

**BOARD OF TRUSTEES  
AGENDA**

<input type="checkbox"/> Workshop	<input type="checkbox"/> Regular	<input type="checkbox"/> Special
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(A)  Report Only  Recognition

**Presenter(s):**

**Briefly describe the subject of the report or recognition presentation.**

(B)  Action Item

**Presenter(s): MR. SAMUEL MIJARES, DEPUTY SUPERINTENDENT FOR C & I**

**Briefly describe the action required.**

**CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO REVISE BOARD POLICY FMH (LOCAL) – STUDENT ACTIVITIES COMMENCEMENT.**

(C) **Funding source: Identify the source of funds if any are required.**

(D) **Clarification: Explain any question or issues that might be raised regarding this item.**

**STUDENT ACTIVITIES  
COMMENCEMENT**

**FMH  
(LOCAL)**

**COMMENCEMENT  
EXERCISES**

To be eligible to participate in commencement activities and ceremonies, a student shall meet all state and local graduation requirements, including all applicable state testing. [See EI, EIF]

# PROPOSED

STUDENT ACTIVITIES  
COMMENCEMENT

FMH  
(LOCAL)

## PROPOSED REVISIONS: 5-8-2015

COMMENCEMENT  
EXERCISES

To be eligible to participate in commencement activities and ceremonies, a student shall meet all state and local graduation requirements, including all applicable state testing.

**EXCEPTION**

**A student shall be eligible to participate in commencement activities and ceremonies if the student's individual graduation committee formed in accordance with state law determines that the student is eligible to graduate.**

**[See EI, EIF]**

# Senate Bill 149

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Proposed Revisions to FMH (Local)

TASB Policy Service Memo

[SB 149 Summary](#)

[SB 149 Enrolled Bill](#)



To: District Superintendent and Policy Contact  
From: TASB Policy Service  
Date: April 30, 2015  
Subject: Senate Bill 149—District Actions for the 2014–15 school year

Senate Bill (SB) 149 recently passed both chambers of the Texas Legislature and has been sent to the Governor's office for signature. If the Governor signs this legislation as expected, districts will be required to form individual graduation committees (IGCs) for students who do not meet the required passing standards on certain end-of-course (EOC) assessments. However, districts will still need to administer EOC assessment retakes until the student graduates.

Texas Education Code 28.0258, as added by this new legislation, requires the formation of an IGC when a student in grade 11 or 12 is expected to meet the state curriculum requirements for graduation but has not yet demonstrated satisfactory performance on no more than two EOC assessments. The IGC must be established at the end of or after the student's 11th grade year.

By the 2015–16 school year, the Commissioner is required to adopt rules associated with IGCs, including rules for alternate committee members when a parent or other required member is unable to serve, and timelines for IGCs to determine a student's eligibility to graduate.

However, if the district currently has any students for whom an IGC is required, the following district actions will be necessary prior to the completion of the 2014–15 school year:

1. Determine the students for whom IGCs need to be established.
2. Establish procedures related to the required members of each committee as well as procedures for alternate members if, for example, a student's parent is unable to serve on the committee. The new statute requires the following individuals to be on the IGC: the principal or principal's designee; the teacher of each course for which the student failed to demonstrate proficiency on an EOC assessment; the department chair or lead teacher supervising each of the teachers; and the student's parent, designated advocate if the parent is unable to serve, or the student (at the student's option) if the student is 18 years of age or is an emancipated minor.
3. Determine the dates on which IGC meetings will be held for each eligible student. Districts are required to make good faith efforts to timely notify parents, or the student when applicable, and must provide the notice in person, by regular mail, or by e-mail. The notices for these meetings must be easily understood and provided in English, Spanish, or, to the extent practicable, in the native language of the parent or student. A translator, if available, must also be provided for these meetings if the parent or student is unable to speak English.
4. Provide recommendations, if any, to your board about any additional academic information that an IGC needs to consider when determining whether a student is qualified to graduate. SB 149 contains a lengthy list of mandatory factors and also allows a school board to designate additional academic information that the IGC must consider. If you will be recommending to your board that it adopt additional academic information, timely action will be necessary through board resolution or other board action. Your TASB policy consultant can assist with language should you wish to present recommendations to your board.
5. Establish a timeline for the IGCs to determine eligibility for graduation. A committee's determination

is final and may not be appealed but must be unanimous.

