

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3468
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Education
5/20/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 3468 amends current law relating to high school readiness, to the assessment of public school students for college readiness and development education courses to prepare students for college-level coursework, and to teacher certification to teach at certain grade levels in public school.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 6 (Section 29.100, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 9 (Section 51.3062, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.041, Education Code, by adding Subsections (e), (f), (f-1), and (f-2), as follows:

(e) Requires the State Board for Educator Certification (SBEC), in proposing rules under Subsection (b)(2), to ensure that a person seeking to teach a subject in the foundation curriculum under Section 28.002(a)(1) (relating to a foundation curriculum that includes certain subjects) at the seventh grade level or above is required to hold a certificate that indicates the person's mastery of the specific subject taught. Prohibits SBEC, to achieve this result, from issuing a generalist certificate that authorizes a person to teach a subject in the foundation curriculum under Section 28.002(a)(1) at the seventh grade level or above.

(f) Provides that Subsection (e) applies to initial certificates issued on or after September 1, 2013. Provides that Subsection (e) does not affect the validity of a certificate issued before that date or the eligibility of a person holding such a certificate for subsequent renewals of the certificate in accordance with SBEC rules.

(f-1) Requires SBEC, in implementing Subsection (e), to ensure that the subject area examinations administered to persons seeking certificates at the seventh grade level and above in English language arts, mathematics, science, or social studies are at least as rigorous as the examinations administered before September 1, 2013, to persons seeking grades 8-12 certificates to teach in those subject areas.

(f-2) Provides that Subsection (f-1) and this subsection expire September 1, 2013.

SECTION 2. Amends Section 21.4551, Education Code, by adding Subsection (b-1) to require the commissioner of education (commissioner) or a person designated by the commissioner, in addition to the components described by Subsection (b) (relating to requiring a reading academy developed under this section include certain training), to ensure that each academy developed and made available under this section includes a component on providing students with written instruction.

SECTION 3. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.0141, as follows:

Sec. 28.0141. STUDY AND REPORT ON EARLY COLLEGE READINESS ASSESSMENTS. (a) Requires the Texas Education Agency (TEA), in consultation with the Texas Higher Education Coordinating Board (THECB), to conduct a study of best practices for and existing programs offering early assessments of high school students in order to determine college readiness, identify any deficiencies in college readiness, and provide intervention to address any deficiencies before high school graduation. Requires TEA, in conducting the study, in consultation with THECB, to review:

(1) various assessments, including end-of-course assessment instruments under Section 39.023(c) (relating to requiring TEA to 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), each assessment currently used under Section 51.3062, and any assessment being proposed as a statewide model by THECB under Section 51.3062(v), for identifying students who need additional assistance in preparing for college;

(2) various early intervention models, including:

(A) summer bridge programs;

(B) college preparatory courses for credit toward high school graduation;

(C) developmental education programs, including college readiness programs under Section 39.234 (Use of High School Allotment), and college study skills courses; and

(D) dual credit courses;

(3) the costs associated with different assessments and early intervention models; and

(4) the effectiveness of different assessments and early intervention models in preparing students for college coursework for which course credit may be earned.

(b) Requires TEA, in consultation with the THECB, public institutions of higher education, and school districts, not later than December 1, 2012, to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education, higher education, or state appropriations a written report that contains recommendations for promoting and implementing early assessments of college readiness that are of a diagnostic nature and early intervention models for preparing high school students for college coursework for which course credit may be earned.

(c) Provides that this section expires January 1, 2013.

SECTION 4. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.015, as follows:

Sec. 28.015. HIGH SCHOOL READINESS PILOT PROGRAM. Requires TEA to develop and implement a high school readiness pilot program under which:

(1) a participating school with students enrolled at the sixth, seventh, and eighth grade levels is required to enroll all students at those levels in a student advisory class; and

(2) a participating high school is required to provide annual high school orientation sessions for parents of students who are enrolled at the sixth, seventh, and eighth grade levels in the high school's attendance zone.

(b) Authorizes an application to participate in the program to be submitted by an individual school or by a school district on behalf of multiple schools located in the district. Requires a school, to be eligible to participate in the component of the program described by Subsection (a)(1), to:

(1) be a school for which the district in which the school is located receives funding under Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.) or be a school that, as determined by the commissioner, is a low-performing school under Chapter 39 (Public School System Accountability), or has a high percentage of students who are risk of dropping out of school, as defined by Section 29.081(d) (defining, for purposes of this section, "student at risk of dropping out of school"); and

(2) have students enrolled at the seventh and eighth grade levels.

(c) Requires TEA to develop standards and guidelines for the student advisory class. Requires that the standards and guidelines:

(1) at a minimum, require that the class provide instruction about school culture, school procedures, test-taking skills, study skills, positive academic behaviors, civic and community responsibility, and high school and college readiness;

(2) permit the class to be offered as an electronic course through the state virtual school network under Chapter 30A; and

(3) provide that the class be taught, if practicable, by an educator who does not instruct the enrolled students in other coursework.

