

Location	Change	April 2009 Side-by-Side	Jan 2010 Side-by-Side
Front Page	<ul style="list-style-type: none"> Added deleted items 	<p>To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.</p> <p style="text-align: right;"><i>34 CFR §300.1(a)</i></p>	<p>To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living.</p> <p style="text-align: right;"><i>34 CFR §300.1(a)</i></p>

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300.9 Page A-11	<ul style="list-style-type: none"> April 2009: Changed as authorized in the Federal Register / Vol. 73, No. 321 / Monday, December 1, 2008 / Rules and Regulations, pages 73027-73029 April 2009: (3) was a duplication of (2). Updated from CFR 300.9(c)(3) LF Manage Citation 	<p>§300.9 Consent</p> <p>(c) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and</p> <p>(1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.</p> <p>(2) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).</p> <p>(3) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).</p>	<p>§300.9 Consent</p> <p>(c) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and</p> <p>(1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.</p> <p>(2) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).</p> <p>(3) If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.</p>
300.143 Page B-43	<p>FORMATTING: Changed indentation</p>	<p>§ 300.143 Separate classes prohibited</p> <p>An LEA may not use funds available under section 611 or 619 of the Act for classes that are organized separately on the basis of school enrollment or religion of the children if—'</p> <p>(a) The classes are at the same site; and</p> <p>(b) The classes include children enrolled in public schools and children enrolled in private schools.</p> <p>(Approved by the Office of Management and Budget under control number 1820-0030)</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>	<p>§ 300.143 Separate classes prohibited.</p> <p>An LEA may not use funds available under section 611 or 619 of the Act for classes that are organized separately on the basis of school enrollment or religion of the children if—'</p> <p>(a) The classes are at the same site; and</p> <p>(b) The classes include children enrolled in public schools and children enrolled in private schools.</p> <p>(Approved by the Office of Management and Budget under control number 1820-0030)</p> <p>(Authority: 20 U.S.C. 1412(a)(10)(A))</p>
300.204 Page C-3	<p>FORMATTING: (d) Not notated in Apr2009 version, updated</p>	<p>§ 300.204 Exception to maintenance of effort.</p> <p>(c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child—</p> <p>(1) Has left the jurisdiction of the agency;</p> <p>(2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or</p> <p>(3) No longer needs the program of special education.</p> <p>The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.</p> <p>(d) The assumption of cost by the high cost fund operated by the SEA under §300.704(c)</p> <p>(Approved by the Office of Management and Budget under control number 1820-0600)</p>	<p>§ 300.204 Exception to maintenance of effort.</p> <p>(c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child—</p> <p>(1) Has left the jurisdiction of the agency;</p> <p>(2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or</p> <p>(3) No longer needs the program of special education.</p> <p>(d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.</p> <p>(e) The assumption of cost by the high cost fund operated by the SEA under §300.704(c)</p> <p>(Approved by the Office of Management and Budget under control</p>

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		(Authority: 20 U.S.C. 1413(a)(2)(B))	number 1820-0600 (Authority: 20 U.S.C. 1413(a)(2)(B))
300.535 Page E-51	April 2009 version Page E-50, showed (a), (b)(1); Page E-57 showed (b)(2) MOVED / CONSOLIDATED Oct 2009 version Page E-50-51 Shows (a), (b)(1) and (2)	§300.535 Referral to and action by law enforcement and judicial authorities. (b) <i>Transmittal of records.</i> (1) An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.	§300.535 Referral to and action by law enforcement and judicial authorities. (b) <i>Transmittal of records.</i> (1) An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. (2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act. (Authority: 20 U.S.C. 1415(k)(6))

