The identity of each school district selected for audit under this subsection is confidential and not subject to disclosure under Chapter 552, Government Code, except that the agency shall disclose the identity of each district after completion of the audit.			
(g) The state auditor may conduct a risk-based audit of a school district at any time to ensure the security of assessment instruments administered under Section 39.023 in the district.			
Added by Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 12, eff. September 1, 2007.			
Provision does not exist	**Sec. 39.038. RESTRICTION ON APPOINTMENTS TO ADVISORY COMMITTEES**		
Provision does not exist	The commissioner may not appoint a person to a committee or panel that advises the commissioner or agency regarding state accountability systems under this title or the content or administration of an assessment instrument if the person is retained or employed by an assessment instrument vendor. If, on September 1, 2013, a person is serving on a committee or panel that advises the commissioner of education or the Texas Education Agency who would not be eligible for appointment under Section 39.038, Education Code, as added by this Act, the person's position on the committee or panel becomes vacant and shall be filled in accordance with applicable law.		
Provision does not exist	**Sec. 39.039. PROHIBITION ON POLITICAL CONTRIBUTION OR ACTIVITY BY CERTAIN CONTRACTORS**		
Provision does not exist	(a) A person who is an agent of an entity that has been contracted to develop or implement assessment instruments required under Section 39.023 commits an offense if the person makes or authorizes a political contribution to or takes part in, directly or indirectly, the campaign of any person seeking election to or serving on the State Board of Education.		
Provision does not exist	(b) A person who is an agent of an entity that has been contracted to develop or implement assessment instruments required under Section 39.023 commits an offense if the person serves as a member of a formal or informal advisory committee established by the commissioner, agency staff, or the State Board of Education to advise the commissioner, agency staff, or the State Board of Education regarding policies or implementation of the requirements of this subchapter.		
Provision does not exist	(c) An offense under this section is a Class B misdemeanor.		
Provision does not exist	(b) This section applies September 1, 2013.		
Sec. 39.053. PERFORMANCE INDICATORS: STUDENT ACHIEVEMENT	**Section 39.053, Education Code, is amended by amending Subsections (a) and (g-1) and adding Subsections (c-1) and (c-2)**		
(a) The commissioner shall adopt a set of indicators of the quality of learning and student achievement. The commissioner biennially shall review the indicators for the consideration of appropriate revisions.			
(b) Performance on the student achievement indicators adopted under this section shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status.			
(c) Indicators of student achievement adopted under this section must include:			
(1) the results of assessment instruments required under Sections 39.023(a), (c), and (l), including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:			
(A) for the performance standard determined by the commissioner under Section 39.0241(a):			
(i) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and			

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(ii) for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area; and				
(B) for the college readiness performance standard as determined under Section 39.0241:				
(i) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and				
(ii) for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area;				
(2) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education; and		(2) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education; [~~and~~]		
(3) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).				
Provision does not exist		(4) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;		
Provision does not exist		(5) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(c-1); and		
Provision does not exist		(6) at least three additional indicators of student achievement to evaluate district and campus performance, which must include either:		
Provision does not exist		(A) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(c); or		
Provision does not exist		(B) the number of students who earn:		
Provision does not exist		(i) at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);		
Provision does not exist		(ii) at least 30 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(c-1);		
Provision does not exist		(iii) an associate's degree; or		
Provision does not exist		(iv) an industry certification.		
Provision does not exist		(c-1) An indicator adopted under Subsection (c) that would measure improvements in student achievement cannot negatively affect the commissioner's review of a school district or campus if that district or campus is already achieving at the highest level for that indicator.		
Provision does not exist		(c-2) The commissioner by rule shall determine a method by which a student's performance may be included in determining the performance rating of a school district or campus under Section 39.054 if, before the student graduates, the student:		
Provision does not exist		(1) satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.3062(c); or		
Provision does not exist		(2) performs satisfactorily on an assessment instrument under Section 39.023(c), notwithstanding Subsection (d).		

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(d) For purposes of Subsection (c), the commissioner by rule shall determine the period within which a student must retake an assessment instrument for that assessment instrument to be considered in determining the performance rating of the district under Section 39.054.				
(d-1) In aggregating results of assessment instruments across grade levels by subject in accordance with Subsection (c)(1), the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(a) is included with results relating to other students enrolled at the same grade level.				
(e) Performance on the student achievement indicators under Subsections (c)(1) and (2) shall be compared to state standards and required improvement. The state standard shall be established by the commissioner. Required improvement is the progress necessary for the campus or district to meet state standards and, for the student achievement indicator under Subsection (c)(1), for its students to meet each of the performance standards as determined under Section 39.0241.				
(f) Annually, the commissioner shall define the state standard for the current school year for each student achievement indicator described by Subsection (c) and shall project the state standards for each indicator for the following two school years. The commissioner shall periodically raise the state standards for the student achievement indicator described by Subsection (c)(1)(B)(i) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:				
(1) student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and				
(2) student performance, including the percentage of students graduating under the recommended or advanced high school program, with no significant achievement gaps by race, ethnicity, and socioeconomic status.				
(g) In defining the required state standard for the indicator described by Subsection (c)(2), the commissioner may not consider as a dropout a student whose failure to attend school results from:				
(1) the student's expulsion under Section 37.007; and				
(2) as applicable:				
(A) adjudication as having engaged in delinquent conduct or conduct indicating a need for supervision, as defined by Section 51.03, Family Code; or				
(B) conviction of and sentencing for an offense under the Penal Code.				
(g-1) In computing dropout and completion rates under Subsection (c)(2), the commissioner shall exclude:				
(1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;				
(2) students who were previously reported to the state as dropouts;		(2) students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;		
(3) students in attendance who are not in membership for purposes of average daily attendance;				
(4) students whose initial enrollment in a school in the United States in grades 7 through 12 was as unschooled refugees or asylees as defined by Section 39.027(a-1);				
(5) students who are in the district exclusively as a function of having been detained at a county detention facility but are otherwise not students of the district in which the facility is located; and				
(6) students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults.				

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(h) Each school district shall cooperate with the agency in determining whether a student is a dropout for purposes of accreditation and evaluating performance by school districts and campuses under this chapter.				
(i) The commissioner by rule shall adopt accountability measures to be used in assessing the progress of students who have failed to perform satisfactorily as determined by the commissioner under Section 39.0241(a) or under the college readiness standard as determined under Section 39.0241 in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (l).				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 510, Sec. 2, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1417, Sec. 2, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 725, Sec. 6, eff. June 13, 2001; Acts 2001, 77th Leg., ch. 834, Sec. 11, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, Sec. 4.010, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1055, Sec. 24, eff. June 20, 2003.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.				
Acts 2011, 82nd Leg., R.S., Ch. 307, Sec. 5, eff. June 17, 2011.		(b) This section applies beginning with the 2013-2014 school year.		
Sec. 39.053. PERFORMANCE INDICATORS: STUDENT ACHIEVEMENT (f)		**Section 39.053(f), Education Code**		
(f) Annually, the commissioner shall define the state standard for the current school year for each student achievement indicator described by Subsection (c) and shall project the state standards for each indicator for the following two school years. The commissioner shall periodically raise the state standards for the student achievement indicator described by Subsection (c)(1)(B)(i) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:				
(1) student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and				
(2) student performance, including the percentage of students graduating under the recommended or advanced high school program, with no significant achievement gaps by race, ethnicity, and socioeconomic status.		(2) student performance, [~~including the percentage of students graduating under the recommended or advanced high school program,~~] with no significant achievement gaps by race, ethnicity, and socioeconomic status.		
		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 39.054. METHODS AND STANDARDS FOR EVALUATING PERFORMANCE		**Section 39.054(a), Education Code**		
(a) The commissioner shall adopt rules to evaluate school district and campus performance and, not later than August 8 of each year, assign each district and campus a performance rating that reflects acceptable performance or unacceptable performance. If a district or campus received a performance rating of unacceptable performance for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.		(a) The commissioner shall adopt rules to evaluate school district and campus performance and[~~, not later than August 8 of each year,~~] assign each district [~~and campus~~] a performance rating of A, B, C, D, or F. In adopting rules under this subsection, the commissioner shall determine the criteria for each designated letter performance rating. A district performance rating of A, B, or C [~~that~~] reflects acceptable performance and a district performance rating of D or F reflects [~~or~~] unacceptable performance. The commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance. A district may not receive a performance rating of A if the district includes any campus with a performance rating of unacceptable. Not later than August 8 of each year, the performance rating of each district and campus shall be made publicly available as provided by rules adopted under this subsection. If a district or campus received a performance rating that reflected [~~of~~] unacceptable performance for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.		

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(b) In evaluating performance, the commissioner shall evaluate against state standards and consider the performance of each campus in a school district and each open-enrollment charter school on the basis of the campus's or school's performance on the student achievement indicators adopted under Section 39.053(c).		(b) In evaluating performance, the commissioner shall evaluate against state standards and consider the performance of each campus in a school district and each open-enrollment charter school on the basis of the campus's or school's performance on the student achievement indicators adopted under Section 39.053, other than, to the greatest extent possible, the student achievement indicator adopted under Section 39.053(c)(1) [~~39.053(c)~~].		
(b-1) Consideration of the effectiveness of district programs under Section 39.052(b)(2)(B) or (C):				
(1) must:				
(A) be based on data collected through the Public Education Information Management System (PEIMS) for purposes of accountability under this chapter; and				
(B) include the results of assessments required under Section 39.023; and				
(2) may be based on the results of a special accreditation investigation conducted under Section 39.057.				
(c) In evaluating school district and campus performance on the student achievement indicators adopted under Sections 39.053(c)(1) and (2), the commissioner shall define acceptable performance as meeting the state standard determined by the commissioner under Section 39.053(e) for the current school year based on:				
(1) student performance in the current school year; or				
(2) student performance as averaged over the current school year and the preceding two school years.				
(d) In evaluating performance under Subsection (c), the commissioner:				
(1) may assign an acceptable performance rating if the campus or district:				
(A) performs satisfactorily on 85 percent of the measures the commissioner determines appropriate with respect to the student achievement indicators adopted under Sections 39.053(c)(1) and (2); and				
(B) does not fail to perform satisfactorily on the same measure described by Paragraph (A) for two consecutive school years;				
(2) may grant an exception under this subsection to a district or campus only if the performance of the district or campus is within a certain percentage, as determined by the commissioner, of the minimum performance standard established by the commissioner for the measure of evaluation; or				
(3) may establish other performance criteria for a district or campus to obtain an exception under this subsection.				
(d-1) The commissioner may consider alternative performance criteria to Subsection (d)(1)(A) only in special circumstances, including campus or district performance on the same measure for student groups that are substantially similar in composition to all students on the same campus or district.				
(e) Each annual performance review under this section shall include an analysis of the student achievement indicators adopted under Section 39.053(c) to determine school district and campus performance in relation to:				
(1) standards established for each indicator; and				
(2) required improvement as defined under Section 39.053(e).				
(f) In the computation of dropout rates under Section 39.053(c)(2), a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility or center unless that district or campus is the one to which the student is regularly assigned. The agency may not limit an appeal relating to dropout computations under this subsection.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.				

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Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.		(b) This section applies beginning with the 2013-2014 school year.	
Provision does not exist		**Sec. 39.0545. SCHOOL DISTRICT EVALUATION OF PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT; COMPLIANCE**	
Provision does not exist		(a) Each school district shall evaluate the district's performance and the performance of each campus in the district in community and student engagement and in compliance as provided by this section and assign the district and each campus a performance rating of exemplary, recognized, acceptable, or unacceptable for both overall performance and each individual evaluation factor listed under Subsection (b). Not later than August 8 of each year, the district shall report each performance rating to the agency and make the performance ratings publicly available as provided by commissioner rule.	
Provision does not exist		(b) For purposes of assigning the performance ratings under Subsection (a), a school district must evaluate:	
Provision does not exist		(1) the following programs or specific categories of performance at each campus:	
Provision does not exist		(A) fine arts;	
Provision does not exist		(B) wellness and physical education;	
Provision does not exist		(C) community and parental involvement, such as:	
Provision does not exist		(i) opportunities for parents to assist students in preparing for assessments under Section 39.023;	
Provision does not exist		(ii) tutoring programs that support students taking assessments under Section 39.023; and	
Provision does not exist		(iii) opportunities for students to participate in community service projects;	
Provision does not exist		(D) the 21st Century Workforce Development program;	
Provision does not exist		(E) the second language acquisition program;	
Provision does not exist		(F) the digital learning environment;	
Provision does not exist		(G) dropout prevention strategies; and	
Provision does not exist		(H) educational programs for gifted and talented students; and	
Provision does not exist		(2) the record of the district and each campus regarding compliance with statutory reporting and policy requirements.	
Provision does not exist		(c) A school district shall use criteria developed by a local committee to evaluate:	
Provision does not exist		(1) the performance of the district's campus programs and categories of performance under Subsection (b)(1); and	
Provision does not exist		(2) the record of the district and each campus regarding compliance under Subsection (b)(2).	
Provision does not exist		(b) This section applies beginning with the 2013-2014 school year.	
Sec. 39.056. ON-SITE INVESTIGATIONS		**Section 39.056, Education Code, is amended by adding Subsection (f)**	
a) The commissioner may:			
(1) direct the agency to conduct on-site investigations of a school district at any time to answer any questions concerning a program, including special education, required by federal law or for which the district receives federal funds; and			
(2) as a result of the investigation, change the accreditation status of a district, change the accountability rating of a district or campus, or withdraw a distinction designation under Subchapter G.			
(b) The commissioner shall determine the frequency of on-site investigations by the agency according to annual comprehensive analyses of student performance and equity in relation to the student achievement indicators adopted under Section 39.053.			
(c) In making an on-site accreditation investigation, the investigators shall obtain information from administrators, teachers, and parents of students enrolled in the school district. The investigation may not be closed until information is obtained from each of those sources. The State Board of Education shall adopt rules for:			
(1) obtaining information from parents and using that information in the investigator's report; and			

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(2) obtaining information from teachers in a manner that prevents a district or campus from screening the information.				
(d) The agency shall give written notice to the superintendent and the board of trustees of a school district of any impending investigation of the district's accreditation.				
(e) The investigators shall report orally and in writing to the board of trustees of the school district and, as appropriate, to campus administrators and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers.				
		(f) A district which takes action with regard to the recommendations provided by the investigators as prescribed by Subsection (e) shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal oriented and research based.		
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.				
Sec. 39.057. SPECIAL ACCREDITATION INVESTIGATIONS		**Section 39.057(a), Education Code**		
(a) The commissioner shall authorize special accreditation investigations to be conducted:				
(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;				
(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;				
(3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;				
(4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;				
(5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;				
(6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;				
(7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);				
(8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;				
(9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);				
(10) when excessive numbers of students graduate under the minimum high school program;		(10) [~~when excessive numbers of students graduate under the minimum high school program;~~		
(11) when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other course determined by the commissioner as distinguishing between students participating in the recommended high school program from students participating in the minimum high school program;		[~~(11)~~] when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner [~~as distinguishing between students participating in the recommended high school program from students participating in the minimum high school program~~];		

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(12) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation; or	(11) [~~(12)~~] when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation;		
(13) as the commissioner otherwise determines necessary.	(12) when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);		
	(13) when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1); or		
	(14) [~~(13)~~] as the commissioner otherwise determines necessary.		
(b) If the agency's findings in an investigation under Subsection (a)(6) indicate that the board of trustees has observed a lawfully adopted policy, the agency may not substitute its judgment for that of the board.			
(c) The commissioner may authorize special accreditation investigations to be conducted in response to repeated complaints submitted to the agency concerning imposition of excessive paperwork requirements on classroom teachers.			
(d) Based on the results of a special accreditation investigation, the commissioner may:			
(1) take appropriate action under Subchapter E;			
(2) lower the school district's accreditation status or a district's or campus's accountability rating; or			
(3) take action under both Subdivisions (1) and (2).			
(e) Regardless of whether the commissioner lowers the school district's accreditation status or a district's or campus's performance rating under Subsection (d), the commissioner may take action under Sections 39.102(a)(1) through (8) or Section 39.103 if the commissioner determines that the action is necessary to improve any area of a district's or campus's performance, including the district's financial accounting practices.			
Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.	(b) This section applies beginning with the 2014-2015 school year.		
Sec. 39.082. DEVELOPMENT AND IMPLEMENTATION	**Section 39.082, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (d), (e), (f), (g), (h), (h-1), and (i)**		
(a) The commissioner shall, in consultation with the comptroller, develop and implement separate financial accountability rating systems for school districts and open-enrollment charter schools in this state that:			
(1) distinguish among school districts and distinguish among open-enrollment charter schools, as applicable, based on levels of financial performance; and			
(2) include procedures to:			
(A) provide additional transparency to public education finance; and			
(B) enable the commissioner and school district and open-enrollment charter school administrators to provide meaningful financial oversight and improvement.			
Provision does not exist	(3) include processes for anticipating the future financial solvency of each school district and open-enrollment charter school, including analysis of district and school revenues and expenditures for preceding school years.		
(b) The system must include uniform indicators adopted by the commissioner by which to measure the financial management performance of a district or open-enrollment charter school.	(b) The system must include uniform indicators adopted by [~~the~~] commissioner rule by which to measure the financial management performance and future financial solvency of a district or open-enrollment charter school. In adopting indicators under this subsection, the commissioner shall assign a point value to each indicator to be used in a scoring matrix developed by the commissioner. Any reference to a teacher in an indicator adopted by the commissioner under this subsection means a classroom teacher.		
(c) The system may not include an indicator under Subsection (b) or any other performance measure that:			
(1) requires a school district to spend at least 65 percent or any other specified percentage of district operating funds for instructional purposes; or			

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(2) lowers the financial management performance rating of a school district for failure to spend at least 65 percent or any other specified percentage of district operating funds for instructional purposes.				
Provision does not exist		(d) The commissioner shall evaluate indicators adopted under Subsection (b) at least once every three years.		
Provision does not exist		(e) Under the financial accountability rating system developed under this section, each school district or open-enrollment charter school, as applicable, shall be assigned a financial accountability rating. In adopting rules under this section, the commissioner, in consultation with the comptroller, shall determine the criteria for each designated performance rating.		
Provision does not exist		(f) A district or open-enrollment charter school shall receive the lowest rating under the system if the district or school fails to achieve a satisfactory rating on:		
Provision does not exist		(1) an indicator adopted under Subsection (b) relating to financial management or solvency that the commissioner determines to be critical; or		
Provision does not exist		(2) a category of indicators that suggest trends leading to financial distress as determined by the commissioner.		
Provision does not exist		(g) Before assigning a final rating under the system, the commissioner shall assign each district or open-enrollment charter school a preliminary rating. A district or school may submit additional information to the commissioner relating to any indicator on which performance was considered unsatisfactory. The commissioner shall consider the additional information submitted by a district or school before assigning a final rating. If the commissioner determines that the additional information negates the concern raised by the indicator on which performance was considered unsatisfactory, the commissioner may not penalize the district or school on the basis of the indicator.		
Provision does not exist		(h) The commissioner shall adopt rules for the implementation of this section.		
Provision does not exist		(h-1) The commissioner shall adopt initial rules necessary to implement the changes to this section made by the 83rd Legislature, Regular Session, 2013, not later than March 1, 2015. This subsection expires April 1, 2015.		
Provision does not exist		(i) Not later than August 8 of each year, the financial accountability rating of each school district and open-enrollment charter school under the financial accountability rating system developed under this section shall be made publicly available as provided by rules adopted under this section.		
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 39.0822. FINANCIAL SOLVENCY REVIEW REQUIRED		**Sec. 39.0822. FINANCIAL SOLVENCY REVIEW REQUIRED**		
(a) The agency shall develop a review process to anticipate the future financial solvency of each school district. The review process shall analyze:		Repealed effective September 1, 2014		
(1) district revenues and expenditures for the preceding school year; and		Repealed effective September 1, 2014		
(2) projected district revenues and expenditures for the current school year and the following two school years.		Repealed effective September 1, 2014		
(b) In analyzing the information under Subsection (a), the review process developed must consider, for the preceding school year, the current school year, and the following two school years, as appropriate:		Repealed effective September 1, 2014		
(1) student-to-staff ratios relative to expenditures, including average staff salaries;		Repealed effective September 1, 2014		
(2) the rate of change in the district unreserved general fund balance;		Repealed effective September 1, 2014		
(3) the number of students enrolled in the district;		Repealed effective September 1, 2014		
(4) the adopted tax rate of the district;		Repealed effective September 1, 2014		
(5) any independent audit report prepared for the district; and		Repealed effective September 1, 2014		
(6) actual district financial information for the first quarter.		Repealed effective September 1, 2014		
(c) The agency shall consult school district financial officers and public finance experts in developing the review process under this section.		Repealed effective September 1, 2014		