The vast majority of the actions required of a school district as a result of this bill can be handled through the establishment of administrative regulations. As mentioned above, the statute allows a local board to adopt additional academic information that each individual graduation committee must consider. If your district's FMH(LOCAL) requires that students demonstrate satisfactory performance on **all** state assessments in order to participate in commencement activities, changes—through a board resolution or policy revision—may be necessary to include those students graduating based on the decision of an IGC. TASB Policy Service will continue to monitor the impact of the legislation and subsequent Commissioner rules to determine if local policy recommendations will be made through a numbered Update. Note that the statutory material will be added at Update 103, which will begin production in late summer to incorporate this and other legislation as a result of the 84th Legislative Session.

If, however, your district would like assistance in developing language to take to your board for consideration and adoption, please contact your policy consultant. You can read the enrolled bill here: <http://www.capitol.state.tx.us/tlodocs/84R/billtext/html/SB00149F.htm>. Education Service Center (ESC) Region 13 has also developed resources for districts regarding this legislation, which can be accessed at <http://www4.esc13.net/cc/senate-bill-149/>. Keep in mind that the resources provided may be based on previous versions of the bill but will be updated to reflect the final bill sent to the Governor. You are encouraged to contact your own regional ESC for assistance.

*This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.*

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If you need assistance accessing any of the policy resources available through your myTASB account or if you would like to be removed from this mailing list, please contact Susan Acevedo at [susan.acevedo@tasb.org](mailto:susan.acevedo@tasb.org).

## SB 149, Seliger (Graduation Committees)

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**Caption:** Relating to the creation of individual graduation committees for certain high school students.

### Summary as Passed by House and Senate:

**Who is affected:** The bill requires school districts and open-enrollment charter schools to convene individual graduation committees (IGCs), for 11<sup>th</sup> and 12<sup>th</sup> grade students who have failed to pass *no more than two* of the five required end-of-course (EOC) tests, at or after the end of the students' 11<sup>th</sup> grade year. To be eligible to graduate and receive a diploma via the IGC, a student must successfully complete either the curriculum requirements for the FHSP under State Board of Education rules, or the curriculum requirements under the commissioner's transition plan rules. However, scores of "proficient" on a "corresponding" TSI assessment can satisfy the Algebra I or English II EOC test requirements — which would bypass the need to convene an IGC.

**Requirements specific to IGC composition:** IGCs are to include: the principal or designee; for *each* EOC test failed, the teacher of the relevant course(s); the department chair or lead teacher supervising the teacher(s) of the relevant course(s); and *either* the student's parent/guardian, a designated advocate if the parent/guardian is unable to attend, or the student, at his/her option, if the student is at least 18 years of age or is an emancipated minor. By the 2015-16 school year, the commissioner must adopt rules to implement the bill, including rules that establish a procedure for appointing alternate committee members if a person is unable to serve and to appoint a designated advocate.

**Procedural requirements:** District superintendents are required to establish procedures for convening the IGCs and, for SY 2014-15 only, the procedures for appointing alternative committee members. Districts also must establish time lines for the IGC process in SY 2014-15 (after that, commissioner rules will dictate the time lines). If the parent/guardian/advocate/ participating student is unable to speak English, the district shall provide an appropriate translator, if one is available. Districts are required to make a good faith effort to notify the parent/guardian of the IGC meeting. Notice must be provided in person, by mail or by e-mail; be clear and easy to understand; and be written in English, Spanish, or to the extent practicable, in the individual's native language.

**Additional academic requirements:** IGCs must recommend additional requirements for each failed EOC test for a student to be eligible to graduate. These include additional remediation and either completion of a project that demonstrates proficiency in the subject area of each course where the EOC test was failed, or preparation of a portfolio of work samples from each affected course that demonstrates proficiency in the subject area(s). Students may submit coursework that was previously completed to satisfy recommended additional requirements.