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89.1040 Page A-9	FORMATTING: Paragraph should be Roman numerals (I) and (II)	(1) does not make sufficient progress when provided a process based on the child's response to scientific, research-based intervention (as defined in 20 USC, §7801(37)), as indicated by the child's performance relative to the performance of the child's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction; or (2) exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, ...	(I) does not make sufficient progress when provided a process based on the child's response to scientific, research-based intervention (as defined in 20 USC, §7801(37)), as indicated by the child's performance relative to the performance of the child's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction; or (II) exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, ...
89.1050 Page B-18 Page D-19	FORMATTING: Beginning alpha bullet should be (a)	89.1050. The Admission, Review, and Dismissal (ARD) Committee (i) Each school district shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted pursuant to §89.1011 of this...	89.1050. The Admission, Review, and Dismissal (ARD) Committee (a) Each school district shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted pursuant to §89.1011 of this...
89.1040 Page D-6	FORMATTING: Beginning alpha bullet should be (a)	§ 89.1040. Eligibility Criteria (c) Special education services. To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 Code of Federal Regulations (CFR), §300.8(a), subject to the provisions of 34 CFR, §300.8(c), the Texas Education Code (TEC), §29.003, and this section. The provisions in this section specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. (d) Eligibility determination. The determination of whether a student is eligible for special education and related services is made by the student's admission, review, and dismissal (ARD) committee. Any evaluation or re-evaluation of a student shall be conducted in accordance with 34 CFR, §§300.301-300.306 and 300.122. The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to, the following: (1) a licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or (2) a licensed or certified professional for a specific eligibility category defined in subsection (c) of this section. (e) Eligibility definitions. ...	§ 89.1040. Eligibility Criteria (a) Special education services. To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 Code of Federal Regulations (CFR), §300.8(a), subject to the provisions of 34 CFR, §300.8(c), the Texas Education Code (TEC), §29.003, and this section. The provisions in this section specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. (b) Eligibility determination. The determination of whether a student is eligible for special education and related services is made by the student's admission, review, and dismissal (ARD) committee. Any evaluation or re-evaluation of a student shall be conducted in accordance with 34 CFR, §§300.301-300.306 and 300.122. The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to, the following: (1) a licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or (2) a licensed or certified professional for a specific eligibility category defined in subsection (c) of this section. (c) Eligibility definitions. ...
465.38 Page D-13	TYPO of number: 32 TAC should be 22 TAC	32 TAC § 465.38. Psychological Services in the Schools [Excerpt] (e) This rule acknowledges the unique difference in the delivery of school psychological services in the public schools...	22 TAC § 465.38. Psychological Services in the Schools. [Excerpt] (e) This rule acknowledges the unique difference in the delivery of school psychological services in the public schools...
89.1225 Page D-20	ADDITION: Excerpt (f) and (k)	Not on Apr 2009 SBS version	§ 89.1225. Testing and Classification of Students. [Excerpt] (f) For entry into a bilingual education or English as a second