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(d) The agency shall develop an electronic-based program for school districts to use in submitting information to the agency for purposes of this section. Each district shall update information for purposes of the program within the period prescribed by the commissioner. The commissioner shall adopt rules under this subsection to allow a district to enter estimates of critical data into the program before the district adopts its budget. The program must:		Repealed effective September 1, 2014		
(1) be capable of importing, to the extent practicable, data a district has previously submitted to the agency;		Repealed effective September 1, 2014		
(2) include an entry space that allows a district to enter information explaining any irregularity in data submitted; and		Repealed effective September 1, 2014		
(3) provide alerts for:		Repealed effective September 1, 2014		
(A) a student-to-staff ratio that is significantly outside the norm;		Repealed effective September 1, 2014		
(B) a rapid depletion of the district general fund balance; and		Repealed effective September 1, 2014		
(C) a significant discrepancy between actual budget figures and projected revenues and expenditures.		Repealed effective September 1, 2014		
(e) An alert in the program developed under Subsection (d) must be developed to notify the agency immediately on the occurrence of a condition described by Subsection (d)(3). After the agency is alerted, the agency shall immediately notify the affected school district regarding the condition triggering the alert.		Repealed effective September 1, 2014		
Amended by:		Repealed effective September 1, 2014		
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.		Repealed effective September 1, 2014		
Sec. 39.0823. PROJECTED DEFICIT		**Section 39.0823, Education Code, is amended by amending Subsection (a) and adding Subsection (d)**		
a) If the review process under Section 39.0822 indicates a projected deficit for a school district general fund within the following three school years, the district shall provide the agency interim financial reports, supplemented by staff and student count data, as needed, to evaluate the district's current budget status.		(a) If the commissioner, based on the indicators adopted under Section 39.082 or other relevant information, projects a [~~review process under Section 39.0822 indicates a projected~~] deficit for a school district or open-enrollment charter school general fund within the following three school years, the agency [~~district~~] shall provide the district or school [~~agency~~] interim financial reports, including projected revenues and expenditures [~~supplemented by staff and student count data as needed~~], to evaluate the [~~district's~~] current budget status of the district or school.		
(b) If the interim financial data provided under Subsection (a) substantiates the projected deficit, the school district shall develop a financial plan and submit the plan to the agency for approval. The agency may approve the plan only if the agency determines the plan will permit the district to avoid the projected insolvency.		Repealed effective September 1, 2014		
(c) The commissioner shall assign a school district an accredited-warned status if:		Repealed effective September 1, 2014		
(1) the district fails to submit a plan as provided by Subsection (b);				
(2) the district fails to obtain approval from the agency for a plan as provided by Subsection (b);				
(3) the district fails to comply with a plan approved by the agency under Subsection (b); or				
(4) the agency determines in a subsequent school year, based on financial data submitted by the district, that the approved plan for the district is no longer sufficient or is not appropriately implemented.				
Provision does not exist		(d) The agency may require a district or open-enrollment charter school to submit additional information needed to produce a financial report under Subsection (a). If a district or school fails to provide information requested under this subsection or if the commissioner determines that the information submitted by a district or school is unreliable, the commissioner may order the district or school to acquire professional services as provided by Section 39.109.		
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Provision does not exist		**Sec. 39.0824. CORRECTIVE ACTION PLAN**		

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Provision does not exist		(a) A school district or open-enrollment charter school assigned the lowest rating under Section 39.082 shall submit to the commissioner a corrective action plan to address the financial weaknesses of the district or school. A corrective action plan must identify the specific areas of financial weaknesses, such as financial weaknesses in transportation, curriculum, or teacher development, and include strategies for improvement.		
Provision does not exist		(b) The commissioner may impose appropriate sanctions under Subchapter E against a district or school failing to submit or implement a corrective action plan required under Subsection (a).		
Provision does not exist		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 39.083. REPORTING		**Section 39.083(b), Education Code**		
(a) The commissioner shall develop, as part of the system, a reporting procedure under which:				
(1) each school district is required to prepare and distribute an annual financial management report; and				
(2) the public is provided an opportunity to comment on the report at a hearing.				
(b) The annual financial management report must include:				
(1) a description of the district's financial management performance based on a comparison, provided by the agency, of the district's performance on the indicators adopted under Section 39.082(b) to:				
(A) state-established standards; and				
(B) the district's previous performance on the indicators;				
(2) a description of the data submitted using the electronic-based program developed under Section 39.0822; and		(2) [~~a description of the data submitted using the electronic-based program developed under Section 39.0822; and~~		
(3) any descriptive information required by the commissioner.		[~~(3)~~] any descriptive information required by the commissioner.		
(c) The report may include:				
(1) information concerning the district's:				
(A) financial allocations;				
(B) tax collections;				
(C) financial strength;				
(D) operating cost management;				
(E) personnel management;				
(F) debt management;				
(G) facility acquisition and construction management;				
(H) cash management;				
(I) budgetary planning;				
(J) overall business management;				
(K) compliance with rules; and				
(L) data quality; and				
(2) any other information the board of trustees determines to be necessary or useful.				
(d) The board of trustees of each school district shall hold a public hearing on the report. The board shall give notice of the hearing to owners of real property in the district and to parents of district students. In addition to other notice required by law, notice of the hearing must be provided:				
(1) to a newspaper of general circulation in the district; and				
(2) through electronic mail to media serving the district.				
(e) After the hearing, the report shall be disseminated in the district in the manner prescribed by the commissioner.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 39.201. DISTINCTION DESIGNATIONS		**Section 39.201(a), Education Code**		

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(a) Not later than August 8 of each year, the commissioner shall award distinction designations under this subchapter.		(a) Not later than August 8 of each year, the commissioner shall award distinction designations for outstanding performance as provided by [~~under~~] this subchapter. A distinction designation awarded to a district or campus under this subchapter shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the performance ratings as provided by rules adopted under Section 39.054(a).	
(b) A district or campus may not be awarded a distinction designation under this subchapter unless the district or campus has acceptable performance under Section 39.054.			
(c) In addition to the condition prescribed by Subsection (b), an open-enrollment charter school may not be awarded a distinction designation under this subchapter if the charter school is evaluated under alternative education accountability procedures adopted by the commissioner.			
Added by Acts 2001, 77th Leg., ch. 914, Sec. 1, eff. Sept. 1, 2001.			
Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.			
Acts 2011, 82nd Leg., R.S., Ch. 662, Sec. 1, eff. June 17, 2011.		(b) This section applies beginning with the 2013-2014 school year.	
Sec. 39.202. ACADEMIC EXCELLENCE DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES		**Sec. 39.202. ACADEMIC [~~EXCELLENCE~~] DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES**	
The commissioner by rule shall establish a recognized and exemplary rating for awarding districts and campuses an academic distinction designation under this subchapter. In establishing the recognized and exemplary ratings, the commissioner shall adopt criteria for the ratings, including:		The commissioner by rule shall establish [~~a recognized and exemplary rating for awarding districts and campuses~~] an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness [~~under this subchapter~~]. The [~~In establishing the recognized and exemplary ratings, the~~] commissioner shall adopt criteria for the designation under this section [~~ratings~~], including:	
(1) percentages of students who:			
(A) performed satisfactorily, as determined under the college readiness performance standard under Section 39.0241, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area; or			
(B) met the standard for annual improvement, as determined by the agency under Section 39.034, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A); and			
(2) other factors for determining sufficient student attainment of postsecondary readiness.		(2) percentages of:	
Provision does not exist		(A) students who earned a nationally or internationally recognized business or industry certification or license;	
Provision does not exist		(B) students who completed a coherent sequence of career and technical courses;	
Provision does not exist		(C) students who completed a dual credit course or an articulated postsecondary course provided for local credit;	
Provision does not exist		(D) students who achieved applicable College Readiness Benchmarks or the equivalent on the Preliminary Scholastic Assessment Test (PSAT), the Scholastic Assessment Test (SAT), the American College Test (ACT), or the ACT-Plan assessment program; and	
Provision does not exist		(E) students who received a score on either an advanced placement test or an international baccalaureate examination to be awarded college credit; and	
Provision does not exist		(3) [~~(2)~~] other factors for determining sufficient student attainment of postsecondary readiness.	
Added by Acts 2001, 77th Leg., ch. 914, Sec. 1, eff. Sept. 1, 2001.			
Amended by:			
Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 2.05, eff. May 31, 2006.			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.		(b) This section applies beginning with the 2013-2014 school year.	
Sec. 39.203. CAMPUS DISTINCTION DESIGNATIONS		**Sec. 39.203. CAMPUS DISTINCTION DESIGNATIONS**	

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(a) The commissioner shall award a campus a distinction designation if the campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement as determined under Section 39.034.		(a) The commissioner shall award a campus a distinction designation for outstanding performance in improvement in student achievement if the campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement as determined under Section 39.034.		
(b) In addition to the distinction designation described by Subsection (a), the commissioner shall award a campus a distinction designation if the campus demonstrates an ability to significantly diminish or eliminate performance differentials between student subpopulations and is ranked in the top 25 percent of campuses in this state under the performance criteria described by this subsection. The commissioner shall adopt rules related to the distinction designation under this subsection to ensure that a campus does not artificially diminish or eliminate performance differentials through inhibiting the achievement of the highest achieving student subpopulation.		(b) In addition to the distinction designation described by Subsection (a), the commissioner shall award a campus a distinction designation for outstanding performance in closing student achievement differentials if the campus demonstrates an ability to significantly diminish or eliminate performance differentials between student subpopulations and is ranked in the top 25 percent of campuses in this state under the performance criteria described by this subsection. The commissioner shall adopt rules related to the distinction designation under this subsection to ensure that a campus does not artificially diminish or eliminate performance differentials through inhibiting the achievement of the highest achieving student subpopulation.		
(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 the following programs or the following specific categories of performance:		(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 [~~for the following programs or the following specific categories of performance:~~		
(1) academic achievement in English language arts, mathematics, science, or social studies;		[~~(1)~~] academic achievement in English language arts, mathematics, science, or social studies[~~;~~		
(2) fine arts;		[~~(2) fine arts;~~		
(3) physical education;		[~~(3) physical education;~~		
(4) 21st Century Workforce Development program; and		[~~(4) 21st Century Workforce Development program; and~~		
(5) second language acquisition program.		[~~(5) second language acquisition program~~].		
(d) In addition to the distinction designations otherwise described by this section, the commissioner may award a distinction designation to a campus with a significant number of students below grade nine who perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c).		(d) In addition to the distinction designations otherwise described by this section, the commissioner may award a distinction designation for outstanding performance in advanced middle or junior high school student achievement to a campus with a significant number of students below grade nine who perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c).		
Added by Acts 2001, 77th Leg., ch. 914, Sec. 1, eff. Sept. 1, 2001.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.				
Acts 2011, 82nd Leg., R.S., Ch. 307, Sec. 6, eff. June 17, 2011.		(b) This section applies beginning with the 2013-2014 school year.		
Sec. 39.235. INNOVATION GRANT INITIATIVE FOR MIDDLE, JUNIOR HIGH, AND HIGH SCHOOL CAMPUSES		**Section 39.235(b), Education Code**		
(a) From funds appropriated for that purpose, the commissioner may establish a grant program under which grants are awarded to middle, junior high, and high school campuses and school districts to support:				
(1) the implementation of innovative improvement programs that are based on the best available research regarding middle, junior high, or high school reform, dropout prevention, and preparing students for postsecondary coursework or employment;				
(2) enhancing education practices that have been demonstrated by significant evidence of effectiveness; and				
(3) the alignment of grants and programs to the strategic plan adopted under Section 39.407.				
(b) Before awarding a grant under this section, the commissioner may require a campus or school district to:				
(1) obtain local matching funds; or				
(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 for each student enrolled at the campus or in a district middle, junior high, or high school.		(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 or 28.02121, as applicable, for each student enrolled at the campus or in a district middle, junior high, or high school.		
(c) The commissioner may:				

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(1) accept gifts, grants, or donations from a private foundation to implement a grant program under this section; and				
(2) coordinate gifts, grants, or donations with other available funding to implement a grant program under this section.				
(d) The commissioner may use funds appropriated under this section to support technical assistance services for school districts and open-enrollment charter schools to implement an improvement program under this section.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 39.301. ADDITIONAL PERFORMANCE INDICATORS: REPORTING		**Section 39.301(c), Education Code**		
(a) In addition to the indicators adopted under Section 39.053, the commissioner shall adopt indicators of the quality of learning for the purpose of preparing reports under this chapter. The commissioner biennially shall review the indicators for the consideration of appropriate revisions.				
(b) Performance on the indicators adopted under this section shall be evaluated in the same manner provided for evaluation of the student achievement indicators under Section 39.053(c).				
(c) Indicators for reporting purposes must include:		(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 the minimum high school program, the recommended high school program, and the advanced high school program;		(1) the percentage of graduating students who meet the course requirements established by State Board of Education rule for:		
Provision does not exist		(A) the foundation [~~minimum~~] high school program;		
Provision does not exist		(B) [~~;~~] the distinguished level of achievement under the foundation [~~recommended~~] high school program;[~~;~~] and		
Provision does not exist		(C) each endorsement described by Section 28.025(c-1) [~~the advanced high school program~~];		
(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 agree under Section 28.025(b) to take courses under the minimum high school program;		(4) for each campus, the number of students, disaggregated by major student subpopulations, that [~~agree under Section 28.025(b) to~~] take courses under the foundation [~~minimum~~] 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(c), 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 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;				

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(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.				
(d) Performance on the indicators described by Section 39.053(c) and Subsections (c)(3), (4), and (9) must be based on longitudinal student data that is disaggregated by the bilingual education or special language program, if any, in which students of limited English proficiency, as defined by Section 29.052, are or former students of limited English proficiency were enrolled. If a student described by this subsection is not or was not enrolled in specialized language instruction, the number and percentage of those students shall be provided.				
(e) Section 39.055 applies in evaluating indicators described by Subsection (c).				
Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 3.22, eff. May 31, 2006.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Provision does not exist		**Sec. 39.309. TEXAS SCHOOL ACCOUNTABILITY DASHBOARD**		
Provision does not exist		(a) The agency shall develop and maintain an Internet website, separate from the agency's Internet website, to be known as the Texas School Accountability Dashboard for the public to access school district and campus accountability information.		
Provision does not exist		(b) The commissioner shall adopt for use on the Texas School Accountability Dashboard, a performance index in each of the following areas:		
Provision does not exist		(1) student achievement;		
Provision does not exist		(2) student progress;		
Provision does not exist		(3) closing performance gaps; and		
Provision does not exist		(4) postsecondary readiness.		
Provision does not exist		(c) The Texas School Accountability Dashboard developed under Subsection (a) must include:		
Provision does not exist		(1) performance information for each school district and campus in areas specified by Subsection (b) and must allow for comparison between districts and campuses in each of the areas;		
Provision does not exist		(2) a comparison of the number of students enrolled in each school district, including:		
Provision does not exist		(A) the percentage of students of limited English proficiency, as defined by Section 29.052;		
Provision does not exist		(B) the percentage of students who are unschooled asylees or refugees, as defined by Section 29.027(a-1);		
Provision does not exist		(C) the percentage of students who are educationally disadvantaged; and		
Provision does not exist		(D) the percentage of students with disabilities;		
Provision does not exist		(3) a comparison of performance information for each district and campus disaggregated by race, ethnicity, and populations served by special programs, including special education, bilingual education, and special language programs; and		
Provision does not exist		(4) a comparison of performance information by subject area.		
Sec. 39.332. COMPREHENSIVE ANNUAL REPORT		**Section 39.332(b), Education Code, is amended by amending Subdivision (23) and adding Subdivision (24)**		

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(a) Not later than December 1 of each year, the agency shall prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system a comprehensive report covering the preceding school year and containing the information described by Subsection (b).				
(b)(1) The report must contain an evaluation of the achievements of in-state educational program in relation to the statutory goals for the public education system under Section 4.002.				
(2) The report must contain an evaluation of the status of education in the state as reflected by:				
(A) the student achievement indicators described by Section 39.053; and				
(B) the reporting indicators described by Section 39.301.				
(3) The report must contain a summary compilation of overall student performance on academic skills assessment instruments required by Section 39.023 with the number and percentage of students exempted from the administration of those instruments and the basis of the exemptions, aggregated by grade level, subject area, campus, and district, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status.				
(4) The report must contain a summary compilation of overall performance of students placed in a disciplinary alternative education program established under Section 37.008 on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status.				
(5) The report must contain a summary compilation of overall performance of students at risk of dropping out of school, as defined by Section 29.081(d), on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status.				
(6) The report must contain an evaluation of the correlation between student grades and student performance on academic skills assessment instruments required by Section 39.023.				
(7) The report must contain a statement of the dropout rate of students in grade levels 7 through 12, expressed in the aggregate and by grade level, and a statement of the completion rates of students for grade levels 9 through 12.				
(8) The report must contain a statement of:				
(A) the completion rate of students who enter grade level 9 and graduate not more than four years later;				
(B) the completion rate of students who enter grade level 9 and graduate, including students who require more than four years to graduate;				
(C) the completion rate of students who enter grade level 9 and not more than four years later receive a high school equivalency certificate;				
(D) the completion rate of students who enter grade level 9 and receive a high school equivalency certificate, including students who require more than four years to receive a certificate; and				
(E) the number and percentage of all students who have not been accounted for under Paragraph (A), (B), (C), or (D).				

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(9) The report must contain a statement of the projected cross-sectional and longitudinal dropout rates for grade levels 9 through 12 for the next five years, assuming no state action is taken to reduce the dropout rate.				
(10) The report must contain a description of a systematic, measurable plan for reducing the projected cross-sectional and longitudinal dropout rates to five percent or less.				
(11) The report must contain a summary of the information required by Section 29.083 regarding grade level retention of students and information concerning:				
(A) the number and percentage of students retained; and				
(B) the performance of retained students on assessment instruments required under Section 39.023(a).				
(12) The report must contain information, aggregated by district type and disaggregated by race, ethnicity, gender, and socioeconomic status, on:				
(A) the number of students placed in a disciplinary alternative education program established under Section 37.008;				
(B) the average length of a student's placement in a disciplinary alternative education program established under Section 37.008;				
(C) the academic performance of students on assessment instruments required under Section 39.023(a) during the year preceding and during the year following placement in a disciplinary alternative education program; and				
(D) the dropout rates of students who have been placed in a disciplinary alternative education program established under Section 37.008.				
(13) The report must contain a list of each school district or campus that does not satisfy performance standards, with an explanation of the actions taken by the commissioner to improve student performance in the district or campus and an evaluation of the results of those actions.				
(14) The report must contain an evaluation of the status of the curriculum taught in public schools, with recommendations for legislative changes necessary to improve or modify the curriculum required by Section 28.002.				
(15) The report must contain a description of all funds received by and each activity and expenditure of the agency.				
(16) The report must contain a summary and analysis of the instructional expenditures ratios and instructional employees ratios of school districts computed under Section 44.0071.				
(17) The report must contain a summary of the effect of deregulation, including exemptions and waivers granted under Section 7.056 or 39.232.				
(18) The report must contain a statement of the total number and length of reports that school districts and school district employees must submit to the agency, identifying which reports are required by federal statute or rule, state statute, or agency rule, and a summary of the agency's efforts to reduce overall reporting requirements.				
(19) The report must contain a list of each school district that is not in compliance with state special education requirements, including:				
(A) the period for which the district has not been in compliance;				
(B) the manner in which the agency considered the district's failure to comply in determining the district's accreditation status; and				
(C) an explanation of the actions taken by the commissioner to ensure compliance and an evaluation of the results of those actions.				
(20) The report must contain a comparison of the performance of open-enrollment charter schools and school districts on the student achievement indicators described by Section 39.053(c), the reporting indicators described by Section 39.301(c), and the accountability measures adopted under Section 39.053(i), with a separately aggregated comparison of the performance of open-enrollment charter schools predominantly serving students at risk of dropping out of school, as described by Section 29.081(d), with the performance of school districts.				

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(21) The report must contain a summary of the information required by Section 38.0141 regarding student health and physical activity from each school district.				
(22) The report must contain a summary compilation of overall student performance under the assessment system developed to evaluate the longitudinal academic progress as required by Section 39.027(e), disaggregated by bilingual education or special language program instructional model, if any.				
(23) The report must contain any additional information considered important by the commissioner or the State Board of Education.		(23) The report must contain an evaluation of the availability of endorsements under Section 28.025(c-1), including the following information for each school district:		
Provision does not exist		(A) the endorsements under Section 28.025(c-1) for which the district offers all courses for curriculum requirements as determined by board rule; and		
Provision does not exist		(B) the district's economic, geographic, and demographic information, as determined by the commissioner.		
Provision does not exist		(24) The report must contain any additional information considered important by the commissioner or the State Board of Education.		
(c) In reporting the information required by Subsection (b)(3) or (4), the agency may separately aggregate the performance data of students enrolled in a special education program under Subchapter A, Chapter 29.				
(d) In reporting the information required by Subsections (b)(3), (5), and (7), the agency shall separately aggregate the longitudinal performance data of all students identified as students of limited English proficiency, as defined by Section 29.052, or former students of limited English proficiency, disaggregated by bilingual education or special language program instructional model, if any, in which the students are or were enrolled.				
(e) Each report must contain the most recent data available.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Provision does not exist		**Sec. 39.[illegible]63. NOTICE ON AGENCY WEBSITE**		
Provision does not exist		Not later than October 1 of each year, the agency shall make the following information available to the public on the agency's Internet website:		
Provision does not exist		(1) the letter performance rating assigned to each school district and campus under Section 39.054 and each distinction designation awarded to a school district or campus under Subchapter G;		
Provision does not exist		(2) the performance rating assigned to a school district and each campus in the district by the district under Section 39.0545; and		
Provision does not exist		(3) the financial accountability rating assigned to each school district and open-enrollment charter school under Section 39.082.		
Provision does not exist		(b) This section applies beginning with the 2013-2014 school year.		
Sec. 51.3062. SUCCESS INITIATIVE		**Section 51.3062(q-1), Education Code, adding (q-2)**		
(a) The definitions provided by Section 61.003 apply to this section.				
(a-1) In this section, "program evaluation" means a systematic method of collecting, analyzing, and using information to answer questions about developmental education courses, interventions, and policies, particularly about their effectiveness and cost-efficiency.				
(b) An institution of higher education shall assess the academic skills of each entering undergraduate student to determine the student's readiness to enroll in freshman-level academic coursework. An institution may not use the assessment or the results of the assessment as a condition of admission to the institution.				
(c) The board shall designate one or more instruments for use by institutions of higher education in assessing students under this section.				
(d) Expired.				
(e) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 965, Sec. 3, eff. June 17, 2011.				