**Required committee considerations:** IGCs must consider the following in determining whether a student is qualified to graduate:

- ✧ Recommendations of the teachers in each course where an EOC test was failed
- ✧ Grades in each of the courses where an EOC test was failed
- ✧ Scores on the relevant failed EOC tests
- ✧ Student performance on the additional academic requirements
- ✧ Hours of remediation attended, including college preparatory courses *under Chapter 39.025(b-2)* [emphasis added because these are the courses NOT implemented to date]
- ✧ Attendance and successful completion of transitional college courses in reading or mathematics
- ✧ School attendance rate
- ✧ Satisfaction of any of the Texas Success Initiative (TSI) college readiness benchmarks set by THECB (SAT, ACT, or TSIA cut scores)
- ✧ Successful completion of a dual credit course in one of the four core subject areas
- ✧ Successful completion of a Pre-AP, AP, or IB program course in one of the four core subject areas
- ✧ An “Advanced High” rating on the most recent high school administration of TELPAS
- ✧ A score of 50 or better on a CLEP test
- ✧ Scores on ACT, SAT, or ASVAB tests
- ✧ Completion of a sequence of CTE program courses required to attain an industry-recognized credential or certificate
- ✧ Overall preparedness for postsecondary success
- ✧ *Any other academic information that the local school board requires IGCs to consider*

**Retest and reporting requirements:** Students must retake the relevant EOC tests until they graduate. Districts will be held accountable for retest results in keeping with state accountability system requirements. By Dec. 1 each year, districts must report in PEIMS the number of students for whom IGCs are convened, and of those, the number graduated by the IGC each year.

**Committee determination of eligibility to graduate:** IGCs can authorize eligible students to graduate based on the above considerations and additional requirements if 1) the committee decision is unanimous and 2) the student has passed all curriculum requirements for graduation per SBOE or commissioner transition rule. *Students cannot graduate via the IGC before their 12th grade year.*

**Expiration dates:** Provisions related to IGCs, and to TSI as a substitution for either Algebra I or English II EOC test graduation requirements, will expire on September 1, 2017. The district data reporting requirements expire on September 1, 2018.

**Effective date:** Effective immediately because of two-thirds votes in Senate and House, assuming the governor either signs the bill into law or allows it to come into effect with no action.



AN ACT

1  
2 relating to alternative methods for satisfying certain public high  
3 school graduation requirements, including the use of individual  
4 graduation committees.

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

6 SECTION 1. Section 12.104, Education Code, is amended by  
7 adding Subsection (b-2) to read as follows:

8 (b-2) An open-enrollment charter school is subject to the  
9 requirement to establish an individual graduation committee under  
10 Section 28.0258. This subsection expires September 1, 2017.

11 SECTION 2. Section 28.025, Education Code, is amended by  
12 adding Subsection (c-6) to read as follows:

13 (c-6) Notwithstanding Subsection (c), a person may receive  
14 a diploma if the person is eligible for a diploma under Section  
15 28.0258. This subsection expires September 1, 2017.

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

18 Sec. 28.0258. HIGH SCHOOL DIPLOMA AWARDED ON BASIS OF  
19 INDIVIDUAL GRADUATION COMMITTEE REVIEW. (a) This section applies  
20 only to an 11th or 12th grade student who has failed to comply with  
21 the end-of-course assessment instrument performance requirements  
22 under Section 39.025 for not more than two courses.

23 (b) For each student to whom this section applies, the  
24 school district that the student attends shall establish an

1 individual graduation committee at the end of or after the  
2 student's 11th grade year to determine whether the student may  
3 qualify to graduate as provided by this section. A student may not  
4 qualify to graduate under this section before the student's 12th  
5 grade year. The committee shall be composed of:

6 (1) the principal or principal's designee;  
7 (2) for each end-of-course assessment instrument on  
8 which the student failed to perform satisfactorily, the teacher of  
9 the course;

10 (3) the department chair or lead teacher supervising  
11 the teacher described by Subdivision (2); and

12 (4) as applicable:

13 (A) the student's parent or person standing in  
14 parental relation to the student;

15 (B) a designated advocate described by  
16 Subsection (c) if the person described by Paragraph (A) is unable to  
17 serve; or

18 (C) the student, at the student's option, if the  
19 student is at least 18 years of age or is an emancipated minor.

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

27 (c-1) Notwithstanding Subsection (c), for the 2014-2015

1 school year, the school district that the student attends shall  
2 establish procedures for appointing alternative committee members  
3 as provided by Subsection (c). This subsection expires September  
4 1, 2015.

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

8 (d) The school district shall ensure a good faith effort is  
9 made to timely notify the appropriate person described under  
10 Subsection (b)(4) of the time and place for convening the  
11 individual graduation committee and the purpose of the committee.  
12 The notice must be:

13 (1) provided in person or by regular mail or e-mail;  
14 (2) clear and easy to understand; and  
15 (3) written in English, in Spanish, or, to the extent  
16 practicable, in the native language of the appropriate person  
17 described by Subsection (b)(4).