(D) Requires TEA to develop standards and guidelines for the high school orientation session. Requires that an orientation session:

(1) prepare a parent for the transition to high school of a parent's child;

(2) allow a parent to meet and interact with high school teachers and administrators;

(3) provide a parent with information regarding high school curriculum, including the curriculum requirements for the minimum, recommended and advanced high school programs under Section 28.025 (High School Diploma and Certificate; Academic Achievement Record); and high school options available to the parent's child, including any high school magnet programs, academies, or similar special programs available in the district;

(4) address the role of the parent in assisting the parent's child in performing successfully in high school; and

(5) provide a parent with a written document that addresses frequently asked questions from parents regarding the transition to high school.

SECTION 5. Amends Section 29.081(d), Education Code, to redefine, for purposes of this section, "student at risk of dropping out of school."

SECTION 6. Amends Subchapter C, Chapter 29, Education Code, by adding Section 29.100, as follows:

Sec. 29.100 EARLY IDENTIFICATION AND INTERVENTION. (a) Requires a school with students enrolled at the sixth, seventh, or eighth grade level , each year, to:

(1) identify the students at each of those grade levels who are at risk of dropping out of school, as defined by Section 29.081(d), or who are likely to become at risk of dropping out of school, as defined by Section 29.081(d);

(2) determine the specific interventions that the school will use to address the needs of students at each of those grade levels who are at risk of dropping out of school, as defined by Section 29.081(d).

(b) Requires a school with students enrolled at a grade level from which students are promoted to high school, not later than July 1 of each year, to provide each high school to which students at the school are promoted with:

(1) the names of students entering the high school at the beginning of the next school year that have been identified under Subsection (a)(1); and

(2) if applicable, the specific interventions used with each student named under Subdivision (1).

(c) Requires the commissioner to adopt rules necessary to implement this section.

SECTION 7. Amends Subchapter H, Chapter 29, Education Code, by adding Section 29.2531, as follows:

Sec. 29.2531. ADULT EDUCATION ASSESSMENT. Requires TEA, in consultation with THECB, to review the standardized assessment mechanism required under Section 29.252(a)(8) (relating to requiring TEA to adopt or develop and administer a standardized assessment mechanism for assessing all adult education program participants who need literacy instruction, adult basic education, or secondary education leading to an adult high school diploma or the equivalent) and recommend any changes necessary to align the assessment with the assessments designated under Section 51.3062 to allow for the proper placement of a student in an adult basic education course or to provide the student with the proper developmental or English as a second language coursework, as appropriate.

SECTION 8. Amends Section 42.152(c-1), Education Code, to authorize funds allocated under this section, notwithstanding Subsection (c) (Compensatory Education Allotment), to be used to fund in proportion to the percentage of students served by the program that meet the criteria in Section 29.081(d) or (g) (relating to authorizing a school district to receive instructional services under this section) certain programs, including an extended learning time program grounded in practices that are proven effective in improving student retention and performance and in preparing students for future college and career readiness.

SECTION 9. Amends Section 51.3062, Education Code, by adding Subsections (t), (t-1), (u), (v), and (w), as follows:

(t) Requires THECB, to allow a student to complete any necessary developmental coursework in the most efficient and cost-effective manner, to 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) (relating to requiring that each assessment instrument designated by THECB for use under this section be diagnostic in nature and designed to assess a student's readiness to

perform freshman-level academic coursework). Authorizes the types of developmental coursework to 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) Authorizes THECB to adopt rules as necessary to implement Subsection (t).

(u) Requires THECB, in consultation with institutions of higher education, to 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) (relating to authorizing THECB to 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) and under Section 61.059 (Appropriations), 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) (relating to providing that the section does not apply to certain individuals) should be retained.

(v) Requires THECB, not later than December 1, 2012, to 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 allow 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) Provides that Subsections (u) and (v) and this subsection expire January 1, 2013.

SECTION 10. Amends Section 61.059, Education Code, by adding Subsection (b-1), as follows:

(b-1) Requires THECB to include in its periodic review of formulas under Subsection (b) (relating to requiring THECB to devise, establish, and periodically review and revise formulas for the use of the governor and the Legislative Budget Board in making appropriations recommendations to the legislature for all institutions of higher education, including the funding of postsecondary vocational-technical programs) recommendations for changes in funding formulas for developmental education programs based on the results of the study conducted under Section 51.3062(u) and the report submitted under Section 51.3062(v). Provides that this subsection expires January 1, 2015.

SECTION 11. Requires the commissioner to implement Section 21.4551(b-1), Education Code, as added by this Act, beginning with reading academics offered on or after January 1, 2012.

SECTION 12. Requires TEA to develop standards and guidelines for the student advisory class and high school orientation session in compliance with Section 28.015, Education Code, as added by this Act, as soon as possible after the effective date of this Act. Requires TEA to fully implement the pilot program required by Section 28.015, Education Code, as added by this Act, not later than the 2012-2013 school year.

SECTION 13. Provides that Section 29.100, Education Code, as added by this Act, applies beginning with the 2012-2013 school year.

SECTION 14. Provides that the changes in law made by this Act to Sections 21.041, 29.081, and 42.152, Education Code, apply beginning with the 2011-2012 school year.

SECTION 15. Provides that the change in law made by this Act to Section 61.059, Education Code, applies beginning with periodic reviews submitted on or after December 1, 2012.

SECTION 16. Effective date: upon passage or September 1, 2011.