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(f) Each assessment instrument designated by the board for use under this section must be diagnostic in nature and designed to assess a student's readiness to perform freshman-level academic coursework. The board shall prescribe a single standard or set of standards for each assessment instrument to effectively measure student readiness as demonstrated by current research.				
(g) Each institution of higher education shall establish a program to advise students regarding coursework and other means by which students can develop the academic skills required to successfully complete college-level work.				
(h) If a student fails to meet the assessment standards described by Subsection (f), the institution of higher education shall work with the student to develop a plan to assist the student in becoming ready to perform freshman-level academic coursework. The plan must be designed on an individual basis to provide the best opportunity for each student to attain that readiness.				
(i) The institution of higher education may refer a student to developmental coursework as considered necessary by the institution to address a student's deficiencies in the student's readiness to perform freshman-level academic coursework, except that the institution may not require enrollment in developmental coursework with respect to a student previously determined under Subsection (q-1) or determined by any institution of higher education to have met college-readiness standards. An institution that requires a student to enroll in developmental coursework must offer a range of developmental coursework, including online coursework, or instructional support that includes the integration of technology to efficiently address the particular developmental needs of the student.				
(i-1) The commissioner of higher education may by rule require an institution of higher education to adopt uniform standards for the placement of a student under this section.				
(i-2) An institution of higher education must base developmental coursework on research-based best practices that include the following components:				
(1) assessment;				
(2) differentiated placement and instruction;				
(3) faculty development;				
(4) support services;				
(5) program evaluation;				
(6) integration of technology with an emphasis on instructional support programs;				
(7) non-course-based developmental education interventions; and				
(8) course pairing of developmental education courses with credit-bearing courses.				
(i-3) The board shall adopt rules for the implementation of Subsection (i-2).				
(i-4) The board, in consultation with institutions of higher education, shall develop and provide professional development programs, including instruction in differentiated instruction methods designed to address students' diverse learning needs, to faculty and staff who provide developmental coursework to students.				
(j) A student may retake an assessment instrument at any time to determine readiness to perform freshman-level academic coursework.				
(k) An institution of higher education shall determine when a student is ready to perform freshman-level academic coursework. The institution must make its determination using learning outcomes for developmental education courses developed by the board based on established college and career readiness standards and student performance on one or more appropriate assessments.				
(l) The legislature shall appropriate money for approved non-degree-credit developmental courses, except that legislative appropriations may not be used for developmental coursework taken by a student in excess of:				
(1) 18 semester credit hours, for a general academic teaching institution; and				

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(2) 27 semester credit hours, for a public junior college, public technical institute, or public state college.				
(m) The board may develop formulas to supplement the funding of developmental academic programs by institutions of higher education, including formulas for supplementing the funding of non-course-based programs. The board may develop a performance funding formula by which institutions may receive additional funding for each student who completes the Success Initiative established under this section and then successfully completes college coursework. The legislature may appropriate the money required to provide the additional funding under those formulas.				
(n) Each institution of higher education, other than a medical and dental unit, shall report annually to the board on the success of its students and the effectiveness of its Success Initiative.				
(o) The board shall evaluate the effectiveness of the Success Initiative on a statewide basis and with respect to each institution of higher education.				
(p) A student who has achieved a score set by the board on the Scholastic Assessment Test (SAT) or the American College Test (ACT) is exempt from the requirements of this section. An exemption under this subsection is effective for the five-year period following the date a student takes the test and achieves the standard set by the board.				
(q) A student who has achieved scores set by the board on the questions developed for end-of-course assessment instruments under Section 39.0233(a) is exempt from the requirements of this section. The exemption is effective for the three-year period following the date a student takes the last assessment instrument for purposes of this section and achieves the standard set by the board. This subsection does not apply during any period for which the board designates the questions developed for end-of-course assessment instruments under Section 39.0233(a) as the primary assessment instrument under this section, except that the three-year period described by this subsection remains in effect for students who qualify for an exemption under this subsection before that period.				
(q-1) A student who has completed a recommended or advanced high school program as determined under Section 28.025 and demonstrated the performance standard for college readiness as provided by Section 39.024 on the Algebra II and English III end-of-course assessment instruments 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.		(q-1) A student who has [~~completed a recommended or advanced high school program as determined under Section 28.025 and~~] demonstrated the performance standard for college readiness as provided by Section 28.008 [~~39.024~~] on the postsecondary readiness assessment instruments adopted under Section 39.0238 for Algebra II and English III [~~end-of-course assessment instruments~~] 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.		
(r) This section does not apply to:				
(1) a student who has graduated with an associate or baccalaureate degree from an institution of higher education;				
(2) a student who transfers to an institution of higher education from a private or independent institution of higher education or an accredited out-of-state institution of higher education and who has satisfactorily completed college-level coursework;				
(3) a student who is enrolled in a certificate program of one year or less at a public junior college, a public technical institute, or a public state college;				
(4) a student who is serving on active duty as a member of:				
(A) the armed forces of the United States; or				
(B) the Texas National Guard;				
(5) a student who is currently serving as and, for at least the three-year period preceding enrollment, has served as a member of a reserve component of the armed forces of the United States; or				

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(6) a student who on or after August 1, 1990, was honorably discharged, retired, or released from:				
(A) active duty as a member of the armed forces of the United States or the Texas National Guard; or				
(B) service as a member of a reserve component of the armed forces of the United States.				
(s) An institution of higher education may exempt a non-degree-seeking or non-certificate-seeking student from the requirements of this section.				
(t) To allow a student to complete any necessary developmental coursework in the most efficient and cost-effective manner, the board shall encourage institutions of higher education to offer various types of developmental coursework that address various levels of deficiency in readiness to perform college coursework for which course credit may be earned, as determined on the basis of assessments as described by Subsection (f). The types of developmental coursework may include:				
(1) course-based programs;				
(2) non-course-based programs, such as advising programs;				
(3) module format programs;				
(4) competency-based education programs; and				
(5) programs under which the student is pairing or taking concurrently a developmental education course and another course in the same subject area for which course credit may be earned.				
(t-1) The board may adopt rules as necessary to implement Subsection (t).				
(u) The board, in consultation with institutions of higher education, shall use evidence-based studies and existing data to study and analyze:				
(1) assessment instruments that are currently used or could be used by institutions to comply with this section, including the diagnostic reliability and cost-effectiveness of those assessment instruments;				
(2) differentiated placements for developmental coursework based on a student's demonstrated proficiencies or deficiencies in readiness to perform college coursework for which course credit may be earned, as determined on the basis of assessments as described by Subsection (f), including the extent to which various types of placements result in or serve efficient, cost-effective, and successful developmental education;				
(3) whether the funding formulas under Subsection (m) and under Section 61.059, as applied to developmental coursework, result in or serve efficient and cost-effective implementation of successful developmental education; and				
(4) whether any of the nonapplicability categories under Subsection (r) should be retained.				
(v) Not later than December 1, 2012, the board shall submit a written report based on the study under Subsection (u) to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each legislative standing committee with primary jurisdiction over higher education or state appropriations recommending, to the extent practicable, a statewide diagnostic standard assessment instrument for purposes of this section that allows for:				
(1) accurate diagnosis and targeted intervention for students who are identified as requiring developmental coursework;				
(2) appropriate placement to provide the type and level of developmental coursework that allows a student to receive developmental education in the most efficient, cost-effective, and successful manner; and				
(3) the most effective use of formula funding with regard to developmental coursework targeted to students' needs.				
(w) Subsections (u) and (v) and this subsection expire January 1, 2013.				
Acts 2003, 78th Leg., ch. 820, Sec. 37(b), eff. Sept. 1, 2003.				
Amended by:				

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Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 17, eff. September 1, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 61, eff. June 19, 2009.				
Acts 2011, 82nd Leg., R.S., Ch. 965, Sec. 1, eff. June 17, 2011.				
Acts 2011, 82nd Leg., R.S., Ch. 965, Sec. 3, eff. June 17, 2011.				
Acts 2011, 82nd Leg., R.S., Ch. 1049, Sec. 6.01, eff. June 17, 2011.				
Acts 2011, 82nd Leg., R.S., Ch. 1183, Sec. 3, eff. June 17, 2011.		(b) This section applies beginning with the 2015-2016 school year.		
Sec. 51.803. AUTOMATIC ADMISSION: ALL INSTITUTIONS		**Section 51.803, Education Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (m)**		
(a) Subject to Subsection (a-1), each general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:				
(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;				
(2) the applicant:				
(A) successfully completed:				
(i) at a public high school, the curriculum requirements established under Section 28.025 for the recommended or advanced high school program; or		(i) at a public high school, the curriculum requirements established under Section 28.025 for the distinguished level of achievement under the foundation [~~recommended or advanced~~] high school program; or		
(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the recommended or advanced high school program; or		(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the distinguished level of achievement under the foundation [~~recommended or advanced~~] high school program; or		
(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and				
(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.058(d) for the term or semester to which admitted.		(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.241(d) [~~54.058(d)~~] for the term or semester to which admitted.		

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(a-1) Beginning with admissions for the 2011-2012 academic year, The University of Texas at Austin is not required to offer admission to applicants who qualify for automatic admission under Subsection (a) in excess of the number required to fill 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students in an academic year. If the number of applicants who qualify for automatic admission to The University of Texas at Austin under Subsection (a) for an academic year exceeds 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students for that academic year, the university may elect to offer admission to those applicants as provided by this subsection and not as otherwise required by Subsection (a). If the university elects to offer admission under this subsection, the university shall offer admission to those applicants by percentile rank according to high school graduating class standing based on grade point average, beginning with the top percentile rank, until the applicants qualified under Subsection (a) have been offered admission in the number estimated in good faith by the university as sufficient to fill 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students, except that the university must offer admission to all applicants with the same percentile rank. After the applicants qualified for automatic admission under Subsection (a) have been offered admission under this subsection in the number estimated in good faith as sufficient to fill 75 percent of the designated enrollment capacity described by this subsection, the university shall consider any remaining applicants qualified for automatic admission under Subsection (a) in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.805.				
(a-2) If the number of applicants who apply to a general academic teaching institution during the current academic year for admission in the next academic year and who qualify for automatic admission to a general academic teaching institution under Subsection (a) exceeds 75 percent of the institution's enrollment capacity designated for first-time resident undergraduate students for that next academic year and the institution plans to offer admission under Subsection (a-1) during the next school year, the institution shall, in the manner prescribed by the Texas Education Agency and not later than September 15, provide to each school district, for dissemination of the information to high school junior-level students and their parents, notice of which percentile ranks of high school senior-level students who qualify for automatic admission under Subsection (a) are anticipated by the institution to be offered admission under Subsection (a-1) during the next school year.				
(a-3) Notwithstanding Subsection (a-1), The University of Texas at Austin may not offer admission under that subsection for an academic year after the 2015-2016 academic year.				
(a-4) If The University of Texas at Austin elects to offer admission to first-time resident undergraduate students under Subsection (a-1) for an academic year, the university must continue its practice of not considering an applicant's legacy status as a factor in the university's decisions relating to admissions for that academic year.				
(a-5) A general academic teaching institution that offers admission to first-time resident undergraduate students under Subsection (a-1) shall require that a student admitted under that subsection complete a designated portion of not less than six semester credit hours of the student's coursework during evening hours or other low-demand hours as necessary to ensure the efficient use of the institution's available classrooms.				

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(a-6) Not later than December 31 of each academic year in which The University of Texas at Austin offers admission under Subsection (a-1), the university shall deliver a written report to the governor, the lieutenant governor, and speaker of the house of representatives regarding the university's progress in each of the following matters:				
(1) increasing geographic diversity of the entering freshman class;				
(2) counseling and outreach efforts aimed at students qualified for automatic admission under this section;				
(3) recruiting Texas residents who graduate from other institutions of higher education to the university's graduate and professional degree programs;				
(4) recruiting students who are members of underrepresented demographic segments of the state's population; and				
(5) assessing and improving the university's regional recruitment centers.				
(b) An applicant who does not satisfy the curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) is considered to have satisfied those requirements if the student completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.		(b) An applicant who does not satisfy the curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) is considered to have satisfied those requirements if the student completed the portion of the distinguished level of achievement under the foundation high school program [~~recommended or advanced~~] curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.		
(c) To qualify for admission under this section, an applicant must:				
(1) submit an application before the expiration of any application filing deadline established by the institution; and				
(2) provide a high school transcript or diploma that satisfies the requirements of Subsection (d).				
(d) For purposes of Subsection (c)(2), a student's official transcript or diploma must, not later than the end of the student's junior year, indicate:				
(1) whether the student has satisfied or is on schedule to satisfy the requirements of Subsection (a)(2)(A)(i) or (ii), as applicable; or				
(2) if Subsection (b) applies to the student, whether the student has completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student.		(2) if Subsection (b) applies to the student, whether the student has completed the portion of the distinguished level of achievement under the foundation high school program [~~recommended or advanced~~] curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student.		
(e) Each institution of higher education shall admit an applicant for admission to the institution as an undergraduate student if the applicant:				
(1) is the child of a public servant listed in Section 615.003, Government Code, who was killed or sustained a fatal injury in the line of duty; and				
(2) meets the minimum requirements, if any, established for purposes of this subsection by the governing board of the institution for high school or prior college-level grade point average and performance on standardized tests.				
(f) After admitting an applicant under this section, the institution shall review the applicant's record and any other factor the institution considers appropriate to determine whether the applicant may require additional preparation for college-level work or would benefit from inclusion in a retention program. The institution may require a student so identified to enroll during the summer immediately after the student is admitted under this section to participate in appropriate enrichment courses and orientation programs. This section does not prohibit a student who is not determined to need additional preparation for college-level work from enrolling, if the student chooses, during the summer immediately after the student is admitted under this section.				

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(g) The Texas Higher Education Coordinating Board by rule shall develop and implement a program to increase and enhance the efforts of general academic teaching institutions in conducting outreach to academically high-performing high school seniors in this state who are likely to be eligible for automatic admission under Subsection (a) to provide to those students information and counseling regarding the operation of this section and other opportunities, including financial assistance, available to those students for success at public institutions of higher education in this state. Under the program, the coordinating board, after gathering information and recommendations from available sources and examining current outreach practices by institutions in this state and in other states, shall prescribe best practices guidelines and standards to be used by general academic teaching institutions in conducting the student outreach described by this subsection.				
(h) An institution that admits under this section an applicant qualified for automatic admission under Subsection (a) may admit the applicant for either the fall semester of the academic year for which the applicant applies or for the summer session preceding that fall semester, as determined by the institution.				
(i) If a general academic teaching institution denies admission to an applicant for an academic year, in any letter or other communication the institution provides to the applicant notifying the applicant of that denial, the institution may not reference the provisions of this section, including using a description of a provision of this section such as the top 10 percent automatic admissions law, as a reason the institution is unable to offer admission to the applicant unless the number of applicants for admission to the institution for that academic year who qualify for automatic admission under Subsection (a) is sufficient to fill 100 percent of the institution's enrollment capacity designated for first-time resident undergraduate students.				
(j) A general academic teaching institution that elects to offer admission under Subsection (a-1) for an academic year may not offer admission to first-time undergraduate students who are not residents of this state for that academic year in excess of the number required to fill 10 percent of the institution's enrollment capacity designated for first-time undergraduate students for that academic year.				
(k) A general academic teaching institution may not offer admission under Subsection (a-1) for an academic year if, on the date of the institution's general deadline for applications for admission of first-time undergraduate students for that academic year:				
(1) a final court order applicable to the institution prohibits the institution from considering an applicant's race or ethnicity as a factor in the institution's decisions relating to first-time undergraduate admissions; or				
(2) the institution's governing board by rule, policy, or other manner has provided that an applicant's race or ethnicity may not be considered as a factor in the institution's decisions relating to first-time undergraduate admissions, except that this subdivision does not apply to an institution that did not consider, on or before June 1, 2009, an applicant's race or ethnicity as a factor in its admissions of first-time resident undergraduate students for the 2009-2010 academic year.				

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(l) The Texas Higher Education Coordinating Board shall publish an annual report on the impact of Subsection (a-1) on the state's goal of closing college access and achievement gaps under "Closing the Gaps," the state's master plan for higher education, with respect to students of an institution that offers admission under that subsection, disaggregated by race, ethnicity, socioeconomic status, and geographic region and by whether the high school from which the student graduated was a small school, as defined by the commissioner of education, or a public high school that is ranked among the lowest 20 percent of public high schools according to the percentage of each high school's graduates who enroll in a four-year institution including a general academic teaching institution, in one of the two academic years following the year of the applicant's high school graduation. On request, a general academic teaching institution that offers admission under Subsection (a-1) shall provide the board with any information the board considers necessary for the completion of the report required by this subsection.			
	(m) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to curriculum requirements for high school graduation under Subsection (a)(2)(A) for students participating under the recommended or advanced high school program so that the admission of those students is not affected by their participation in the recommended or advanced high school program. This subsection expires September 1, 2020.		
Added by Acts 1997, 75th Leg., ch. 155, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 845, Sec. 1, eff. Aug. 30, 1999.			
Amended by:			
Acts 2007, 80th Leg., R.S., Ch. 941, Sec. 1, eff. June 15, 2007.			
Acts 2009, 81st Leg., R.S., Ch. 1342, Sec. 1, eff. June 19, 2009.	(b) This section applies beginning with the 2014-2015 school year.		
Sec. 51.805. OTHER ADMISSIONS	**Section 51.805, Education Code, is amended by amending Subsection (a) and adding Subsection (g)**		
(a) A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to any general academic teaching institution if the student satisfies the requirements of:	(a) A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to any general academic teaching institution if the student:		
(1) Section 51.803(a)(2)(A) or 51.803(b), as applicable to the student, or Section 51.803(a)(2)(B); and	(1) successfully completed [~~satisfies the requirements of~~]:		
	(A) at a public high school, the curriculum requirements established under Section 28.025 for the foundation high school program; or		
	(B) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the foundation high school program [~~(1) Section 51.803(a)(2)(A) or 51.803(b), as applicable to the student, or Section 51.803(a)(2)(B)~~]; or [~~and~~]		
(2) Sections 51.803(c)(2) and 51.803(d).	(2) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent [~~Sections 51.803(c)(2) and 51.803(d)~~].		
(b) The general academic teaching institution, after admitting students under Sections 51.803 and 51.804, shall admit other applicants for admission as undergraduate students. It is the intent of the legislature that all institutions of higher education pursue academic excellence by considering students' academic achievements in decisions related to admissions. Because of changing demographic trends, diversity, and population increases in the state, each general academic teaching institution shall also consider all of, any of, or a combination of the following socioeconomic indicators or factors in making first-time freshman admissions decisions:			
(1) the applicant's academic record;			

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(2) the socioeconomic background of the applicant, including the percentage by which the applicant's family is above or below any recognized measure of poverty, the applicant's household income, and the applicant's parents' level of education;				
(3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an institution of higher education;				
(4) whether the applicant has bilingual proficiency;				
(5) the financial status of the applicant's school district;				
(6) the performance level of the applicant's school as determined by the school accountability criteria used by the Texas Education Agency;				
(7) the applicant's responsibilities while attending school, including whether the applicant has been employed, whether the applicant has helped to raise children, or other similar factors;				
(8) the applicant's region of residence;				
(9) whether the applicant is a resident of a rural or urban area or a resident of a central city or suburban area in the state;				
(10) the applicant's performance on standardized tests;				
(11) the applicant's performance on standardized tests in comparison with that of other students from similar socioeconomic backgrounds;				
(12) whether the applicant attended any school while the school was under a court-ordered desegregation plan;				
(13) the applicant's involvement in community activities;				
(14) the applicant's extracurricular activities;				
(15) the applicant's commitment to a particular field of study;				
(16) the applicant's personal interview;				
(17) the applicant's admission to a comparable accredited out-of-state institution; and				
(18) any other consideration the institution considers necessary to accomplish the institution's stated mission.				
(c) A general academic teaching institution may review other factors in making an admissions decision.				
(d) Not later than one year before the date that applications for admission are first considered under this section, each general academic teaching institution shall publish in the institution's catalog a description of the factors considered by the institution in making admission decisions and shall make the information available to the public.				
(e) This section does not apply to an institution that has an open enrollment policy, except that a student may apply to a general academic teaching institution that has an open enrollment policy only if the student satisfies the requirements described by Subsection (a).				
(f) This section does not apply to Lamar State College--Orange or Lamar State College--Port Arthur as long as those institutions operate as two-year lower-division institutions of higher education.				
Provision does not exist		(g) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to curriculum requirements for high school graduation under Subsection (a)(1) for students participating in the minimum, recommended, or advanced high school program so that the admission requirements for those students under this section are not more stringent than the admission requirements under this section for students participating in the foundation high school program. This subsection expires September 1, 2020.		
Added by Acts 1997, 75th Leg., ch. 155, Sec. 1, eff. Sept. 1, 1997.				
Amended by:				
Acts 2007, 80th Leg., R.S., Ch. 941, Sec. 3, eff. June 15, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 449, Sec. 1, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		