18 (e) To be eligible to graduate and receive a high school  
19 diploma under this section, a student must successfully complete  
20 the curriculum requirements required for high school graduation:

21 (1) identified by the State Board of Education under  
22 Section 28.025(a); or

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

25 (f) Notwithstanding any other law, a student's individual  
26 graduation committee established under this section shall  
27 recommend additional requirements by which the student may qualify

1 to graduate, including:

2 (1) additional remediation; and

3 (2) for each end-of-course assessment instrument on  
4 which the student failed to perform satisfactorily:

5 (A) the completion of a project related to the  
6 subject area of the course that demonstrates proficiency in the  
7 subject area; or

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

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

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

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

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

23 (3) the student's score on each end-of-course  
24 assessment instrument on which the student failed to perform  
25 satisfactorily;

26 (4) the student's performance on any additional  
27 requirements recommended by the committee under Subsection (f);

- 1           (5) the number of hours of remediation that the  
2 student has attended, including:
- 3                   (A) attendance in a college preparatory course  
4 required under Section 39.025(b-2), if applicable; or
- 5                   (B) attendance in and successful completion of a  
6 transitional college course in reading or mathematics;
- 7           (6) the student's school attendance rate;
- 8           (7) the student's satisfaction of any of the Texas  
9 Success Initiative (TSI) college readiness benchmarks prescribed  
10 by the Texas Higher Education Coordinating Board;
- 11           (8) the student's successful completion of a dual  
12 credit course in English, mathematics, science, or social studies;
- 13           (9) the student's successful completion of a high  
14 school pre-advanced placement, advanced placement, or  
15 international baccalaureate program course in English,  
16 mathematics, science, or social studies;
- 17           (10) the student's rating of advanced high on the most  
18 recent high school administration of the Texas English Language  
19 Proficiency Assessment System;
- 20           (11) the student's score of 50 or greater on a  
21 College-Level Examination Program examination;
- 22           (12) the student's score on the ACT, the SAT, or the  
23 Armed Services Vocational Aptitude Battery test;
- 24           (13) the student's completion of a sequence of courses  
25 under a career and technical education program required to attain  
26 an industry-recognized credential or certificate;
- 27           (14) the student's overall preparedness for

1 postsecondary success; and

2 (15) any other academic information designated for  
3 consideration by the board of trustees of the school district.

4 (i) After considering the criteria under Subsection (h),  
5 the individual graduation committee may determine that the student  
6 is qualified to graduate. Notwithstanding any other law, a student  
7 for whom an individual graduation committee is established may  
8 graduate and receive a high school diploma on the basis of the  
9 committee's decision only if the student successfully completes all  
10 additional requirements recommended by the committee under  
11 Subsection (f), the student meets the requirements of Subsection  
12 (e), and the committee's vote is unanimous. The commissioner by  
13 rule shall establish a timeline for making a determination under  
14 this subsection. This subsection does not create a property  
15 interest in graduation. The decision of a committee is final and  
16 may not be appealed.

17 (i-1) Notwithstanding Subsection (i), for the 2014-2015  
18 school year, the school district that the student attends shall  
19 establish a timeline for making a determination under Subsection  
20 (i). This subsection expires September 1, 2015.

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

1 required for graduation retaken by a student.

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

4 (l) This section expires September 1, 2017.

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

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

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

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

21 (e) This section expires September 1, 2018.

22 SECTION 4. Section 39.025, Education Code, is amended by  
23 adding Subsections (a-2) and (a-3) to read as follows:

24 (a-2) Notwithstanding Subsection (a), a student who has  
25 failed to perform satisfactorily on end-of-course assessment  
26 instruments in the manner provided under this section may receive a  
27 high school diploma if the student has qualified for graduation

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

2       (a-3) A student who, after retaking an end-of-course  
3 assessment instrument for Algebra I or English II, has failed to  
4 perform satisfactorily as required by Subsection (a), but who  
5 receives a score of proficient on the Texas Success Initiative  
6 (TSI) diagnostic assessment for the corresponding subject for which  
7 the student failed to perform satisfactorily on the end-of-course  
8 assessment instrument satisfies the requirement concerning the  
9 Algebra I or English II end-of-course assessment, as applicable.  
10 This subsection expires September 1, 2017.

11       SECTION 5. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2015.



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

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

\_\_\_\_\_  
Secretary of the Senate

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

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor