AN ACT
relating to the provision of credit by examination for public school students.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 25.092, Education Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) Subsection (a) does not apply to a student who receives credit by examination for a class as provided by Section 28.023.

SECTION 2. Section 28.023, Education Code, is amended to read as follows:

Sec. 28.023. CREDIT BY EXAMINATION. (a) Using guidelines established by the State Board of Education, a school district shall develop or select for board review examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects. The guidelines must provide for the examinations to thoroughly test comprehension of the information presented in the applicable grade level or subject. The board of trustees shall approve for each subject, to the extent available, at least four examinations that satisfy State Board of Education guidelines. The examinations approved by the board of trustees must include:

(1) advanced placement examinations developed by the College Board; and
(2) examinations administered through the College-Level Examination Program.

(b) A school district shall give a student in a primary grade level credit for a grade level and advance the student one grade level on the basis of an examination approved by the board of trustees under Subsection (a) if:

(1) the student scores in the 80th [90th] percentile or above on each section of the examination;
(2) a district representative recommends that the student be advanced; and
(3) the student’s parent or guardian gives written approval of the advancement.

(c) A school district shall give a student in grade level six or above credit for a subject on the basis of an examination approved by the board of trustees under Subsection (a) if the student scores in the 80th [90th] percentile or above on the examination or if the student achieves a score as provided by Subsection (c-1).

If a student is given credit in a subject on the basis of an examination, the district shall enter the examination score on the student’s transcript and the student is not required to take an end-of-course assessment instrument adopted under Section 39.023(c) for that subject.

(c-1) A school district shall give a student in grade level six or above credit for a subject if the student scores:

(1) a three or higher on an advanced placement examination approved by the board of trustees under Subsection (a) and developed by the College Board; or
(2) a scaled score of 60 or higher on an examination approved by the board of trustees under Subsection (a) and administered through the College-Level Examination Program.

(d) Each district shall administer each examination approved by the board of trustees under Subsection (a) not fewer than four times each year, at times to be determined by the State Board of Education.

(e) Subsection (d) does not apply to an examination that has an administration date that is established by an entity other than the school district.

(f) A student may not attempt more than two times to receive credit for a particular subject on the basis of an examination for credit in that subject.

(g) If a student fails to achieve the designated score described by Subsection (c) or (c-1) on an applicable examination described by Subsection (c) or (c-1) for a subject before the beginning of the school year in which the student would ordinarily be required to enroll in a
course in that subject in accordance with the school district’s prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.

SECTION 3. This Act applies beginning with the 2013–2014 school year.

SECTION 4. 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.

Passed the Senate on April 15, 2013: Yeas 31, Nays 0; the Senate concurred in House amendments on May 23, 2013: Yeas 31, Nays 0; passed the House, with amendments, on May 17, 2013: Yeas 138, Nays 2, four present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1204

S.B. No. 1368

AN ACT

relation to public information pertaining to the official business of governmental bodies and to contracts by certain state governmental entities that involve the exchange or creation of public information.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 552.002, Government Code, is amended to read as follows:

Sec. 552.002. DEFINITION OF PUBLIC INFORMATION; MEDIA CONTAINING PUBLIC INFORMATION. (a) In this chapter, “public information” means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body; [o]
(2) for a governmental body and the governmental body:
   (A) owns the information; [o]
   (B) has a right of access to the information; or
   (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
(3) by an individual officer or employee of a governmental body in the officer’s or employee’s official capacity and the information pertains to official business of the governmental body [it].

(a-1) Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer’s or employee’s official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

(a-2) The definition of “public information” provided by Subsection (a) applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

(b) The media on which public information is recorded include:

(1) paper;
(2) film;
(3) a magnetic, optical, [or] solid state, or other device that can store an electronic signal;
(4) tape;
(5) Mylar; and
(6) any physical material on which information may be recorded, including linen;