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(a) The Texas Higher Education Coordinating Board may adopt rules relating to the operation of admissions programs under this subchapter, including rules relating to the identification of eligible students.			
(b) The Texas Higher Education Coordinating Board, after consulting with the Texas Education Agency, by rule shall establish standards for determining for purposes of this subchapter:			
(1) whether a private high school is accredited by a generally recognized accrediting organization; and			
(2) whether a person completed a high school curriculum that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 for the recommended or advanced high school program.		(2) whether a person completed a high school curriculum that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 for the foundation [~~recommended or advanced~~] high school program or the distinguished level of achievement under the foundation high school program.	
Added by Acts 1997, 75th Leg., ch. 155, Sec. 1, eff. Sept. 1, 1997.			
Amended by:			
Acts 2007, 80th Leg., R.S., Ch. 941, Sec. 4, eff. June 15, 2007.			
Acts 2007, 80th Leg., R.S., Ch. 1369, Sec. 2, eff. June 15, 2007.			
Reenacted by Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 62, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.	
Provision does not exist		**Sec. 56.309. ELIGIBILITY BASED ON GRADUATION UNDER CERTAIN HIGH SCHOOL PROGRAMS**	
Provision does not exist		To the extent that a person's eligibility to participate in any program under this chapter, including Subchapters K, Q, and R, is contingent on the person graduating under the recommended or advanced high school program, as those programs existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, the Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to modify, clarify, or otherwise establish for affected programs appropriate eligibility requirements regarding high school curriculum completion.	
Provision does not exist		(b) This section applies beginning with the 2014-2015 school year.	
Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM HIGH SCHOOL ON OR AFTER MAY 1, 2013, AND ENROLLING IN A GENERAL ACADEMIC TEACHING INSTITUTION		**Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM HIGH SCHOOL ON OR AFTER MAY 1, 2013, AND ENROLLING IN A GENERAL ACADEMIC TEACHING INSTITUTION**	
Notwithstanding Section 56.304(a), to be eligible initially for a TEXAS grant, a person graduating from high school on or after May 1, 2013, and enrolling in a general academic teaching institution must:		(a) Notwithstanding Section 56.304(a), to be eligible initially for a TEXAS grant, a person graduating from high school on or after May 1, 2013, and enrolling in a general academic teaching institution must:	
(1) be a resident of this state as determined by coordinating board rules;			
(2) meet the academic requirements prescribed by Paragraph (A), (B), or (C) as follows:			
(A) be a graduate of a public or accredited private high school in this state who completed the recommended high school program established under Section 28.025 or its equivalent and have accomplished any two or more of the following:		(A) be a graduate of a public or accredited private high school in this state who completed the foundation [~~recommended~~] high school program established under Section 28.025 or its equivalent and have accomplished any two or more of the following:	
(i) graduation under the advanced high school program established under Section 28.025 or its equivalent, successful completion of the course requirements of the international baccalaureate diploma program, or earning of the equivalent of at least 12 semester credit hours of college credit in high school through courses described in Sections 28.009(a)(1), (2), and (3);		(i) [~~graduation under the advanced high school program established under Section 28.025 or its equivalent,~~] successful completion of the course requirements of the international baccalaureate diploma program, or earning of the equivalent of at least 12 semester credit hours of college credit in high school through courses described in Sections 28.009(a)(1), (2), and (3);	
(ii) satisfaction of the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the coordinating board under Section 51.3062(f) on any assessment instrument designated by the coordinating board under Section 51.3062(c) or (e) or qualification for an exemption as described by Section 51.3062(p), (q), or (q-1);		(ii) satisfaction of the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the coordinating board under Section 51.3062(f) on any assessment instrument designated by the coordinating board under Section 51.3062(c) [~~or (e)~~] or qualification for an exemption as described by Section 51.3062(p), (q), or (q-1);	
(iii) graduation in the top one-third of the person's high school graduating class or graduation from high school with a grade point average of at least 3.0 on a four-point scale or the equivalent; or			

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(iv) completion for high school credit of at least one advanced mathematics course following the successful completion of an Algebra II course, as permitted by Section 28.025(b-3), or at least one advanced career and technical course, as permitted by Section 28.025(b-2);		(iv) completion for high school credit of at least one advanced mathematics course following the successful completion of an Algebra II course[~~, as permitted by Section 28.025(b-3),~~] or at least one advanced career and technical or technology applications course[~~, as permitted by Section 28.025(b-2)~~];		
(B) have received an associate degree from a public or private institution of higher education; or				
(C) if sufficient money is available, meet the eligibility criteria described by Section 56.304(a)(2)(A);				
(3) meet financial need requirements established by the coordinating board;				
(4) be enrolled in an undergraduate degree or certificate program at the general academic teaching institution;				
(5) except as provided under rules adopted under Section 56.304(h), be enrolled as:				
(A) an entering undergraduate student for at least three-fourths of a full course load, as determined by the coordinating board, not later than the 16th month after the calendar month in which the person graduated from high school;				
(B) an entering undergraduate student who entered military service not later than the first anniversary of the date the person graduated from high school and who enrolled for at least three-fourths of a full course load, as determined by the coordinating board, at the general academic teaching institution not later than 12 months after being honorably discharged from military service; or				
(C) a continuing undergraduate student for at least three-fourths of a full course load, as determined by the coordinating board, not later than the 12th month after the calendar month in which the person received an associate degree from a public or private institution of higher education;				
(6) have applied for any available financial aid or assistance; and				
(7) comply with any additional nonacademic requirements adopted by the coordinating board under this subchapter.				
Provision does not exist		(b) For purposes of Subsection (a)(2)(A), a student who graduated under the recommended or advanced high school program is considered to have successfully completed the curriculum requirements of Section 51.803(a)(2)(A)(i). This subsection expires September 1, 2020.		
Added by Acts 2003, 78th Leg., ch. 919, Sec. 1, eff. June 20, 2003.				
Amended by:				
Acts 2011, 82nd Leg., R.S., Ch. 1197, Sec. 4, eff. September 1, 2011.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 61.0517. APPLIED STEM COURSES		**Section 61.0517(a), Education Code**		
(a) In this section, "applied STEM course" means an applied science, technology, engineering, or mathematics course offered as part of a school district's career and technology education curriculum and approved, as provided by Section 28.027, by the State Board of Education for purposes of satisfying the mathematics and science curriculum requirements for the recommended high school program imposed under Section 28.025(b-1)(1)(A).		(a) In this section, "applied STEM course" means an applied science, technology, engineering, or mathematics course offered as part of a school district's career and technology education or technology applications curriculum and approved, as provided by Section 28.027, by the State Board of Education for purposes of satisfying the mathematics and science curriculum requirements for the foundation [~~recommended~~] high school program [~~imposed~~] under Section 28.025 [~~28.025(b-1)(1)(A)~~].		
(b) The board shall work with institutions of higher education to ensure that credit for an applied STEM course may be applied to relevant degree programs offered by institutions of higher education in this state.				
(c) The board shall include applied STEM courses in the board's review of courses considered for approval for offer by a public junior college or public technical institute.				
Added by Acts 2011, 82nd Leg., R.S., Ch. 926, Sec. 4, eff. June 17, 2011.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 61.792. ENGINEERING SCHOLARSHIP PROGRAM		**Section 61.792(b), Education Code**		
a) The board shall establish and administer, using funds appropriated for that purpose, scholarships for students pursuing a degree in engineering at a general academic teaching institution or a private or independent institution of higher education.				

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(b) To qualify for a scholarship under this section, a student must:			
(1) have graduated with a grade point average in the top 20 percent of the student's high school graduating class;			
(2) have graduated from high school with a grade point average of at least 3.5 on a four-point scale or the equivalent in mathematics and science courses offered under the recommended or advanced high school program under Section 28.025(a); and	(2) have graduated from high school with a grade point average of at least 3.5 on a four-point scale or the equivalent in mathematics and science courses offered under the foundation [~~recommended or advanced~~] high school program under Section 28.025 [~~28.025(a)~~]; and		
(3) maintain an overall grade point average of at least 3.0 on a four-point scale at the general academic teaching institution or the private or independent institution of higher education in which the student is enrolled.			
(c) The board shall adopt rules as necessary for the administration of this section, including rules providing for the determination of the amount of each scholarship.			
Redesignated from Education Code, Subchapter Q, Chapter 61 by Acts 2011, 82nd Leg., R.S. Ch. 91, Sec. 27.001(10), eff. September 1, 2011.	(b) This section applies beginning with the 2014-2015 school year.		
Sec. 61.852. TECH-PREP PROGRAM	**Section 61.852(a), Education Code**		
a) A tech-prep program is a program of study that:			
(1) combines at least two years of secondary education with at least two years of postsecondary education in a nonduplicative, sequential course of study based on the recommended high school program adopted by the State Board of Education under Section 28.025(a);	(1) combines at least two years of secondary education with at least two years of postsecondary education in a nonduplicative, sequential course of study based on the foundation [~~recommended~~] high school program adopted by the State Board of Education under Section 28.025 [~~28.025(a)~~];		
(2) integrates academic instruction and vocational and technical instruction;			
(3) uses work-based and worksite learning where available and appropriate;			
(4) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, health occupations, business, or applied economics;			
(5) builds student competence in mathematics, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics and integrated instruction in a coherent sequence of courses;			
(6) leads to an associate degree, two-year postsecondary certificate, or postsecondary two-year apprenticeship with provisions, to the extent applicable, for students to continue toward completion of a baccalaureate degree; and			
(7) leads to placement in appropriate employment or to further education.			
(b) Notwithstanding Subsection (a)(1), a tech-prep consortium is encouraged to include four years of secondary education in a tech-prep program.			
Added by Acts 1999, 76th Leg., ch. 1422, Sec. 2, eff. Sept. 1, 1999.	(b) This section applies beginning with the 2014-2015 school year.		
Sec. 61.855. GRANTS FOR TECH-PREP EDUCATION	**Section 61.855(d), Education Code**		
(a) From amounts made available under Section 61.854, the board, in accordance with this subchapter and with a formula adopted by the board, shall award grants to tech-prep consortia for tech-prep programs described by Subsection (d).			
(b) To be eligible for a grant, a tech-prep consortium must be composed of:			
(1) a local educational agency, intermediate educational agency, area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and			
(2) one of the following institutions of higher education:			
(A) a nonprofit institution of higher education that offers:			
(i) a two-year associate degree program or a two-year certificate program and that is qualified as a junior college or technical college to award associate degrees under Chapter 130 or 135, including an institution receiving assistance under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. Section 1801 et seq.) and its subsequent amendments as a tribally controlled postsecondary vocational or technical institution; or			

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(ii) a two-year apprenticeship program that follows secondary instruction, if the nonprofit institution of higher education is not prohibited from receiving assistance under Part B, Title IV, of the Higher Education Act of 1965 (20 U.S.C. Section 1071 et seq.) and its subsequent amendments as provided by Section 435(a) of that Act (20 U.S.C. Section 1085(a)) and its subsequent amendments; or				
(B) a proprietary institution of higher education that offers a two-year associate degree program and that:				
(i) is qualified as an institution of higher education under Section 102 of the Higher Education Act of 1965 (20 U.S.C. Section 1002) and its subsequent amendments; and				
(ii) is not subject to a default management agreement plan required by the United States secretary of education.				
(c) In addition to entities described by Subsection (b), a tech-prep consortium may include:				
(1) an institution of higher education that awards a baccalaureate degree; and				
(2) employers or labor organizations.				
(d) A tech-prep program must:				
(1) be implemented under an articulation agreement between the participants in the consortium;				
(2) consist of two to four years of secondary school preceding graduation and:				
(A) two or more years of higher education; or				
(B) two or more years of apprenticeship following secondary instruction;				
(3) have a common core of required proficiency based on the recommended high school program adopted by the State Board of Education under Section 28.025(a), with proficiencies in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or postsecondary certificate in a specific career field;		(3) have a common core of required proficiency based on the foundation [~~recommended~~] high school program adopted by the State Board of Education under Section 28.025 [~~28.025(a)~~], with proficiencies in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or postsecondary certificate in a specific career field;		
(4) include the development of tech-prep program curricula for both secondary and postsecondary participants in the consortium that:				
(A) meets academic standards developed by the state;				
(B) links secondary schools and two-year postsecondary institutions, and, if practicable, four-year institutions of higher education through nonduplicative sequences of courses in career fields, including the investigation of opportunities for tech-prep students to enroll concurrently in secondary and postsecondary course work;				
(C) uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry; and				
(D) uses educational technology and distance learning, as appropriate, to involve each consortium participant more fully in the development and operation of programs;				
(5) include in-service training for teachers that:				
(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;				
(B) provides for joint training for teachers in the tech-prep consortium;				
(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and of all aspects of an industry;				
(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and				
(E) provides training in the use and application of technology;				
(6) include training programs for counselors designed to enable counselors to more effectively:				
(A) provide information to students regarding tech-prep programs;				
(B) support student progress in completing tech-prep programs;				
(C) provide information on related employment opportunities;				
(D) ensure that tech-prep students are placed in appropriate employment; and				

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(E) stay current with the needs, expectations, and methods of business and of all aspects of an industry;			
(7) provide equal access to the full range of tech-prep programs for individuals who are members of special populations, including by the development of tech-prep program services appropriate to the needs of special populations; and			
(8) provide for preparatory services that assist participants in tech-prep programs.			
(e) A tech-prep consortium that receives a grant under this section must use the money awarded to develop and operate a tech-prep program described in Subsection (d).			
(f) A tech-prep program may:			
(1) provide for the acquisition of tech-prep program equipment;			
(2) acquire technical assistance from state or local entities that have designed, established and operated tech-prep programs that have effectively used educational technology and distance learning to deliver curricula and services and to develop an articulation agreement; and			
(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located in or out of the region served by the tech-prep consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs.			
Added by Acts 1999, 76th Leg., ch. 1422, Sec. 2, eff. Sept. 1, 1999.		(b) This section applies beginning with the 2014-2015 school year.	
Sec. 61.861. DEVELOPMENT OF MATHEMATICS AND SCIENCE COURSES FOR HIGH-DEMAND OCCUPATIONS		**Section 61.861(c), Education Code**	
(a) The commissioner of higher education and the commissioner of education, in consultation with the comptroller and the Texas Workforce Commission, may award a grant in an amount not to exceed $1 million to an institution of higher education to develop advanced mathematics and science courses to prepare high school students for employment in a high-demand occupation. The commissioner of higher education, the commissioner of education, the comptroller, and the Texas Workforce Commission shall jointly determine what is considered a high-demand occupation for purposes of this subchapter.			
(b) An institution of higher education shall work in partnership with at least one independent school district and a business entity in developing a course for purposes of this section.			
(c) A course developed for purposes of this section must:			
(1) provide content that enables a student to develop the relevant and critical skills needed to be prepared for employment or additional training in a high-demand occupation;			
(2) incorporate college and career readiness skills as part of the curriculum;			
(3) be offered for dual credit; and			
(4) satisfy a mathematics or science requirement under the recommended or advanced high school program as determined under Section 28.025.		(4) satisfy a mathematics or science requirement under the foundation [~~recommended or advanced~~] high school program as determined under Section 28.025.	
(d) An institution of higher education shall periodically review and revise the curriculum for a course developed for purposes of this section to accommodate changes in industry standards for the high-demand occupation.			
Added by Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 63, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.	
Sec. 61.864. REVIEW OF COURSES		**Section 61.864, Education Code**	
Courses for which a grant is awarded under this subchapter shall be reviewed by the commissioner of higher education and the commissioner of education, in consultation with the comptroller and the Texas Workforce Commission, once every four years to determine whether the course:			
(1) is being used by public educational institutions in this state;			
(2) prepares high school students with the skills necessary for employment in the high-demand occupation and further postsecondary study; and			

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(3) satisfies a mathematics or science requirement for the recommended or advanced high school program as determined under Section 28.025.		(3) satisfies a mathematics or science requirement for the foundation [~~recommended or advanced~~] high school program as determined under Section 28.025.		
Added by Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 63, eff. June 19, 2009.		(b) This section applies beginning with the 2014-2015 school year.		
Sec. 78.10. TEXAS ACADEMY OF MATHEMATICS AND SCIENCE		**Section 78.10(b), Education Code**		
(a) In this section, "academy" means the Texas Academy of Mathematics and Science at The University of Texas at Brownsville.				
(b) The Texas Academy of Mathematics and Science is a division of the University of Texas at Brownsville and is under the management and control of the board. The academy serves the following purposes:				
(1) to provide academically gifted and highly motivated junior and senior high school students with a challenging university-level curriculum that:				
(A) allows students to complete high school graduation requirements, including requirements adopted under Section 28.025 for the advanced high school program, while attending for academic credit a public institution of higher education;		(A) allows students to complete high school graduation requirements[~~, including requirements adopted under Section 28.025~~] for the foundation [~~advanced~~] high school program and the distinguished level of achievement under the foundation high school program and earn appropriate endorsements as provided by Section 28.025, while attending for academic credit a public institution of higher education;		
(B) fosters students' knowledge of real-world mathematics and science issues and applications and teaches students to apply critical thinking and problem-solving skills to those issues and problems;		(B) fosters students' knowledge of real-world mathematics and science issues and applications and teaches students to apply critical and computational thinking and problem-solving skills to those issues and problems;		
(C) includes the study of English, foreign languages, social studies, mathematics, science, and technology; and				
(D) offers students learning opportunities related to mathematics and science through in-depth research and field-based studies;				
(2) to provide students with an awareness of mathematics and science careers and professional development opportunities through seminars, workshops, collaboration with postsecondary and university students including opportunities for summer studies, internships in foreign countries, and similar methods; and				
(3) to provide students with social development activities that enrich the academic curriculum and student life, including, as determined appropriate by the academy, University Interscholastic League activities and other extracurricular activities.				
(c) The academy is a coeducational institution for selected Texas high school students with an interest in and the potential to excel in mathematics and science studies. The academy shall admit only high school juniors and seniors, except that the academy may admit a student with exceptional abilities who is not yet a high school junior. The board shall set aside adequate space on the university campus in Brownsville to operate the academy and implement the purposes of this section. The academy must operate on the same fall and spring semester basis as the university. Full-time students of the academy must enroll for both the fall and spring semesters. Faculty members of the university shall teach all academic classes at the academy. A student of the academy may attend a college course offered by the university and receive college credit for that course.				
(d) Except as otherwise provided by this subsection, the university administration has the same powers and duties with respect to the academy that the administration has with respect to the university. The board shall consult with the vice president for academic affairs and the dean of the School of Education and other members of the administration as the board considers necessary concerning the academy's administrative design and support, personnel and student issues, and faculty development. The board shall consult with the dean of the College of Science, Mathematics and Technology and other members of the administration as the board considers necessary concerning the academy's curriculum development, program design, and general faculty issues. The board, in consultation with university administration, shall:				

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(1) establish an internal management system for the academy and appoint an academy principal who serves at the will of the board and reports to the vice president for academic affairs;

(2) provide for one or more academy counselors;

(3) establish for the academy a site-based decision-making process similar to the process required by Subchapter F, Chapter 11, that provides for the participation of academy faculty, parents of academy students, and other members of the community; and

(4) establish an admissions process for the academy.

(e) The student-teacher ratio in all regular academic classes at the academy may not exceed 30 students for each classroom teacher, except that the student-teacher ratio may exceed that limit:

(1) in a program provided for the purposes prescribed by Subsection (b)(2) or another special enrichment course or in a physical education course;

(2) if the board determines that a class with a higher student-teacher ratio would contribute to the educational development of the students in the class; or

(3) if an academy class is combined with a university class with more than 30 students.

(f) The academy shall provide the university-level curriculum in a manner that is appropriate for the social, psychological, emotional, and physical development of high school juniors and seniors. The administrative and counseling personnel of the academy shall provide continuous support to and supervision of students.

(g) For each student enrolled in the academy, the academy is entitled to allotments from the foundation school fund under Chapter 42 as if the academy were a school district without a tier one local share for purposes of Section 42.253. If in any academic year the amount of the allotments under this subsection exceeds the amount of state funds paid to the academy in the first fiscal year of the academy's operation, the commissioner of education shall set aside from the total amount of funds to which school districts are entitled under Section 42.253(c) an amount equal to the excess amount and shall distribute that amount to the academy. After deducting the amount set aside and paid to the academy by the commissioner of education under this subsection, the commissioner of education shall reduce the amount to which each district is entitled under Section 42.253(c) in the manner described by Section 42.253(h). A determination of the commissioner of education under this subsection is final and may not be appealed.

(h) The board may use any available money, enter into contracts, and accept grants, including matching grants, federal grants, and grants from a corporation or other private contributor, in establishing and operating the academy. Money spent by the academy must further the purposes of the academy under Subsection (b).

(i) The liability of the state under Chapters 101 and 104, Civil Practice and Remedies Code, is limited for the academy and employees assigned to the academy and acting on behalf of the academy to the same extent that the liability of a school district and an employee of the school district is limited under Sections 22.0511, 22.0512, and 22.052 of this code and Section 101.051, Civil Practice and Remedies Code. An employee assigned to the academy is entitled to representation by the attorney general in a civil suit based on an action or omission of the employee in the course of the employee's employment, to limits on liability, and to indemnity under Chapters 104 and 108, Civil Practice and Remedies Code.

(j) Except as otherwise provided by this section, the academy is not subject to the provisions of this code, or to the rules of the Texas Education Agency, regulating public schools.

Added by Acts 2005, 79th Leg., Ch. 887, Sec. 1, eff. June 17, 2005.

(b) This section applies beginning with the 2014-2015 school year.

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(a) In this section:				
(1) "Academy" means the Texas Academy of International Studies.				
(2) "Board" means the board of regents of The Texas A&M University System.				
(3) "University" means Texas A&M International University.				
(b) The Texas Academy of International Studies is a division of Texas A&M International University and is under the management and control of the board. The academy serves the following purposes:				
(1) to provide academically gifted and highly motivated junior and senior high school students with a challenging university-level curriculum that:				
(A) allows students to complete high school graduation requirements, including requirements adopted under Section 28.025 for the advanced high school program, while attending for academic credit a public institution of higher education;		(A) allows students to complete high school graduation requirements[~~, including requirements adopted under Section 28.025~~] for the foundation [~~advanced~~] high school program and the distinguished level of achievement under the foundation high school program and earn appropriate endorsements as provided by Section 28.025, while attending for academic credit a public institution of higher education;		
(B) fosters students' knowledge of real-world international issues and problems and teaches students to apply critical thinking and problem-solving skills to those issues and problems;				
(C) includes the study of English, foreign languages, social studies, anthropology, and sociology;				
(D) is presented through an interdisciplinary approach that introduces and develops issues, especially issues related to international concerns, throughout the curriculum; and				
(E) offers students learning opportunities related to international issues through in-depth research and field-based studies;				
(2) to provide students with an awareness of international career and professional development opportunities through seminars, workshops, collaboration with postsecondary students from other countries, summer academic international studies internships in foreign countries, and similar methods; and				
(3) to provide students with social development activities that enrich the academic curriculum and student life, including, as determined appropriate by the academy, University Interscholastic League activities and other extracurricular activities generally offered by public high schools.				
(c) The academy is a residential, coeducational institution for selected Texas high school students with an interest and the potential to excel in international studies. The academy shall admit only high school juniors and seniors, except that the academy may admit a student with exceptional abilities who is not yet a high school junior. The board shall set aside adequate space on the university campus in Laredo to operate the academy and implement the purposes of this section. The academy must operate on the same fall and spring semester basis as the university. Full-time students of the academy must enroll for both the fall and spring semesters. Faculty members of the university shall teach all academic classes at the academy. A student of the academy may attend a college course offered by the university and receive college credit for that course.				
(d) Except as otherwise provided by this subsection, the university administration has the same powers and duties with respect to the academy that the administration has with respect to the university. The board shall consult with the dean of the College of Education and other members of the administration as the board considers necessary concerning the academy's administrative design and support, personnel and student issues, and faculty development. The board shall consult with the dean of the College of Arts and Sciences and other members of the administration as the board considers necessary concerning the academy's curriculum development, program design, and general faculty issues. The board, in consultation with university administration, shall:				

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(1) establish an internal management system for the academy and appoint an academy principal who serves at the will of the board and reports to the university provost;				
(2) provide for one or more academy counselors;				
(3) establish for the academy a site-based decision-making process similar to the process required by Subchapter F, Chapter 11, that provides for the participation of academy faculty, parents of academy students, and other members of the community; and				
(4) establish an admissions process for the academy.				
(e) The student-teacher ratio in all regular academic classes at the academy may not exceed 30 students for each classroom teacher, except that the student-teacher ratio may exceed that limit:				
(1) in a program provided for the purposes prescribed by Subsection (b)(2) or another special enrichment course or in a physical education course; or				
(2) if the board determines that a class with a higher student-teacher ratio would contribute to the educational development of the students in the class.				
(f) The academy shall provide the university-level curriculum in a manner that is appropriate for the social, psychological, emotional, and physical development of high school juniors and seniors. The administrative and counseling personnel of the academy shall provide continuous support to and supervision of students.				
(g) For each student enrolled in the academy, the academy is entitled to allotments from the foundation school fund under Chapter 42 as if the academy were a school district without a tier one local share for purposes of Section 42.253. If in any academic year the amount of the allotments under this subsection exceeds the amount of state funds paid to the academy in the first fiscal year of the academy's operation, the commissioner of education shall set aside from the total amount of funds to which school districts are entitled under Section 42.253(c) an amount equal to the excess amount and shall distribute that amount to the academy. After deducting the amount set aside and paid to the academy by the commissioner of education under this subsection, the commissioner of education shall reduce the amount to which each district is entitled under Section 42.253(c) in the manner described by Section 42.253(h). A determination of the commissioner of education under this subsection is final and may not be appealed.				
(h) The board may use any available money, enter into contracts, and accept grants, including matching grants, federal grants, and grants from a corporation or other private contributor, in establishing and operating the academy. Money spent by the academy must further the purposes of the academy prescribed by Subsection (b).				
(i) The liability of the state under Chapters 101 and 104, Civil Practice and Remedies Code, is limited for the academy and employees assigned to the academy and acting on behalf of the academy to the same extent that the liability of a school district and an employee of the school district is limited under Sections 22.0511, 22.0512, and 22.052 of this code and Section 101.051, Civil Practice and Remedies Code. An employee assigned to the academy is entitled to representation by the attorney general in a civil suit based on an action or omission of the employee in the course of the employee's employment, limits on liability, and indemnity under Chapters 104 and 108, Civil Practice and Remedies Code.				
(j) Except as otherwise provided by this section, the academy is not subject to the provisions of this code, or to the rules of the Texas Education Agency, regulating public schools.				
(k) Expired.				
Added by Acts 2005, 79th Leg., Ch. 1339, Sec. 5, eff. June 18, 2005.		(b) This section applies beginning with the 2014-2015 school year.		

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Sec. 130.008. COURSES FOR JOINT HIGH SCHOOL AND JUNIOR COLLEGE CREDIT	Section 130.008, Education Code, is amended by amending Subsection (d) and adding Subsection (f)		
(a) Under an agreement with a school district or, in the case of a private high school, with the organization or other person that operates the high school, a public junior college may offer a course in which a student attending a high school operated in this state by the school district, organization, or other person may enroll and for which the student may simultaneously receive both:			
(1) course credit toward the student's high school academic requirements; and			
(2) course credit as a student of the junior college, if the student has been admitted to the junior college or becomes eligible to enroll in and is subsequently admitted to the junior college.			
(b) The junior college may waive all or part of the tuition and fees for a high school student enrolled in a course for which the student may receive joint credit under this section.			
(c) The contact hours attributable to the enrollment of a high school student in a course offered for joint high school and junior college credit under this section, excluding a course for which the student attending high school may receive course credit toward the physical education curriculum requirement under Section 28.002(a)(2)(C), shall be included in the contact hours used to determine the junior college's proportionate share of the state money appropriated and distributed to public junior colleges under Sections 130.003 and 130.0031, even if the junior college waives all or part of the tuition or fees for the student under Subsection (b).			
(d) Except as provided by Subsection (d-1), a public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district.	(d) A [~~Except as provided by Subsection (d-1), a~~] public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district.		
(d-1) A public junior college may enter into an agreement described by Subsection (d) with respect to a high school located within the service area of another junior college district only if the other junior college district is unable to provide the requested course to the satisfaction of the school district.	Repealed effective September 1, 2013		
(e) In admitting or enrolling high school students in a course offered for joint high school and junior college credit under Subsection (a), a public junior college must apply the same criteria and conditions to each student wishing to enroll in the course without regard to whether the student attends a public school or a private or parochial school, including a home school. For purposes of this section, a student who attends a school that is not formally organized as a high school and is at least 16 years of age is considered to be attending a high school.			
Added by Acts 1995, 74th Leg., ch. 195, Sec. 1, eff. May 23, 1995. Amended by Acts 1999, 76th Leg., ch. 297, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 908, Sec. 1, eff. Aug. 27, 2001; Acts 2003, 78th Leg., ch. 220, Sec. 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1070, Sec. 1, eff. June 20, 2003.			
Amended by:	(f) Except as provided by this section, a student may not enroll in more than three courses under this section at a junior college if the junior college does not have a service area that includes the student's high school. A student enrolled at an early college high school may enroll in a greater number of courses to the extent approved by the commissioner of education.		
Acts 2009, 81st Leg., R.S., Ch. 453, Sec. 1, eff. June 19, 2009.			
Acts 2011, 82nd Leg., R.S., Ch. 385, Sec. 1, eff. June 17, 2011.	(b) This section applies beginning with the 2013-2014 school year.		
Effective Date	**Effective Date**		
	Except as otherwise provided by this Act:		
Provision does not exist	(1) 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; and		

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		(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.		

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HB866
Passed by the 83rd Legislature

Old Law	New Law	Effective September 1, 2017	Nature of Change
Sec. 39.023. ADOPTION AND ADMINISTRATION OF INSTRUMENTS	**Section 39.023, Education Code, is amended by amending Subsections (a), (a-1), (a-2), (b), (c-1), (c-3), (e), (l), (m), (n), and (p) and adding Subsections (a-3), (a-4), (a-5), (a-6), (a-7), (a-8), (a-9), and (a-10)**	**Sections 39.023(a), (a-1), (a-2), (b), (c-1), (c-3), (e), (l), (m), (n), and (p)**	
(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:		(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;	(1) mathematics, [~~annually~~] in grades three and five [~~through seven~~] without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;	(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;	(2) reading, [~~annually~~] in grades three, five, and [~~through~~] eight;	(2) reading, annually in grades three through eight;	
(3) writing, including spelling and grammar, in grades four and seven;		(3) writing, including spelling and grammar, in grades four and seven;	
(4) social studies, in grade eight;	(4) social studies, in grade eight; and	(4) social studies, in grade eight;	
(5) science, in grades five and eight; and	(5) science, in grades five and eight[~~; and~~]	(5) science, in grades five and eight; and	
(6) any other subject and grade required by federal law.	[~~(6) any other subject and grade required by federal law~~].	(6) any other subject and grade required by federal law.	
(a-1) The agency shall develop assessment instruments required under Subsection (a) in a manner that allows, to the extent practicable:	(a-1) The agency shall develop assessment instruments required under Subsections (a), (a-4), (a-5), and (a-6) [~~Subsection (a)~~] in a manner that allows, to the extent practicable:	(a-1) The agency shall develop assessment instruments required under Subsection (a) in a manner that allows, to the extent practicable:	
(1) the score a student receives to provide reliable information relating to a student's satisfactory performance for each performance standard under Section 39.0241; and		(1) the score a student receives to provide reliable information relating to a student's satisfactory performance for each performance standard under Section 39.0241; and	
(2) an appropriate range of performances to serve as a valid indication of growth in student achievement.		(2) an appropriate range of performances to serve as a valid indication of growth in student achievement.	
(a-2) A student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:		(a-2) A student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:	
(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or	(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a), (a-4), (a-5), or (a-6) that aligns with the curriculum for the course in which the student is enrolled; or	(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or	
(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.		(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.	
Provision does not exist	(a-3) For each assessment instrument administered under Subsection (a) or (a-5), the agency shall determine, based on available information for the assessment instrument, the minimum satisfactory adjusted scale score. The minimum satisfactory adjusted scale score is the sum of the scale score that indicates satisfactory performance on that assessment instrument, as determined by the commissioner under Section 39.0241(a), plus the minimum number of points that when added to the scale score produces a score that, within a three percent margin of error, is predictive that a student achieving that score would achieve satisfactory performance on an assessment instrument in the same subject administered to the student during the following school year.		
Provision does not exist	(a-4) A student shall be assessed in grade four in a subject for which an assessment instrument is administered under Subsection (a) in grade three if, on the final assessment instrument in that subject administered under Subsection (a) to the student in grade three during the preceding school year, the student did not achieve a score equal to or greater than the minimum satisfactory adjusted scale score for that assessment instrument, as determined under Subsection (a-3).		
Provision does not exist	(a-5) A student shall be assessed in grade six in a subject for which an assessment instrument is administered under Subsection (a) in grade five if, on the final assessment instrument in that subject administered under Subsection (a) to the student in grade five during the preceding school year, the student did not achieve a score equal to or greater than the minimum satisfactory adjusted scale score for that assessment instrument, as determined under Subsection (a-3).		
Provision does not exist	(a-6) A student shall be assessed in grade seven in a subject for which an assessment instrument was administered under Subsection (a-5) to the student in grade six if, on the final assessment instrument in that subject administered to the student in grade six during the preceding school year, the student did not achieve a score equal to or greater than the minimum satisfactory adjusted scale score for that assessment instrument, as determined under Subsection (a-3).		
Provision does not exist	(a-7) A student assessed in mathematics under Subsection (a-4), (a-5), or (a-6) shall be assessed without the aid of technology.		
Provision does not exist	(a-8) A school district or open-enrollment charter school may, for its own use in determining whether students are performing at a satisfactory level, administer to a student at the appropriate grade level, other than a student required to be assessed, an assessment instrument developed for purposes of Subsection (a-4), (a-5), or (a-6). At the request of a school district or open-enrollment charter school, the agency shall provide, allow for the administration of, and score each assessment instrument administered under this subsection in the same manner and at the same cost as for assessment instruments required to be administered under the applicable subsection. The results of an assessment instrument administered under this subsection may not be included as an indicator of student achievement under Section 39.053 or any other provision.		
Provision does not exist	(a-9) If there is a conflict between this section and a federal law or regulation as a result of forgoing under this section certain administration of assessment instruments to students who have recently performed successfully on assessment instruments assessing the same subject, the commissioner shall seek a waiver from the application of the conflicting federal law or regulation. In seeking a waiver, the commissioner shall submit all relevant data, including data relating to:		
Provision does not exist	(1) the likelihood that a student who achieves a score on an assessment instrument equal to or greater than the minimum satisfactory adjusted scale score for that assessment instrument, as determined under Subsection (a-3), will, in subsequent years, perform satisfactorily on assessment instruments in the same subject;		
Provision does not exist	(2) the costs associated with ongoing assessment of students who have proven likely to perform successfully on subsequent assessment instruments; and		
Provision does not exist	(3) the benefit of redirecting resources from assessment of students who have proven likely to perform successfully on subsequent assessment instruments toward enabling lower performing students to perform successfully on assessment instruments after one school year.		
Provision does not exist	(a-10) This subsection and Subsections (a-3), (a-4), (a-5), (a-6), (a-7), (a-8), and (a-9) expire September 1, 2017.		
(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.	(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to a [~~each~~] student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a) or, to the extent applicable, Subsection (a-4), (a-5), or (a-6), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.	(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.	

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(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. The Algebra I, Algebra II, and geometry end-of-course assessment instruments must be administered with the aid of technology. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course. 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).					
(c-1) The agency shall develop any assessment instrument required under this section in a manner that allows for the measurement of annual improvement in student achievement as required by Sections 39.034(c) and (d).		(c-1) To the greatest extent practicable, the [The] agency shall develop any assessment instrument required under this section in a manner that allows for the measurement of annual improvement in student achievement as required by Sections 39.034(c) and (d).		(c-1) The agency shall develop any assessment instrument required under this section in a manner that allows for the measurement of annual improvement in student achievement as required by Sections 39.034(c) and (d).	
(c-2) The agency may adopt end-of-course assessment instruments for courses not listed in Subsection (c). A student's performance on an end-of-course assessment instrument adopted under this subsection is not subject to the performance requirements established under Subsection (c) or Section 39.025.					
(c-3) In adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall require:				(c-3) In adopting a schedule for the administration of assessment instruments under this section, 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 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		(1) assessment instruments administered under Subsections (a), (a-4), (a-5), and (a-6) [Subsection (a)] to be 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		(1) assessment instruments administered under Subsection (a) to be 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) 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, English II, and English III must be permitted to occur at an earlier date.				(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, English II, and English III must be permitted to occur at an earlier date.	
(c-4) To the extent practicable and subject to Section 39.024, the agency shall ensure that each end-of-course assessment instrument adopted under Subsection (c) is:					
(1) developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and					
(2) validated by national postsecondary education experts for college readiness content and performance standards.					
(c-5) A student's performance on an end-of-course assessment instrument required under Subsection (c) must be included in the student's academic achievement record.					
(c-6) In adopting an end-of-course assessment instrument under this section, the agency shall consider the use of an existing assessment instrument that is currently available. The agency may use an existing assessment instrument that is currently available only if the assessment instrument:					
(1) is aligned with the essential knowledge and skills of the subject being assessed; and					
(2) allows for the measurement of annual improvement in student achievement as provided by Subsection (c-1).					
(d) The commissioner may participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments. The commissioner by rule may require a school district to administer an end-of-course assessment instrument developed through the multistate efforts. The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument.					
(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score.		(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (a-4), (a-5), (a-6), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score.		(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score.	
(f) The assessment instruments shall be designed to include assessment of a student's problem-solving ability and complex-thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable.					
(g) The State Board of Education may adopt one appropriate, nationally recognized, norm-referenced assessment instrument in reading and mathematics to be administered to a selected sample of students in the spring. If adopted, a norm-referenced assessment instrument must be a secured test. The state may pay the costs of purchasing and scoring the adopted assessment instrument and of distributing the results of the adopted instrument to the school districts. A district that administers the norm-referenced test adopted under this subsection shall report the results to the agency in a manner prescribed by the commissioner.					
(h) The agency shall notify school districts and campuses of the results of assessment instruments administered under this section at the earliest possible date determined by the State Board of Education but not later than the beginning of the subsequent school year.					
(i) The provisions of this section, except Subsection (d), are subject to modification by rules adopted under Section 39.022. Each assessment instrument adopted under those rules and each assessment instrument required under Subsection (d) must be reliable and valid and must meet any applicable federal requirements for measurement of student progress.					
(j) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 18, eff. September 1, 2007.					
(k) Expired.					
(l) The State Board of Education shall adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to students in grades three through five who are of limited English proficiency, as defined by Section 29.052, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section 39.027(a)(1) or (2). Each student of limited English proficiency whose primary language is Spanish, other than a student to whom Subsection (b) applies, may be assessed using assessment instruments in Spanish under this subsection for up to three years or assessment instruments in English under Subsection (a). The language proficiency assessment committee established under Section 29.063 shall determine which students are administered assessment instruments in Spanish under this subsection.		(l) The State Board of Education shall adopt rules for the administration of the assessment instruments adopted under Subsection (a) and, to the extent applicable, the assessment instruments adopted under Subsection (a-4) in Spanish to students in grades three, four, and [through] five who are of limited English proficiency, as defined by Section 29.052, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section 39.027(a)(1) or (2). Each student of limited English proficiency whose primary language is Spanish, other than a student to whom Subsection (b) applies, may be assessed using assessment instruments in Spanish under this subsection for up to three years or assessment instruments in English under Subsection (a) and, as applicable, Subsection (a-4). The language proficiency assessment committee established under Section 29.063 shall determine which students are administered assessment instruments in Spanish under this subsection		(l) The State Board of Education shall adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to students in grades three through five who are of limited English proficiency, as defined by Section 29.052, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section 39.027(a)(1) or (2). Each student of limited English proficiency whose primary language is Spanish, other than a student to whom Subsection (b) applies, may be assessed using assessment instruments in Spanish under this subsection for up to three years or assessment instruments in English under Subsection (a). The language proficiency assessment committee established under Section 29.063 shall determine which students are administered assessment instruments in Spanish under this subsection.	
(m) The commissioner by rule shall develop procedures under which the language proficiency assessment committee established under Section 29.063 shall determine which students are exempt from the administration of the assessment instruments under Section 39.027(a)(1) or (2). The rules adopted under this subsection shall ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) at the earliest practical date.		(m) The commissioner by rule shall develop procedures under which the language proficiency assessment committee established under Section 29.063 shall determine which students are exempt from the administration of the assessment instruments under Section 39.027(a)(1) or (2). The rules adopted under this subsection shall ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) and, to the extent applicable, Subsections (a-4), (a-5), and (a-6) at the earliest practical date.		(m) The commissioner by rule shall develop procedures under which the language proficiency assessment committee established under Section 29.063 shall determine which students are exempt from the administration of the assessment instruments under Section 39.027(a)(1) or (2). The rules adopted under this subsection shall ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) at the earliest practical date.	

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(n) This subsection applies only to a student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. Section 705(20) and its subsequent amendments. The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student to whom this subsection applies for whom the assessment instruments adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the board of trustees of the district to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this subsection. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).	(n) This subsection applies only to a student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. Section 705(20) and its subsequent amendments. The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student to whom this subsection applies for whom the assessment instruments adopted under Subsection (a) and, to the extent applicable, the assessment instruments adopted under Subsections (a-4), (a-5), and (a-6), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the board of trustees of the district to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this subsection. The assessment insents administered under Subsection (a).he completion of the report required by this subsection.section. If a district or campus received a performance rating that reflected [of] unacceptable ~~performance~~ f	(n) This subsection applies only to a student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. Section 705(20) and its subsequent amendments. The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student to whom this subsection applies for whom the assessment instruments adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the board of trustees of the district to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this subsection. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).	
(o) The commissioner of education and the commissioner of higher education shall study the feasibility of allowing students to satisfy end-of-course requirements under Subsection (c) by successfully completing a dual credit course through an institution of higher education. Not later than December 1, 2010, the commissioner of education and the commissioner of higher education shall make recommendations to the legislature based on the study conducted under this subsection.			
(p) On or before September 1 of each year, the commissioner shall make the following information available on the agency's Internet website for each assessment instrument administered under Subsection (a), (c), or (l):	(p) On or before September 1 of each year, the commissioner shall make the following information available on the agency's Internet website for each assessment instrument administered under Subsection (a), (a-4), (a-5), (a-6), (c), or (l):		(p) On or before September 1 of each year, the commissioner shall make the following information available on the agency's Internet website for each assessment instrument administered under Subsection (a), (c), or (l):
(1) the number of questions on the assessment instrument;			(1) the number of questions on the assessment instrument;
(2) the number of questions that must be answered correctly to achieve satisfactory performance as determined by the commissioner under Section 39.0241(a);			(2) the number of questions that must be answered correctly to achieve satisfactory performance as determined by the commissioner under Section 39.0241(a);
(3) the number of questions that must be answered correctly to achieve satisfactory performance under the college readiness performance standard as provided by Section 39.0241; and			(3) the number of questions that must be answered correctly to achieve satisfactory performance under the college readiness performance standard as provided by Section 39.0241; and
(4) the corresponding scale scores.			(4) the corresponding scale scores.
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 767, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 397, Sec. 3, 8, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 8, Sec. 1, eff. April 11, 2001; Acts 2001, 77th Leg., ch. 834, Sec. 9, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 201, Sec. 25, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 430, Sec. 5, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 433, Sec. 1, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1212, Sec. 11, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1275, Sec. 2(20), eff. Sept. 1, 2003.			
Amended by:			
Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 9, eff. September 1, 2007.			
Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 18, eff. September 1, 2007.			
Acts 2009, 81st Leg., R.S., Ch. 995, Sec. 50, eff. June 19, 2009.			
Acts 2011, 82nd Leg., R.S., Ch. 307, Sec. 3, eff. June 17, 2011.			
Effective Date	**Effective Date**		
Provision does not exist	a) Except as otherwise provided by this Act, this Act takes effect on any date not later than September 1, 2015, on which the commissioner of education: (1) obtains any necessary waiver from the application of federal law or regulation conflicting with Section 39.023, Education Code, as amended by this Act, as required by Section 39.023(a-9), Education Code, as added by this Act; or (2) receives written notification from the United States Department of Education that a waiver is not required. (b) This Act applies beginning with the first school year that begins after the date on which this Act takes effect under Subsection (a) of this section. (c) If the commissioner of education obtains any necessary waiver or receives written notification as described by Subsection (a) of this section, the commissioner shall certify that the commissioner has obtained the waiver or received notification that a waiver is not required, as applicable, and shall publish notice of that fact in the Texas Register as soon as practicable after obtaining the waiver or receiving notification.		

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HB 2836
Passed by the 83rd Legislature

Old Law	New Law	Nature of Change
Sec. 39.023. ADOPTION AND ADMINISTRATION OF INSTRUMENTS	**Section 39.023, Education Code, is amended by adding Subsections (a-3), (a-4), (a-5), (a-6), (b-1), and (b-2)**	
(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;		
(4) social studies, in grade eight;		
(5) science, in grades five and eight; and		
(6) any other subject and grade required by federal law.		
(a-1) The agency shall develop assessment instruments required under Subsection (a) in a manner that allows, to the extent practicable:		
(1) the score a student receives to provide reliable information relating to a student's satisfactory performance for each performance standard under Section 39.0241; and		
(2) an appropriate range of performances to serve as a valid indication of growth in student achievement.		
(a-2) A student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:		
(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or		
(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.		
Provision does not exist.	(a-3) Before an assessment instrument adopted or developed under Subsection (a) may be administered under that subsection, the assessment instrument must, on the basis of empirical evidence, be determined to be valid and reliable by an entity that is independent of the agency and of any other entity that developed the assessment instrument.	
Provision does not exist.	(a-4) The agency shall ensure that an assessment instrument adopted or developed under Subsection (a) is designed to primarily assess the essential knowledge and skills identified by the State Board of Education under Section 28.002 of the subject and for the grade level for which the assessment instrument is administered. Only to the extent necessary or helpful for diagnostic or reporting purposes, the assessment instrument may also assess supporting knowledge or skills that are introduced or referenced in the subject and for the grade level for which the assessment instrument is administered but that are identified as essential knowledge or skills primarily of a different subject or for a different grade level.	
Provision does not exist.	(a-5) An assessment instrument adopted or developed under Subsection (a) must be designed so that:	
Provision does not exist.	(1) if administered to students in grades three through five, 85 percent of students will be able to complete the assessment instrument within 120 minutes; and	
Provision does not exist.	(2) if administered to students in grades six through eight, 85 percent of students will be able to complete the assessment instrument within 180 minutes.	
Provision does not exist.	(a-6) The amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a) may not exceed eight hours, and the administration may occur on only one day.	

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(b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.				
Provision does not exist.		(b-1) The agency, in conjunction with appropriate interested persons, shall redevelop assessment instruments adopted or developed under Subsection (b) for administration to significantly cognitively disabled students in a manner consistent with federal law. An assessment instrument under this subsection may not require a teacher to prepare tasks or materials for a student who will be administered such an assessment instrument.		
Provision does not exist.		(b-2) Assessment instruments redeveloped under Subsection (b-1) shall be administered beginning not later than the 2015-2016 school year. This subsection expires September 1, 2016.		
(c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history, and United States history. The Algebra I, Algebra II, and geometry end-of-course assessment instruments must be administered with the aid of technology. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument for a course listed in this subsection in which the student is enrolled to account for 15 percent of the student's final grade for the course. If a student retakes an end-of-course assessment instrument for a course listed in this subsection, as provided by Section 39.025, a school district is not required to use the student's performance on the subsequent administration or administrations of the assessment instrument to determine the student's final grade for the course. 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).				
(c-1) The agency shall develop any assessment instrument required under this section in a manner that allows for the measurement of annual improvement in student achievement as required by Sections 39.034(c) and (d).				
(c-2) The agency may adopt end-of-course assessment instruments for courses not listed in Subsection (c). A student's performance on an end-of-course assessment instrument adopted under this subsection is not subject to the performance requirements established under Subsection (c) or Section 39.025.				
(c-3) In adopting a schedule for the administration of assessment instruments under this section, 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 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, English II, and English III must be permitted to occur at an earlier date.				
(c-4) To the extent practicable and subject to Section 39.024, the agency shall ensure that each end-of-course assessment instrument adopted under Subsection (c) is:				
(1) developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and				

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(2) validated by national postsecondary education experts for college readiness content and performance standards.				
(c-5) A student's performance on an end-of-course assessment instrument required under Subsection (c) must be included in the student's academic achievement record.				
(c-6) In adopting an end-of-course assessment instrument under this section, the agency shall consider the use of an existing assessment instrument that is currently available. The agency may use an existing assessment instrument that is currently available only if the assessment instrument:				
(1) is aligned with the essential knowledge and skills of the subject being assessed; and				
(2) allows for the measurement of annual improvement in student achievement as provided by Subsection (c-1).				
(d) The commissioner may participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments. The commissioner by rule may require a school district to administer an end-of-course assessment instrument developed through the multistate efforts. The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument.				
(e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score.				
(f) The assessment instruments shall be designed to include assessment of a student's problem-solving ability and complex-thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable.				
(g) The State Board of Education may adopt one appropriate, nationally recognized, norm-referenced assessment instrument in reading and mathematics to be administered to a selected sample of students in the spring. If adopted, a norm-referenced assessment instrument must be a secured test. The state may pay the costs of purchasing and scoring the adopted assessment instrument and of distributing the results of the adopted instrument to the school districts. A district that administers the norm-referenced test adopted under this subsection shall report the results to the agency in a manner prescribed by the commissioner.				
(h) The agency shall notify school districts and campuses of the results of assessment instruments administered under this section at the earliest possible date determined by the State Board of Education but not later than the beginning of the subsequent school year.				
(i) The provisions of this section, except Subsection (d), are subject to modification by rules adopted under Section 39.022. Each assessment instrument adopted under those rules and each assessment instrument required under Subsection (d) must be reliable and valid and must meet any applicable federal requirements for measurement of student progress.				
(j) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 18, eff. September 1, 2007.				
(k) Expired.				

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(l) The State Board of Education shall adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to students in grades three through five who are of limited English proficiency, as defined by Section 29.052, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section 39.027(a)(1) or (2). Each student of limited English proficiency whose primary language is Spanish, other than a student to whom Subsection (b) applies, may be assessed using assessment instruments in Spanish under this subsection for up to three years or assessment instruments in English under Subsection (a). The language proficiency assessment committee established under Section 29.063 shall determine which students are administered assessment instruments in Spanish under this subsection.				
(m) The commissioner by rule shall develop procedures under which the language proficiency assessment committee established under Section 29.063 shall determine which students are exempt from the administration of the assessment instruments under Section 39.027(a)(1) or (2). The rules adopted under this subsection shall ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) at the earliest practical date.				
(n) This subsection applies only to a student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. Section 705(20) and its subsequent amendments. The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student to whom this subsection applies for whom the assessment instruments adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the board of trustees of the district to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this subsection. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).				
(o) The commissioner of education and the commissioner of higher education shall study the feasibility of allowing students to satisfy end-of-course requirements under Subsection (c) by successfully completing a dual credit course through an institution of higher education. Not later than December 1, 2010, the commissioner of education and the commissioner of higher education shall make recommendations to the legislature based on the study conducted under this subsection.				
(p) On or before September 1 of each year, the commissioner shall make the following information available on the agency's Internet website for each assessment instrument administered under Subsection (a), (c), or (l):				
(1) the number of questions on the assessment instrument;				
(2) the number of questions that must be answered correctly to achieve satisfactory performance as determined by the commissioner under Section 39.0241(a);				
(3) the number of questions that must be answered correctly to achieve satisfactory performance under the college readiness performance standard as provided by Section 39.0241; and				
(4) the corresponding scale scores.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 767, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 397, Sec. 3, 8, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 8, Sec. 1, eff. April 11, 2001; Acts 2001, 77th Leg., ch. 834, Sec. 9, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 201, Sec. 25, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 430, Sec. 5, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 433, Sec. 1, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1212, Sec. 11, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1275, Sec. 2(20), eff. Sept. 1, 2003.				
Amended by:				
Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 8, eff. September 1, 2007.				

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Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 18, eff. September 1, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 50, eff. June 19, 2009.				
Acts 2011, 82nd Leg., R.S., Ch. 307, Sec. 3, eff. June 17, 2011.				
Provision does not exist.		**Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS**		
Provision does not exist.		(a) The agency shall conduct a study regarding the essential knowledge and skills of the required curriculum identified by the State Board of Education under Section 28.002 and assessment instruments administered under Section 39.023.		
Provision does not exist.		(b) The study must evaluate:		
Provision does not exist.		(1) the number and scope of the essential knowledge and skills of each subject of the required curriculum under Section 28.002, with each essential knowledge or skill identified as a readiness or supporting standard, and whether the number or scope should be limited;		
Provision does not exist.		(2) the number and subjects of assessment instruments under Section 39.023 that are required to be administered to students in grades three through eight; and		
Provision does not exist.		(3) how assessment instruments described by Subdivision (2) assess standards essential for student success and whether the assessment instruments should also assess supporting standards, including analysis of:		
Provision does not exist.		(A) the portion of the essential knowledge and skills capable of being accurately assessed;		
Provision does not exist.		(B) the appropriate skills that can be assessed within the testing parameters under current law; and		
Provision does not exist.		(C) how current standards compare to those parameters.		
Provision does not exist.		(c) Not later than March 1, 2014, the agency shall prepare and submit to the State Board of Education a report concerning the results of the study under Subsection (b). Not later than May 1, 2014, the State Board of Education shall review the study and shall submit to the governor, each member of the legislature, and the advisory committee established under Section 39.0237 the agency's report and board recommendations regarding each issue evaluated under Subsection (b).		
Provision does not exist.		(d) This section expires June 1, 2015.		
Provision does not exist.		**Sec. 39.0237. ADVISORY COMMITTEE TO STUDY ESSENTIAL KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS**		
Provision does not exist.		(a) An advisory committee shall be established to review the agency study and State Board of Education recommendations under Section 39.0236. The committee shall be composed of:		
Provision does not exist.		(1) four members of the senate education committee appointed by the lieutenant governor and four members of the house public education committee appointed by the speaker of the house of representatives;		
Provision does not exist.		(2) two members of the public appointed by the lieutenant governor; and		
Provision does not exist.		(3) two members of the public appointed by the speaker of the house of representatives.		
Provision does not exist.		(b) The advisory committee shall review the agency study and State Board of Education recommendations under Section 39.0236. If the advisory committee determines that the agency study is insufficient, the advisory committee may perform an additional independent study to evaluate the agency study components required under Section 39.0236(b).		
Provision does not exist.		(c) Not later than January 1, 2015, the committee shall prepare and submit to the governor, each member of the legislature, the commissioner, and the State Board of Education a report that includes, as applicable, the results of the committee's review of the agency study or the results of the committee's independent study and recommendations regarding each issue evaluated under Section 39.0236(b).		
Provision does not exist.		(d) Based on the study under Section 39.0236(b) and the advisory committee report under Subsection (c), the State Board of Education shall adopt policies and procedures to limit the number and scope of the essential knowledge and skills of each subject and grade level to correspond with the readiness standards capable of being accurately assessed by applicable assessment instruments.		
Provision does not exist.		(e) This section expires June 1, 2015.		
Provision does not exist.		**Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS**		

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Provision does not exist.		(a) In this section, "benchmark assessment instrument" means a district-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument.		
Provision does not exist.		(b) Except as provided by Subsection (c), a school district may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.		
Provision does not exist.		(c) The prohibition prescribed by this section does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an independent classroom examination designed or adopted and administered by a classroom teacher.		
Provision does not exist.		(d) A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with commissioner rule, may request administration to the student of additional benchmark assessment instruments.		
Sec. 39.0301. SECURITY IN ADMINISTRATION OF ASSESSMENT INSTRUMENTS		**Section 39.0301, Education Code, is amended by adding Subsection (a-1)**		
(a) The commissioner:				
(1) shall establish procedures for the administration of assessment instruments adopted or developed under Section 39.023, including procedures designed to ensure the security of the assessment instruments; and				
(2) may establish record retention requirements for school district records related to the security of assessment instruments.				
Provision does not exist.		(a-1) In establishing procedures for the administration of assessment instruments under Subsection (a)(1), the commissioner shall ensure that the procedures are designed to minimize disruptions to school operations and the classroom environment. In implementing the procedures established for the administration of assessment instruments under Subsection (a)(1), a school district shall minimize disruptions to school operations and the classroom environment.		
(b) The commissioner may develop and implement statistical methods and standards for identifying potential violations of procedures established under Subsection (a) to ensure the security of assessment instruments adopted or developed under Section 39.023. In developing the statistical methods and standards, the commissioner may include indicators of:				
(1) potential violations that are monitored annually; and				
(2) patterns of inappropriate assessment practices that occur over time.				
(c) The commissioner may establish one or more advisory committees to advise the commissioner and agency regarding the monitoring of assessment practices and the use of statistical methods and standards for identifying potential violations of assessment instrument security, including standards to be established by the commissioner for selecting school districts for investigation for a potential assessment security violation under Subsection (e). The commissioner may not appoint an agency employee to an advisory committee established under this subsection.				
(d) Any document created for the deliberation of an advisory committee established under Subsection (c) or any recommendation of such a committee is confidential and not subject to disclosure under Chapter 552, Government Code. Except as provided by Subsection (e), the statistical methods and standards adopted under this section and the results of applying those methods and standards are confidential and not subject to disclosure under Chapter 552, Government Code.				
(e) The agency may conduct an investigation of a school district for a potential violation of assessment instrument security in accordance with the standards described by Subsection (c). Each school year, after completing all investigations of school districts selected for investigation, the agency shall disclose the identity of each district selected for investigation and the statistical methods and standards used to select the district.				

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(f) At any time, the commissioner may authorize the audit of a random sample of school districts to determine the compliance of the districts with procedures established under Subsection (a). The identity of each school district selected for audit under this subsection is confidential and not subject to disclosure under Chapter 552, Government Code, except that the agency shall disclose the identity of each district after completion of the audit.			
(g) The state auditor may conduct a risk-based audit of a school district at any time to ensure the security of assessment instruments administered under Section 39.023 in the district.			
Added by Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 12, eff. September 1, 2007.			
Provision does not exist.	**Sec. 39.038. AUDITING AND MONITORING PERFORMANCE UNDER CONTRACTS FOR ASSESSMENT INSTRUMENTS**		
Provision does not exist.	(a) The agency by rule shall develop a comprehensive methodology for auditing and monitoring performance under contracts for services to develop or administer assessment instruments required by Section 39.023 to verify compliance with contractual obligations.		
Provision does not exist.	(b) The agency shall ensure that all new and renewed contracts described by Subsection (a) include a provision that the agency or a designee of the agency may conduct periodic contract compliance reviews, without advance notice, to monitor vendor performance.		
Provision does not exist.	(c) The agency shall adopt rules to administer this section.		
Sec. 39.053. PERFORMANCE INDICATORS: STUDENT ACHIEVEMENT	**Section 39.053, Education Code, is amended by adding Subsection (c-1)**		
(a) The commissioner shall adopt a set of indicators of the quality of learning and student achievement. The commissioner biennially shall review the indicators for the consideration of appropriate revisions.			
(b) Performance on the student achievement indicators adopted under this section shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status.			
(c) Indicators of student achievement adopted under this section must include:			
(1) the results of assessment instruments required under Sections 39.023(a), (c), and (l), including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:			
(A) for the performance standard determined by the commissioner under Section 39.0241(a):			
(i) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and			
(ii) for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area; and			
(B) for the college readiness performance standard as determined under Section 39.0241:			
(i) the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and			
(ii) for students who did not perform satisfactorily, the percentage of students who met the standard for annual improvement, as determined by the agency under Section 39.034, on the assessment instruments, aggregated across grade levels by subject area;			
(2) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education; and			
(3) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).			
Provision does not exist.	(c-1) The indicator of student achievement under Subsection (c)(1) may not include student performance as to supporting knowledge or skills as described by Section 39.023(a-4).		

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(d) For purposes of Subsection (c), the commissioner by rule shall determine the period within which a student must retake an assessment instrument for that assessment instrument to be considered in determining the performance rating of the district under Section 39.054.				
(d-1) In aggregating results of assessment instruments across grade levels by subject in accordance with Subsection (c)(1), the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(c) is included with results relating to other students enrolled at the same grade level.				
(e) Performance on the student achievement indicators under Subsections (c)(1) and (2) shall be compared to state standards and required improvement. The state standard shall be established by the commissioner. Required improvement is the progress necessary for the campus or district to meet state standards and, for the student achievement indicator under Subsection (c)(1), for its students to meet each of the performance standards as determined under Section 39.0241.				
(f) Annually, the commissioner shall define the state standard for the current school year for each student achievement indicator described by Subsection (c) and shall project the state standards for each indicator for the following two school years. The commissioner shall periodically raise the state standards for the student achievement indicator described by Subsection (c)(1)(B)(i) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:				
(1) student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and				
(2) student performance, including the percentage of students graduating under the recommended or advanced high school program, with no significant achievement gaps by race, ethnicity, and socioeconomic status.				
(g) In defining the required state standard for the indicator described by Subsection (c)(2), the commissioner may not consider as a dropout a student whose failure to attend school results from:				
(1) the student's expulsion under Section 37.007; and				
(2) as applicable:				
(A) adjudication as having engaged in delinquent conduct or conduct indicating a need for supervision, as defined by Section 51.03, Family Code; or				
(B) conviction of and sentencing for an offense under the Penal Code.				
(g-1) In computing dropout and completion rates under Subsection (c)(2), the commissioner shall exclude:				
(1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;				
(2) students who were previously reported to the state as dropouts;				
(3) students in attendance who are not in membership for purposes of average daily attendance;				
(4) students whose initial enrollment in a school in the United States in grades 7 through 12 was as unschooled refugees or asylees as defined by Section 39.027(a-1);				
(5) students who are in the district exclusively as a function of having been detained at a county detention facility but are otherwise not students of the district in which the facility is located; and				
(6) students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults.				
(h) Each school district shall cooperate with the agency in determining whether a student is a dropout for purposes of accreditation and evaluating performance by school districts and campuses under this chapter.				
(i) The commissioner by rule shall adopt accountability measures to be used in assessing the progress of students who have failed to perform satisfactorily as determined by the commissioner under Section 39.0241(a) or under the college readiness standard as determined under Section 39.0241 in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (l).				

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Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 510, Sec. 2, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1417, Sec. 2, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 725, Sec. 6, eff. June 13, 2001; Acts 2001, 77th Leg., ch. 834, Sec. 11, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, Sec. 4.010, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1055, Sec. 24, eff. June 20, 2003.			
Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.			
Acts 2011, 82nd Leg., R.S., Ch. 307, Sec. 5, eff. June 17, 2011.			
Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES	**Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES**		
Notwithstanding any other provision of this code, for purposes of determining the performance of a school district or campus under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Youth Commission, the Texas Juvenile Probation Commission, a juvenile board, or any other governmental entity is not considered to be a student of the school district in which the program or facility is physically located. The performance of such a student on an assessment instrument or other student achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located.	Notwithstanding any other provision of this code except to the extent otherwise provided under Section 39.054(f), for purposes of determining the performance of a school district, [or] campus, or open-enrollment charter school under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department [~~Youth Commission, the Texas Juvenile Probation Commission~~], a juvenile board, or any other governmental entity or any student who is receiving treatment in a residential facility is not considered to be a student of the school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an assessment instrument or other student achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attendtrations of the assessment instrument to determine the student's final grade for the course. If a student is in a special education pro		
Added by Acts 2001, 77th Leg., ch. 834, Sec. 12, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 201, Sec. 27, 61(1), eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 903, Sec. 1, 4, eff. Sept. 1, 2003.			
Amended by:			
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 59, eff. June 19, 2009.			
Provision does not exist.	**Effective Date**		
	This Act applies beginning with the 2013-2014 school year.		
Provision does not exist.	**Implementations**		
	The Texas Education Agency is required to implement Sections 39.023(b-1) and (b-2), Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement Sections 39.023(b-1) and (b-2), Education Code, using other appropriations available for that purpose.		
Provision does not exist.	**Effective Date**		
	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, 2013.		

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HB 1025
Passed by the 83rd Legislature

An Act

BENEFITS PAID PROPORTIONAL BY FUND

(a) This section applies to each item of appropriation made by this Act.

(b) In order to maximize balances in the general revenue fund, payment for benefits paid from funds appropriated by this Act, including "local funds" and "educational and general funds," as those terms are defined by Sections 51.009(a) and (c), Education Code, must be proportional to the source of the funds except for payments for higher education employees group insurance contributions for public community or junior colleges.

(c) Money appropriated by this Act out of the general revenue fund may not be used to pay employee benefit costs or other indirect costs associated with the payment of salaries or wages of employees if the salaries or wages are paid from a source other than the general revenue fund. A public community or junior college may spend money appropriated by this Act for employee benefit costs for any employee who is eligible to participate in an offered group benefits program and is an instructional or administrative employee whose entire salary may be paid from money appropriated by this Act, regardless of whether the salary is actually paid by that money. Payments for employee benefit costs associated with salaries and wages paid from sources other than the general revenue fund, including payments received under interagency agreement or as contract receipts, must be made in proportion to the source of the funds from which the salary or wage is paid. If the comptroller of public accounts determines that achieving proportionality as required by this section at the time a payment is made is impractical or inefficient, then the general revenue fund shall be reimbursed for any payment of employee benefit costs made out of the general revenue fund.

(d) A state agency or institution of higher education that receives an appropriation by this Act from the general revenue fund or any other source of financing shall file with the comptroller of public accounts and the state auditor a report demonstrating proportionality. The report is due on November 20th of each year and must cover the state fiscal year ending on August 31st of the year in which the report is due. The report shall be in the format prescribed by the comptroller, the Legislative Budget Board, and the State Auditor's Office. The state auditor may audit a state agency's or institution's compliance with this section if the agency or institution is appropriated money by this Act. The state auditor shall notify the comptroller of any amount disproportionally paid from general revenue fund appropriations. On receipt of that notice, the comptroller shall reduce the state agency's or institution's current year general revenue fund appropriations until the general revenue fund is reimbursed for the amounts disproportionally paid out of that fund.

(e) Contingent on SB 1812 or similar legislation relating to the determination of state contributions for participation by certain junior college employees in the state employees group benefits program, the Teacher Retirement System of Texas, and the Optional Retirement Program and limiting General Revenue related funds for benefit contributions to 50 percent of the state contributions for Public Community/Junior Colleges, not being enacted by the Eighty-third Legislature, Regular Session, 2013, this section shall apply to Public Community/Junior Colleges.

TEXAS EDUCATION AGENCY: DATA CENTER SERVICES

In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of $517,000 is appropriated out of the general revenue fund to the Texas Education Agency for Strategy B.3.5, Information Systems - Technology, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the state fiscal year ending August 31, 2013, for the purpose of costs related to data center services.

TEXAS EDUCATION AGENCY: CERTAIN APPROPRIATIONS

(a) Section 5 of HB 10, Acts of the 83rd Legislature, Regular Session, 2013 is repealed and shall not take effect.

(b) Contingent on the enactment and becoming law of S.B 758 or similar legislation of the 83rd Legislature, Regular Session, 2013, relating to the establishment schedule of payments from the foundation school fund of the yearly entitlement of certain school districts:

(1) there is appropriated to the Texas Education Agency from the economic stabilization fund, $1,750,000,000 for the state fiscal year ending August 31, 2013, for payment of the installment to be paid on or before August 30, 2013, as provided by Sections 42.259(c-1) and (d-1), Education Code, as added by that legislation; and

(2) notwithstanding Rider 3 to the bill pattern of the appropriations to the Texas Education Agency in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), the sum certain appropriation to the Foundation School Program for the state fiscal year ending August 31, 2013, is increased by the amount of $1,750,000,000 in addition to the amount by which that sum certain appropriation is increased in accordance with Section 4(c) of House Bill 10, Eighty Third Legislature, Regular Session, 2013.

TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL PROGRAM

(a) The Texas Education Agency is appropriated $101,346,715 from the Foundation School Fund No. 193 in the fiscal year ending August 31, 2014 and $100,387,174 is appropriated from Foundation School Fund No. 193 in the fiscal year ending August 31, 2015 for the purpose of funding the Foundation School Program. Appropriations made in SB1, Eighty-third Legislature, Regular Session, 2013 (the General Appropriations Act) to the Texas Education Agency in Strategy A.1.1, FSP - Equalized Operations, out of Appropriated Receipts are reduced by $8,586,715 in the fiscal year ending August 31, 2014 and by $8,227,174 in the fiscal year ending August 31, 2015.

(b) Notwithstanding Rider 3 to the bill pattern of the appropriations to the Texas Education Agency in SB1, Eighty-third Legislature, Regular Session, 2013 (the General Appropriations Act), the sum certain appropriation to the Foundation School Program is $19,909,737,000 in the fiscal year ending August 31, 2014 and $20,489,435,000 in the fiscal year ending August 31, 2015.

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(c) For purposes of distributing the Foundation School Program basic tier state aid appropriated in this Act and in SB1, Eighty-third Legislature, Regular Session, 2013 (the General Appropriations Act) in accordance with §42.101 of the Texas Education Code, the Basic Allotment is established at $4,950 in fiscal year 2014 and $5,040 in fiscal year 2015. If this Section conflicts with provisions in other legislation enacted by the Eighty-third Legislature, Regular Session, 2013, this Section prevails.

TEXAS EDUCATION AGENCY: STUDENT SUCCESS INITIATIVE

. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013 to the Texas Education Agency, $10,000,000 is appropriated out of the general revenue fund to the Texas Education Agency for the two year period beginning on the effective date of this Act for the purpose of funding the Student Success Initiative.

EFFECTIVE DATE

(a) This Act takes effect immediately as provided for a general appropriations act under Section 39, Article III, Texas Constitution.

(b) Sections 13, 18, 20, 21, 22, 25, 32 and 33 of this Act take effect only if this Act receives a vote of two-thirds of the members present in each house of the legislature, as provided by Section 49-g(m), Article III, Texas Constitution.

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HB1926
Passed by the 83rd Legislature

Old Law	New Law	Nature of the Change
Sec. 26.0031. RIGHTS CONCERNING STATE VIRTUAL SCHOOL NETWORK	**Section 26.0031, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (c-1) and (f)**	
(a) At the time and in the manner that a school district or open-enrollment charter school informs students and parents about courses that are offered in the district's or school's traditional classroom setting, the district or school shall notify parents and students of the option to enroll in an electronic course offered through the state virtual school network under Chapter 30A.		
(b) A school district or open-enrollment charter school in which a student is enrolled as a full-time student may not unreasonably deny the request of a parent of a student to enroll the student in an electronic course offered through the state virtual school network under Chapter 30A.	(b) Except as provided by Subsection (c), a [A] school district or open-enrollment charter school in which a student is enrolled as a full-time student may not [~~unreasonably~~] deny the request of a parent of a student to enroll the student in an electronic course offered through the state virtual school network under Chapter 30A.	
(c) For purposes of Subsection (b), a school district or open-enrollment charter school is not considered to have unreasonably denied a request to enroll a student in an electronic course if:	(c) A [~~For purposes of Subsection (b), a~~] school district or open-enrollment charter school may deny [~~is not considered to have unreasonably denied~~] a request to enroll a student in an electronic course if:	
(1) the district or school can demonstrate that the course does not meet state standards or standards of the district or school that are of equivalent rigor as the district's or school's standards for the same course provided in a traditional classroom setting;	(1) [~~the district or school can demonstrate that the course does not meet state standards or standards of the district or school that are of equivalent rigor as the district's or school's standards for the same course provided in a traditional classroom setting;~~	
(2) a student attempts to enroll in a course load that:	[~~(2)~~] a student attempts to enroll in a course load that[~~:~~	
(A) is inconsistent with the student's high school graduation plan; or	[~~(A)~~] is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;	
Provision does not exist	(2) [~~or~~	
(B) could reasonably be expected to negatively affect the student's performance on an assessment instrument administered under Section 39.023; or	[~~(B) could reasonably be expected to negatively affect the student's performance on an assessment instrument administered under Section 39.023; or~~	
(3) the student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the school district or open-enrollment charter school providing the course.	[~~(3)~~] the student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the school district or open-enrollment charter school providing the course; or	
Provision does not exist	(3) the district or school offers a substantially similar course.	
Provision does not exist	(c-1) A school district or open-enrollment charter school may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year. This subsection does not:	
Provision does not exist	(1) limit the ability of the student to enroll in additional electronic courses at the student's cost; or	
Provision does not exist	(2) apply to a student enrolled in a full-time online program that was operating on January 1, 2013.	
(d) Notwithstanding Subsection (c)(3), a school district or open-enrollment charter school that provides an electronic course through the state virtual school network under Chapter 30A shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.	(d) Notwithstanding Subsection (c)(2) [~~(c)(3)~~], a school district or open-enrollment charter school that provides an electronic course through the state virtual school network under Chapter 30A shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.	
(e) A parent may appeal to the commissioner a school district's or open-enrollment charter school's decision to deny a request to enroll a student in an electronic course offered through the state virtual school network. The commissioner's decision under this subsection is final and may not be appealed.		
Provision does not exist	(f) A school district or open-enrollment charter school from which a parent of a student requests permission to enroll the student in an electronic course offered through the state virtual school network under Chapter 30A has discretion to select a course provider approved by the network's administering authority for the course in which the student will enroll based on factors including the informed choice report in Section 30A.108(b).	
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 2, eff. September 1, 2007.		
Provision does not exist	**Sec. 29.909. DISTANCE LEARNING COURSES**	

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Provision does not exist		(a) A school district or open-enrollment charter school that provides a course through distance learning and seeks to inform other districts or schools of the availability of the course may submit information to the agency regarding the course, including the number of positions available for student enrollment in the course. The district or school may submit updated information at the beginning of each semester.		
Provision does not exist		(b) The agency shall make information submitted under this section available on the agency's Internet website.		
Provision does not exist		(c) The commissioner may adopt rules necessary to implement this section, including rules governing student enrollment. The commissioner may not adopt rules governing course pricing, and the price for a course shall be determined by the school districts or open-enrollment charter schools involved.		
Sec. 30A.001. DEFINITIONS		**Sections 30A.001(7) and (8)**		
(1) "Administering authority" means the entity designated under Section 30A.053 to administer the state virtual school network.				
(2) "Board" means the State Board of Education.				
(3) "Course" means a course of study that meets the requirements of Section 30A.104.				
(4) "Electronic course" means a course in which:				
(A) instruction and content are delivered primarily over the Internet;				
(B) a student and teacher are in different locations for a majority of the student's instructional period;				
(C) most instructional activities take place in an online environment;				
(D) the online instructional activities are integral to the academic program;				
(E) extensive communication between a student and a teacher and among students is emphasized; and				
(F) a student is not required to be located on the physical premises of a school district or open-enrollment charter school.				
(5) "Electronic diagnostic assessment" means a formative or instructional assessment used in conjunction with an electronic course to ensure that:				
(A) a teacher of an electronic course has information related to a student's academic performance in that course; and				
(B) a student enrolled in an electronic course makes documented progress in mastering the content of the course.				
(6) "Electronic professional development course" means a professional development course in which instruction and content are delivered primarily over the Internet.				
(7) "Provider school district or school" means:		(7) "Course provider [~~Provider school district or school~~]" means:		
(A) a school district or open-enrollment charter school that provides an electronic course through the state virtual school network to:				
(i) students enrolled in that district or school; or				
(ii) students enrolled in another school district or school; or		(ii) students enrolled in another school district or school; [~~or~~]		
(B) a public or private institution of higher education that provides a course through the state virtual school network.		(B) a public or private institution of higher education, nonprofit entity, or private entity that provides a course through the state virtual school network; or		
Provision does not exist		(C) an entity that provides an electronic professional development course through the state virtual school network.		
(8) "Public or private institution of higher education" means:		(8) "Public or private institution of higher education" means[~~:~~		
(A) an institution of higher education, as defined by Section 61.003; or		[~~(A)~~] an institution of higher education, as defined by 20 U.S.C. Section 1001 [~~Section 61.003; or~~		
(B) a private or independent institution of higher education, as defined by Section 61.003.		[~~(B) a private or independent institution of higher education, as defined by Section 61.003~~].		
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.				
Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET SERVICE		**Sec. 30A.003. PROVISION OF COMPUTER EQUIPMENT OR INTERNET SERVICE**		
This chapter does not:				
(1) require a school district, an open-enrollment charter school, a provider school district or school, or the state to provide a student with home computer equipment or Internet access for a course provided through the state virtual school network; or		(1) require a school district, an open-enrollment charter school, a course provider [~~school district or school~~], or the state to provide a student with home computer equipment or Internet access for a course provided through the state virtual school network; or		

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(2) prohibit a school district or open-enrollment charter school from providing a student with home computer equipment or Internet access for a course provided through the state virtual school network.			
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.			
Sec. 30A.007. LOCAL POLICY ON ELECTRONIC COURSES	**Section 30A.007, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1)**		
(a) A school district or open-enrollment charter school shall adopt a policy that provides district or school students with the opportunity to enroll in electronic courses provided through the state virtual school network. The policy must be consistent with the requirements imposed by Section 26.0031.	(a) A school district or open-enrollment charter school shall adopt a written policy that provides district or school students with the opportunity to enroll in electronic courses provided through the state virtual school network. The policy must be consistent with the requirements imposed by Section 26.0031.		
Provision does not exist	(a-1) A school district or open-enrollment charter school shall, at least once per school year, send to a parent of each district or school student enrolled at the middle or high school level a copy of the policy adopted under Subsection (a). A district or school may send the policy with any other information that the district or school sends to a parent.		
(b) For purposes of a policy adopted under Subsection (a), the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).			
Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 4, Sec. 61.02, eff. September 28, 2011			
Sec. 30A.056. CONTRACTS WITH VIRTUAL SCHOOL SERVICE PROVIDERS	**Section 30A.056(a), Education Code**		
(a) Each contract between a school district, an open-enrollment charter school, or a public or private institution of higher education and the administering authority must:	(a) Each contract between a course provider [~~school district, an open-enrollment charter school, or a public or private institution of higher education~~] and the administering authority must:		
(1) provide that the administering authority may cancel the contract without penalty if legislative authorization for the district, school, or institution to offer an electronic course through the state virtual school network is revoked; and	(1) provide that the administering authority may cancel the contract without penalty if legislative authorization for the course provider [~~district, school, or institution~~] to offer an electronic course through the state virtual school network is revoked; and		
(2) be submitted to the commissioner.			
(b) A contract submitted under this section is public information for purposes of Chapter 552, Government Code.			
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.			
Sec. 30A.101. ELIGIBILITY TO ACT AS PROVIDER SCHOOL DISTRICT OR SCHOOL	**Sec. 30A.101. ELIGIBILITY TO ACT AS COURSE PROVIDER [~~SCHOOL DISTRICT OR SCHOOL~~]**		
(a) A school district is eligible to act as a provider school district under this chapter only if the district is rated acceptable or higher under Section 39.054.	(a) A school district or open-enrollment charter school is eligible to act as a course provider [~~school district~~] under this chapter only if the district or school is rated acceptable [~~or higher~~] under Section 39.054. An open-enrollment charter school may serve as a course provider only:		
Provision does not exist	(1) to a student within its service area; or		
Provision does not exist	(2) to another student in the state:		
Provision does not exist	(A) through an agreement with the school district in which the student resides; or		
Provision does not exist	(B) if the student receives educational services under the supervision of a juvenile probation department, the Texas Juvenile Justice Department, or the Texas Department of Criminal Justice, through an agreement with the applicable agency.		
Text of subsection as amended by Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 46	Repealed		
(b) An open-enrollment charter school is eligible to act as a provider school under this chapter only if the school is rated acceptable or higher under Section 39.054, and may serve as a provider school only:	Repealed		
(1) to a student within the school district in which the school is located or within its service area, whichever is smaller; or	Repealed		
(2) to another student in the state through an agreement with the administering authority under Section 30A.153.	Repealed		
Text of subsection as amended by Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 29	Repealed		

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(b) An open-enrollment charter school campus is eligible to act as a provider school under this chapter only if the campus is rated recognized or higher under Section 39.072, except that a campus may act as a provider school to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice if the campus is rated academically acceptable or higher. A campus may serve as a provider school only:		Repealed		
(1) to a student within the school district in which the campus is located or within its service area, whichever is smaller; or		Repealed		
(2) to another student in the state:		Repealed		
(A) through an agreement with the school district in which the student resides; or		Repealed		
(B) if the student receives educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice, through an agreement with the applicable agency.		Repealed		
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.		Repealed		
Amended by:		Repealed		
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 46, eff. June 19, 2009.		Repealed		
Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 29, eff. September 1, 2009.		Repealed		
Provision does not exist		(c) A nonprofit entity, private entity, or corporation is eligible to act as a course provider under this chapter only if the nonprofit entity, private entity, or corporation:		
Provision does not exist		(1) complies with all applicable federal and state laws prohibiting discrimination;		
Provision does not exist		(2) demonstrates financial solvency; and		
Provision does not exist		(3) provides evidence of prior successful experience offering online courses to middle or high school students, with demonstrated student success in course completion and performance, as determined by the commissioner.		
Provision does not exist		(d) An entity other than a school district or open-enrollment charter school is not authorized to award course credit or a diploma for courses taken through the state virtual school network.		
Sec. 30A.102. LISTING OF ELECTRONIC COURSES		**Section 30A.102, Education Code**		
a) The administering authority shall:				
(1) publish the criteria required by Section 30A.103 for electronic courses that may be offered through the state virtual school network;				
(2) using the criteria required by Section 30A.103, evaluate electronic courses submitted by a provider school district or school to be offered through the network;		(2) using the criteria required by Section 30A.103, evaluate electronic courses submitted by a course provider [~~school, district or school~~] to be offered through the network;		
(3) create a list of electronic courses approved by the administering authority; and				
(4) provide public access to the list of approved electronic courses offered through the network and a detailed description of the courses that complies with Section 30A.108.		(4) publish in a prominent location on the network's Internet website [~~provide public access to~~] the list of approved electronic courses offered through the network and a detailed description of the courses that complies with Section 30A.108.		
(b) To ensure that a full range of electronic courses, including advanced placement courses, are offered to students in this state, the administering authority:				
(1) shall create a list of those subjects and courses designated by the board under Subchapter A, Chapter 28, for which the board has identified essential knowledge and skills or for which the board has designated content requirements under Subchapter A, Chapter 28;				
(2) shall enter into agreements with school districts, open-enrollment charter schools, and public or private institutions of higher education for the purpose of offering the courses through the state virtual school network; and		(2) shall enter into agreements with school districts, open-enrollment charter schools, [~~and~~] public or private institutions of higher education, and other eligible entities for the purpose of offering the courses through the state virtual school network; and		
(3) may develop or authorize the development of additional electronic courses that:				
(A) are needed to complete high school graduation requirements; and				
(B) are not otherwise available through the state virtual school network.		(B) are not otherwise available through the state virtual school network.		
Provision does not exist		(c) The administering authority shall develop a comprehensive course numbering system for all courses offered through the state virtual school network to ensure, to the greatest extent possible, consistent numbering of similar courses offered across all course providers.		
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.				

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Sec. 30A.1021. PUBLIC ACCESS TO USER COMMENTS REGARDING ELECTRONIC COURSES		Section 30A.1021(c), Education Code		
(a) The administering authority shall provide students who have completed or withdrawn from electronic courses offered through the virtual school network and their parents with a mechanism for providing comments regarding the courses.				
(b) The mechanism required by Subsection (a) must include a quantitative rating system and a list of verbal descriptors that a student or parent may select as appropriate.				
(c) The administering authority shall provide public access to the comments submitted by students and parents under this section. The comments must be in a format that permits a person to sort the comments by teacher, electronic course, and provider school district or school.		(c) The administering authority shall provide public access to the comments submitted by students and parents under this section. The comments must be in a format that permits a person to sort the comments by teacher, electronic course, and course provider [~~school district or school~~].		
Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 4, Sec. 61.02, eff. September 28, 2011.				
Sec. 30A.103. CRITERIA FOR ELECTRONIC COURSES		**Section 30A.103(a), Education Code**		
(a) The board by rule shall establish an objective standard criteria for an electronic course to ensure alignment with the essential knowledge and skills requirements identified or content requirements established under Subchapter A, Chapter 28. The criteria may not permit the administering authority to prohibit provider school districts or schools from applying for approval for an electronic course for a course for which essential knowledge and skills have been identified.		(a) The board by rule shall establish an objective standard criteria for an electronic course to ensure alignment with the essential knowledge and skills requirements identified or content requirements established under Subchapter A, Chapter 28. The criteria may not permit the administering authority to prohibit a course provider [~~school districts or schools~~] from applying for approval for an electronic course for a course for which essential knowledge and skills have been identified.		
(b) The criteria must be consistent with Section 30A.104 and may not include any requirements that are developmentally inappropriate for students.				
(c) The commissioner by rule may:				
(1) establish additional quality-related criteria for electronic courses; and				
(2) provide for a period of public comment regarding the criteria.				
(d) The criteria must be in place at least six months before the administering authority uses the criteria in evaluating an electronic course under Section 30A.105.				
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.				
Sec. 30A.104. COURSE ELIGIBILITY IN GENERAL		**Section 30A.104(b), Education Code**		
(a) A course offered through the state virtual school network must:				
(1) be in a specific subject that is part of the required curriculum under Section 28.002(a);				
(2) be aligned with the essential knowledge and skills identified under Section 28.002(c) for a grade level at or above grade level three; and				
(3) be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting during:				
(A) a semester of 90 instructional days; and				
(B) a school day that meets the minimum length of a school day required under Section 25.082.				
(b) If the essential knowledge and skills with which an approved course is aligned in accordance with Subsection (a)(2) are modified, the provider school district or school must be provided the same time period to revise the course to achieve alignment with the modified essential knowledge and skills as is provided for the modification of a course provided in a traditional classroom setting.		(b) If the essential knowledge and skills with which an approved course is aligned in accordance with Subsection (a)(2) are modified, the course provider [~~school district or school~~] must be provided the same time period to revise the course to achieve alignment with the modified essential knowledge and skills as is provided for the modification of a course provided in a traditional classroom setting.		
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 30, eff. September 1, 2009.				
Acts 2011, 82nd Leg., 1st C.S., Ch. 4, Sec. 61.04, eff. September 28, 2011.				
Sec. 30A.1041. DRIVER EDUCATION COURSES		**Sections 30A.1041(a) and (b), Education Code**		
(a) A school district, open-enrollment charter school, or public or private institution of higher education may seek approval to offer through the state virtual school network the classroom portion of a driver education and traffic safety course that complies with the requirements for the program developed under Section 29.902.		(a) A school district, open-enrollment charter school, [~~or~~] public or private institution of higher education, or other eligible entity may seek approval to offer through the state virtual school network the classroom portion of a driver education and traffic safety course that complies with the requirements for the program developed under Section 29.902.		
(b) A school district, open-enrollment charter school, or public or private institution of higher education may not offer through the state virtual school network the laboratory portion of a driver education and traffic safety course.		(b) A school district, open-enrollment charter school, [~~or~~] public or private institution of higher education, or other eligible entity may not offer through the state virtual school network the laboratory portion of a driver education and traffic safety course.		

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(c) A driver education and traffic safety course offered in compliance with this section must be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting for a period of 56 hours.				
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.				
Provision does not exist		**Sec. 30A.1042. RECIPROCITY AGREEMENTS WITH OTHER STATES**		
Provision does not exist		(a) The administering authority may enter into a reciprocity agreement with one or more other states to facilitate expedited course approval.		
Provision does not exist		(b) An agreement under this section must ensure that any course approved in accordance with the agreement:		
Provision does not exist		(1) is evaluated to ensure compliance with Sections 30A.104(a)(1) and (2) before the course may be offered through the state virtual school network; and		
Provision does not exist		(2) meets the requirements of Section 30A.104(a)(3).		
Sec. 30A.105. APPROVAL OF ELECTRONIC COURSES		**Section 30A.105, Education Code, is amended by amending Subsections (a), (a-1), and (d) and adding Subsection (e)**		
(a) The administering authority shall:				
(1) establish a schedule for an annual submission and approval process for electronic courses;		(1) establish a [~~schedule for an annual~~] submission and approval process for electronic courses that occurs on a rolling basis; and		
(2) evaluate electronic courses to be offered through the state virtual school network; and		(2) evaluate electronic courses to be offered through the state virtual school network[~~; and~~		
(3) not later than August 1 of each year, approve electronic courses that:		[~~(3) not later than August 1 of each year, approve electronic courses that:~~		
(A) meet the criteria established under Section 30A.103; and		[~~(A) meet the criteria established under Section 30A.103; and~~		
(B) provide the minimum instructional rigor and scope required under Section 30A.104.		[~~(B) provide the minimum instructional rigor and scope required under Section 30A.104~~].		
(a-1) The administering authority shall publish the schedule established under Subsection (a)(1), including any deadlines specified in that schedule, and any guidelines applicable to the submission and approval process for electronic courses.		(a-1) The administering authority shall publish the submission and approval process for electronic courses [~~schedule~~] established under Subsection (a)(1), including any deadlines [~~specified in that schedule,~~] and [~~any~~] guidelines applicable to the [~~submission and approval~~] process [~~for electronic courses~~].		
(a-2) The evaluation required by Subsection (a)(2) must include review of each electronic course component, including off-line material proposed to be used in the course.				
(b) The administering authority shall establish the cost of providing an electronic course approved under Subsection (a), which may not exceed $400 per student per course or $4,800 per full-time student.				
(c) The agency shall pay the reasonable costs of evaluating and approving electronic courses. If funds available to the agency for that purpose are insufficient to pay the costs of evaluating and approving all electronic courses submitted for evaluation and approval, the agency shall give priority to paying the costs of evaluating and approving the following courses:				
(1) courses that satisfy high school graduation requirements;				
(2) courses that would likely benefit a student in obtaining admission to a postsecondary institution;				
(3) courses, including dual credit courses, that allow a student to earn college credit or other advanced credit;				
(4) courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice; and				
(5) courses in subject areas designated by the commissioner as commonly experiencing a shortage of teachers.				
(d) If the agency determines that the costs of evaluating and approving a submitted electronic course will not be paid by the agency due to a shortage of funds available for that purpose, the school district, open-enrollment charter school, or public or private institution of higher education that submitted the course for evaluation and approval may pay a fee equal to the amount of the costs in order to ensure that evaluation of the course occurs. The agency shall establish and publish a fee schedule for purposes of this subsection.		(d) If the agency determines that the costs of evaluating and approving a submitted electronic course will not be paid by the agency due to a shortage of funds available for that purpose, the school district, open-enrollment charter school, [~~or~~] public or private institution of higher education, or other eligible entity that submitted the course for evaluation and approval may pay a fee equal to the amount of the costs in order to ensure that evaluation of the course occurs. The agency shall establish and publish a fee schedule for purposes of this subsection.		
		(e) The administering authority shall require a course provider to apply for renewed approval of a previously approved course in accordance with a schedule designed to coincide with revisions to the required curriculum under Section 28.002(a) but not later than the 10th anniversary of the previous approval.		
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.				

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Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 31, eff. September 1, 2009.				
Acts 2011, 82nd Leg., 1st C.S., Ch. 4, Sec. 61.05, eff. September 28, 2011.				
Provision does not exist.		**Sec. 30A.1052. INDUCEMENTS FOR ENROLLMENT PROHIBITED**		
Provision does not exist.		(a) A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the state virtual school network.		
Provision does not exist.		(b) The commissioner shall revoke approval under this chapter of electronic courses offered by a course provider that violates this section.		
Provision does not exist.		(c) The commissioner's action under this section is final and may not be appealed.		
Sec. 30A.106. APPEAL TO COMMISSIONER		**Section 30A.106(a), Education Code**		
(a) A provider school district or school may appeal to the commissioner the administering authority's refusal to approve an electronic course under Section 30A.105.		a) A course provider [~~school district or school~~] may appeal to the commissioner the administering authority's refusal to approve an electronic course under Section 30A.105.		
(b) If the commissioner determines that the administering authority's evaluation did not follow the criteria or was otherwise irregular, the commissioner may override the administering authority and place the course on a list of approved courses. The commissioner's decision under this section is final and may not be appealed.				
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.				
Sec. 30A.107. OPTIONS FOR PROVIDERS AND STUDENTS		**Section 30A.107(a), Education Code**		
(a) A provider school district or school may offer electronic courses to:		a) A course provider [~~school district or school~~] may offer electronic courses to:		
(1) students and adults who reside in this state; and				
(2) students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c).				
(b) A student who is enrolled in a school district or open-enrollment charter school in this state as a full-time student may take one or more electronic courses through the state virtual school network.				
(c) A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may, subject to Section 30A.155, enroll in electronic courses through the state virtual school network. A student to whom this subsection applies:				
(1) may not in any semester enroll in more than two electronic courses offered through the state virtual school network;				
(2) is not considered to be a public school student;				
(3) must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;				
(4) is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and				
(5) is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.				
(d) A school district or open-enrollment charter school may not require a student to enroll in an electronic course.				
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 33, eff. September 1, 2009.				
Acts 2011, 82nd Leg., 1st C.S., Ch. 4, Sec. 61.06, eff. September 28, 2011.				
Sec. 30A.108. INFORMED CHOICE REPORTS		**Section 30A.108(b), Education Code**		
a) Not later than a date determined by the commissioner, the administering authority shall create and maintain on the state virtual school network's Internet website an "informed choice" report as provided by commissioner rule.				
(b) Each report under this section must describe each electronic course offered through the state virtual school network and include information such as course requirements and the school year calendar for the course, including any options for continued participation outside of the standard school year calendar.		b) Each report under this section must describe each electronic course offered through the state virtual school network and include the following information:		
Provision does not exist.		(1) [~~such as~~] course requirements;		

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Provision does not exist.		(2) [~~and~~] the school year calendar for the course, including any options for continued participation outside of the standard school year calendar;	
Provision does not exist.		(3) the entity that developed the course;	
Provision does not exist.		(4) the entity that provided the course;	
Provision does not exist.		(5) the course completion rate;	
Provision does not exist.		(6) aggregate student performance on an assessment instrument administered under Section 39.023 to students enrolled in the course;	
Provision does not exist.		(7) aggregate student performance on all assessment instruments administered under Section 39.023 to students who completed the course provider's courses; and	
Provision does not exist.		(8) other information determined by the commissioner.	
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.			
Sec. 30A.1121. ALTERNATIVE EDUCATOR PROFESSIONAL DEVELOPMENT		**Section 30A.1121, Education Code**	
(a) Subject to Subsection (b), a school district or open-enrollment charter school may provide professional development courses to teachers seeking to become authorized to teach electronic courses provided through the state virtual school network. A district or school may provide a professional development course that is approved under Subsection (b) to any interested teacher, regardless of whether the teacher is employed by the district or school.		(a) Subject to Subsection (b), a course provider [~~school district or open-enrollment charter school~~] may provide professional development courses to teachers seeking to become authorized to teach electronic courses provided through the state virtual school network. A course provider [~~district or school~~] may provide a professional development course that is approved under Subsection (b) to any interested teacher, regardless of [~~whether~~] the teacher's employer [~~teacher is employed by the district or school~~].	
(b) The agency shall review each professional development course sought to be provided by a school district or open-enrollment charter school under Subsection (a) to determine if the course meets the quality standards established under Section 30A.113. If a course meets those standards, the district or school may provide the course for purposes of enabling a teacher to comply with Section 30A.111(a)(2).		(b) The agency shall review each professional development course sought to be provided by a course provider [~~school district or open-enrollment charter school~~] under Subsection (a) to determine if the course meets the quality standards established under Section 30A.113. If a course meets those standards, the course provider [~~district or school~~] may provide the course for purposes of enabling a teacher to comply with Section 30A.111(a)(2).	
Added by Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 36, eff. September 1, 2009.			
Sec. 30A.114. REGIONAL EDUCATION SERVICE CENTERS		**Section 30A.114, Education Code**	
The commissioner by rule shall allow regional education service centers to participate in the state virtual school network in the same manner as provider school districts and schools.		The commissioner by rule shall allow regional education service centers to participate in the state virtual school network in the same manner as course providers [~~provider school districts and schools~~].	
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.			
Sec. 30A.153. FOUNDATION SCHOOL PROGRAM FUNDING		**Section 30A.153, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1)**	
(a) A school district or open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 42 for the student's enrollment in an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.		(a) Subject to the limitation imposed under Subsection (a-1), a [A] school district or open-enrollment charter school in which a student is enrolled is entitled to funding under Chapter 42 or in accordance with the terms of a charter granted under Section 12.101 for the student's enrollment in an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.	
Provision does not exist.		(a-1) For purposes of Subsection (a), a school district or open-enrollment charter school is limited to the funding described by that subsection for a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that was operating on January 1, 2013.	
(b) The commissioner, after considering comments from school district and open-enrollment charter school representatives, shall adopt a standard agreement that governs payment of funds and other matters relating to a student's enrollment in an electronic course offered through the state virtual school network. The agreement may not require a school district or open-enrollment charter school to pay the provider the full amount until the student has successfully completed the electronic course.		(b) The commissioner, after considering comments from school district and open-enrollment charter school representatives, shall adopt a standard agreement that governs the costs, payment of funds, and other matters relating to a student's enrollment in an electronic course offered through the state virtual school network. The agreement may not require a school district or open-enrollment charter school to pay the provider the full amount until the student has successfully completed the electronic course, and the full amount may not exceed the limits specified by Section 30A.105(b).	
(c) A school district or open-enrollment charter school shall use the standard agreement adopted under Subsection (b) unless:			
(1) the district or school requests from the commissioner permission to modify the standard agreement; and			
(2) the commissioner authorizes the modification.			

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(d) The commissioner shall adopt rules necessary to implement this section, including rules regarding attendance accounting.				
Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 4, Sec. 61.07, eff. September 28, 2011.				
Sec. 30A.155. FEES		**Section 30A.155, Education Code, is amended by amending Subsections (a) and (c-1) and adding Subsection (e)**		
(a) A school district or open-enrollment charter school may charge a fee for enrollment in an electronic course provided through the state virtual school network to a student who resides in this state and:		(a) A school district or open-enrollment charter school may charge a fee for enrollment in an electronic course provided through the state virtual school network to a student who resides in this state and:		
(1) is enrolled in a school district or open-enrollment charter school as a full-time student; and		(1) is enrolled in a school district or open-enrollment charter school as a full-time student with[~~; and~~		
(2) is enrolled in a course load greater than that normally taken by students in the equivalent grade level in other school districts or open-enrollment charter schools.		[~~(2) is enrolled in~~] a course load greater than that normally taken by students in the equivalent grade level in other school districts or open-enrollment charter schools; or		
Provision does not exist.		(2) elects to enroll in an electronic course provided through the network for which the school district or open-enrollment charter school in which the student is enrolled as a full-time student declines to pay the cost, as authorized by Section 26.0031(c-1).		
(a-1) A school district or open-enrollment charter school may charge a fee for enrollment in an electronic course provided through the state virtual school network during the summer.				
(b) A school district or open-enrollment charter school shall charge a fee for enrollment in an electronic course provided through the state virtual school network to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.				
(c) The amount of a fee charged a student under Subsection (a), (a-1), or (b) for each electronic course in which the student enrolls through the state virtual school network may not exceed the lesser of:				
(1) the cost of providing the course; or				
(2) $400.				
(c-1) A school district or open-enrollment charter school that is not the provider school district or school may charge a student enrolled in the district or school a nominal fee, not to exceed the amount specified by the commissioner, if the student enrolls in an electronic course provided through the state virtual school network that exceeds the course load normally taken by students in the equivalent grade level. A juvenile probation department or state agency may charge a comparable fee to a student under the supervision of the department or agency.		(c-1) A school district or open-enrollment charter school that is not the course provider [~~school district or school~~] may charge a student enrolled in the district or school a nominal fee, not to exceed the amount specified by the commissioner, if the student enrolls in an electronic course provided through the state virtual school network that exceeds the course load normally taken by students in the equivalent grade level. A juvenile probation department or state agency may charge a comparable fee to a student under the supervision of the department or agency.		
(d) Except as provided by this section, the state virtual school network may not charge a fee to students for electronic courses provided through the network.				
Provision does not exist.		(e) This chapter does not entitle a student who is not enrolled on a full-time basis in a school district or open-enrollment charter school to the benefits of the Foundation School Program.		
Added by Acts 2007, 80th Leg., R.S., Ch. 1337, Sec. 1, eff. September 1, 2007.				
Amended by:				
Acts 2009, 81st Leg., R.S., Ch. 1328, Sec. 38, eff. September 1, 2009.				
Provision does not exist.		**Sec. 32.005. STUDY ON SCHOOL DISTRICT NETWORK CAPABILITIES**		
Provision does not exist.		(a) The commissioner shall conduct a study to assess the network capabilities of each school district. The study must gather sufficient information to determine whether the network connections of a district and school campuses in the district meet the following targets:		
Provision does not exist.		(1) an external Internet connection to a campus's Internet service provider featuring a bandwidth capable of a broadband speed of at least 100 megabits per second for every 1,000 students and staff members; and		
Provision does not exist.		(2) an internal wide area network connection between the district and each of the school campuses in the district featuring a bandwidth capable of a broadband speed of at least one gigabit per second for every 1,000 students and staff members.		
Provision does not exist.		(b) The commissioner may solicit and accept gifts and grants from any public or private source to conduct the study. The commissioner may also cooperate or collaborate with national organizations conducting similar studies.		

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Provision does not exist.		(c) The commissioner shall complete the study not later than December 1, 2015. This section expires December 1, 2016.		
Effective Date		**Effective Date**		
Provision does not exist.		This Act applies beginning with the 2013-2014 school year.		
Provision does not exist.		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, 2013.		

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HB 2201
Passed by the 83rd Legislature

Old Law	New Law	Nature of the Change
Provision does not exist.	**Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.00222**	
Provision does not exist.	(a) Not later than September 1, 2014, the State Board of Education shall ensure that at least six advanced career and technology education or technology applications courses, including a course in personal financial literacy that is consistent with Section 28.0021, are approved to satisfy a fourth credit in mathematics required for high school graduation.	
Provision does not exist.	(b) Not later than January 1, 2015, the commissioner shall review and report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with primary responsibility over public primary and secondary education regarding the progress of increasing the number of courses approved for the career and technology education or technology applications curriculum. The commissioner shall include in the report a detailed description of any new courses, including instructional materials and required equipment, if any.	
Provision does not exist.	(c) This section expires September 1, 2015.	
Sec. 28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.	**Section 28.025(b-2), Education Code**	
(a) The State Board of Education by rule shall determine curriculum requirements for the minimum, recommended, and advanced high school programs that are consistent with the required curriculum under Section 28.002. Subject to Subsection (b-1), the State Board of Education shall designate the specific courses in the foundation curriculum required for a student participating in the minimum, recommended, or advanced high school program. Except as provided by Subsection (b-1), the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the recommended program.		
(b) A school district shall ensure that each student enrolls in the courses necessary to complete the curriculum requirements identified by the State Board of Education under Subsection (a) for the recommended or advanced high school program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the minimum high school program and the student:		
(1) is at least 16 years of age;		
(2) has completed two credits required for graduation in each subject of the foundation curriculum under Section 28.002(a)(1); or		
(3) has failed to be promoted to the tenth grade one or more times as determined by the school district.		
(b-1) The State Board of Education by rule shall require that:		
(1) except as provided by Subsection (b-2), the curriculum requirements for the recommended and advanced high school programs under Subsection (a) include a requirement that students successfully complete:		
(A) four credits in each subject of the foundation curriculum under Section 28.002(a)(1), including at least one-half credit in government and at least one-half credit in economics to meet the social studies requirement;		

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(B) for the recommended high school program, two credits in the same language in a language other than English under Section 28.002(a)(2)(A) and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A); and				
(C) for the recommended high school program, six elective credits and, for the advanced high school program, five elective credits;				
(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and				
(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:				
(A) one credit in fine arts under Section 28.002(a)(2)(D); and				
(B) except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C).				
(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements for a mathematics course under Subsection (b-1)(1) taken after the successful completion of Algebra I and geometry and either after the successful completion of or concurrently with Algebra II or a science course under Subsection (b-1)(1) taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses.		(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements for the third and fourth [a] mathematics credits [course] under Subsection (b-1)(1) [~~taken after the successful completion of Algebra I and geometry and either after the successful completion of or concurrently with Algebra II~~] or the third and fourth [a] science credits [~~course~~] under Subsection (b-1)(1) [~~taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics~~] by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. [~~A student may use the option provided by this subsection for not more than two courses.~~]		
(b-3) In adopting rules to provide students with the option described by Subsection (b-1)(1)(A), the State Board of Education must approve a variety of mathematics and science courses that may be taken after the completion of Algebra II and physics to comply with the recommended program requirements.				
(b-4) A school district may offer the curriculum described in Subsection (b-1)(1)(A) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025.				
(b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics to comply with the recommended program requirements in Subsection (b-1)(1)(A). A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.				
(b-6) Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the minimum high school program as provided by Subsection (b), a school district must provide written notice to the parent or person standing in parental relation explaining the benefits of the recommended high school program. The notice shall be developed by the agency and must:				
(1) be printed in English and Spanish; and				

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(2) require that the student's parent or person standing in parental relation to the student sign a confirmation of receipt and return the confirmation to the student's campus.				
(b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the minimum, recommended, or advanced high school program for each subject of the foundation curriculum under Section 28.002(a)(1) and for languages other than English under Section 28.002(a)(2)(A) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section 61.822.				
(b-8) A student agreeing to take courses under the minimum high school program as provided by Subsection (b) may, upon request, resume taking courses under the recommended high school program.				
(b-9) The agency shall establish a pilot program allowing a student attending school in a county with a population of more than one million and in which more than 75 percent of the population resides in a single municipality to satisfy the fine arts credit required under Subsection (b-1)(3)(A) by participating in a fine arts program not provided by the school district in which the student is enrolled. The fine arts program may be provided on or off a school campus and outside the regular school day. Not later than December 1, 2010, the agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.				
(b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(3)(B) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.				
(b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies or one academic elective credit for the physical education credit required under Subsection (b-1)(3)(B). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:				
(1) if the student receives special education services under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee;				
(2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or				
(3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.				
(c) A person may receive a diploma if the person is eligible for a diploma under Section 28.0251. In other cases, a student may graduate and receive a diploma only if:				
(1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Section 39.025; or				

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(2) the student successfully completes an individualized education program developed under Section 29.005.				
(d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section 39.025. A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.				
(e) Each school district shall report the academic achievement record of students who have completed a minimum, recommended, or advanced high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly differentiate between each of the high school programs and identify whether a student received a diploma or a certificate of coursework completion.				
(f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter A, Chapter 29, and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).				
(g) If a student, other than a student permitted to take courses under the minimum high school program as provided by Subsection (b), is unable to complete the recommended or advanced high school program solely because necessary courses were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control, the school district shall indicate that fact on the student's transcript form described by Subsection (e).				
(g-1) Expired.				
Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 767, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 397, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 187, Sec. 2, eff. May 19, 2001; Acts 2001, 77th Leg., ch. 834, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 365, Sec. 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 6.003, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1317, Sec. 10, eff. Sept. 1, 2003.				
Amended by:				
Acts 2005, 79th Leg., Ch. 164, Sec. 4, eff. May 27, 2005.				
Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 5.02, eff. May 31, 2006.				
Acts 2007, 80th Leg., R.S., Ch. 46, Sec. 1, eff. May 28, 2007.				
Acts 2007, 80th Leg., R.S., Ch. 763, Sec. 4, eff. June 15, 2007.				
Acts 2009, 81st Leg., R.S., Ch. 895, Sec. 30, eff. June 19, 2009.				
Acts 2011, 82nd Leg., R.S., Ch. 714, Sec. 1, eff. June 17, 2011.				
Acts 2011, 82nd Leg., R.S., Ch. 926, Sec. 3, eff. June 17, 2011.				
Acts 2011, 82nd Leg., R.S., Ch. 1163, Sec. 9, eff. September 1, 2011.				
Sec. 28.027. APPLIED SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS COURSES		**Section 28.027(b), Education Code**		
(a) In this section, "applied STEM course" means an applied science, technology, engineering, or mathematics course offered as part of a school district's career and technology education curriculum.				

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(b) The State Board of Education shall establish a process under which an applied STEM course may be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the recommended high school program imposed under Section 28.025(b-1)(1)(A) through substitution of the applied STEM course for a specific mathematics or science course otherwise required under the recommended high school program and completed during the student's fourth year of mathematics or science course work. The State Board of Education may only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry and after successful completion of or concurrently with Algebra II. The State Board of Education may only approve a course to substitute for a science course taken after successful completion of biology and chemistry and after successful completion of or concurrently with physics.		(b) The State Board of Education shall establish a process under which an applied STEM course may be reviewed and approved for purposes of satisfying the mathematics and science curriculum requirements for the recommended high school program imposed under Section 28.025(b-1)(1)(A) through substitution of the applied STEM course for a specific mathematics or science course otherwise required under the recommended high school program [~~and completed during the student's fourth year of mathematics or science course work~~]. The State Board of Education may only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry [~~and after successful completion of or concurrently with Algebra II~~]. The State Board of Education may only approve a course to substitute for a science course taken after successful completion of biology [~~and chemistry and after successful completion of or concurrently with physics~~].	
(c) The process must provide that an applied STEM course is entitled to be approved for the purpose described by Subsection (b) if the course meets the following requirements:			
(1) the applied STEM course is part of a curriculum created by a recognized national or international business and industry group to prepare a student for a national or international business and industry certification or license;			
(2) the applied STEM course qualifies as:			
(A) a dual credit course; or			
(B) an articulated postsecondary course provided for local credit or articulated postsecondary advanced technical credit course provided for state credit;			
(3) the essential knowledge and skills covered in the applied STEM course are equivalent to the essential knowledge and skills covered in the mathematics or science course for which the applied STEM course is proposed to be approved for substitution; and			
(4) the applied STEM course:			
(A) provides substantial mathematics content or science content, as applicable, taught in an applied or symbolic format, that enables a student to develop relevant critical thinking skills necessary for preparation for employment or additional training in a career identified by the Texas Workforce Commission as a high-demand or emerging occupation; and			
(B) incorporates college and career readiness skills.			
(d) If an applied STEM course approved under this section is part of a coherent sequence of career and technology courses, a student is eligible to enroll in the applied STEM course for the purpose described in Subsection (b) only if the student has completed the prerequisite course work, if any, for the applied STEM course.			
Added by Acts 2011, 82nd Leg., R.S., Ch. 926, Sec. 2, eff. June 17, 2011.			
Provision does not exist.		**Effective Date**	
Provision does not exist.		This Act takes effect September 1, 2013.	

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