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			<p>language program, a student shall be identified as limited English proficient using the following criteria.</p> <p>(4) The admission review and dismissal (ARD) committee in conjunction with the language proficiency assessment committee shall determine an appropriate assessment instrument and designated level of performance for indicating limited English proficiency as required under subsection (d) of this section for students for whom those tests would be inappropriate as part of the individualized education program (IEP). The decision for entry into a bilingual education or English as a second language program shall be determined by the ARD committee in conjunction with the language proficiency assessment committee in accordance with §89.1220(g) of this title (relating to Language Proficiency Assessment Committee).</p> <p>(k) The ARD committee in conjunction with the language proficiency assessment committee shall determine an appropriate assessment instrument and performance standard requirement for exit under subsection (h) of this section for students for whom those tests would be inappropriate as part of the IEP. The decision to exit a student who receives both special education and special language services from the bilingual education or English as a second language program is determined by the ARD committee in conjunction with the language proficiency assessment committee in accordance with applicable provisions of subsection (h) of this section.</p>
89.1225 Page D-23	<p>FORMATTING: EXCERPT Beginning alpha bullet should be (k)</p>	<p>§ 89.1225. Testing and Classification of Students [Excerpt]</p> <p>(l) The ARD committee in conjunction with the language proficiency assessment committee shall determine an appropriate assessment instrument and performance standard ...</p>	<p>§ 89.1225. Testing and Classification of Students [Excerpt]</p> <p>(k) The ARD committee in conjunction with the language proficiency assessment committee shall determine an appropriate assessment instrument and performance standard ...</p>
89.1052 Page E-53	<p>ADDITION: Added (a) with 2 subsections (1) and (2). April 2009 version (a) became (b); (b) became (c)</p> <p>Last Amended: November 11, 2007, 32 TexReg 8129.</p>	<p>§ 89.1052. Discretionary Placements in Juvenile Justice Alternative Education Programs (JJAEP)</p> <p>(a) In a county with a JJAEP, a local school district shall invite the administrator of the JJAEP or the administrator's designee to an admission, review, and dismissal (ARD) committee meeting convened to discuss a student's expulsion under the provisions listed in Texas Education Code (TEC), §37.004(e), relating to offenses for which a school district may expel a student. The reasonable notice of the ARD committee meeting must be provided consistent with 34 CFR, §300.345 and §300.503, and §89.1015 of this title (relating to Time Line for All Notices), and a copy of the student's current individualized education program (IEP) must be provided to the JJAEP administrator or designee with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and</p>	<p>§ 89.1052. Discretionary Placements in Juvenile Justice Alternative Education Programs (JJAEP)</p> <p>(a) This section applies only to the expulsion of a student with a disability under:</p> <p>(1) Texas Education Code (TEC), §37.007(b), (c), or (f); or</p> <p>(2) TEC, §37.007(d), as a result of conduct that contains the elements of any offense listed in TEC, §37.007(b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district.</p> <p>(b) In a county with a JJAEP, a local school district shall invite the administrator of the JJAEP or the administrator's designee to an admission, review, and dismissal (ARD) committee meeting convened to discuss a student's expulsion under the provisions listed in Texas Education Code (TEC), §37.004(e), relating to offenses for which a school district may expel a student. The reasonable notice of the ARD committee meeting must be provided consistent with 34 CFR, §300.345 and §300.503, and</p>

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		<p>implementation of the student's current IEP in the JJAEP.</p> <p>(b) For a student with a disability who was expelled under one of the provisions listed in subsection (a) of this section, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP, if the JJAEP administrator or designee provides written notice to the school district of specific concerns that the student's educational or behavioral needs cannot be met in the JJAEP. The reasonable notice of the ARD committee meeting must be provided consistent with 34 CFR, §300.322 and §300.503, and §89.1015 of this title (relating to Time Line for All Notices). If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's continued placement in the JJAEP.</p>	<p>§89.1015 of this title (relating to Time Line for All Notices), and a copy of the student's current individualized education program (IEP) must be provided to the JJAEP administrator or designee with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP.</p> <p>(c) For a student with a disability who was expelled under one of the provisions listed in subsection (a) of this section, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP, if the JJAEP administrator or designee provides written notice to the school district of specific concerns that the student's educational or behavioral needs cannot be met in the JJAEP. The reasonable notice of the ARD committee meeting must be provided consistent with 34 CFR, §300.322 and §300.503, and §89.1015 of this title (relating to Time Line for All Notices). If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's continued placement in the JJAEP.</p>
<p>89.1185 Page E-18</p>	<p>FORMATTING: Paragraph should be bulleted (p)</p>	<p>89.1185. Hearing</p> <p>(o) The decision issued by the hearing officer is final, except that any party aggrieved by the findings and decision made by the hearing officer, or the performance thereof by any other party, may bring a civil action with respect to the issues presented at the due process hearing in any state court of competent jurisdiction or in a district court of the United States, as provided in 20 United States Code (USC), §1415(i)(2), and 34 CFR, §300.516.</p> <p>In accordance with 34 CFR, §300.518(d), a school district shall implement any decision of the hearing officer that is, at least in part, adverse to the school district in a timely manner within ten school days after the date the decision was rendered. School districts must provide services ordered by the hearing officer, but may withhold reimbursement during the pendency of appeals</p>	<p>89.1185. Hearing</p> <p>(o) The decision issued by the hearing officer is final, except that any party aggrieved by the findings and decision made by the hearing officer, or the performance thereof by any other party, may bring a civil action with respect to the issues presented at the due process hearing in any state court of competent jurisdiction or in a district court of the United States, as provided in 20 United States Code (USC), §1415(i)(2), and 34 CFR, §300.516.</p> <p>(p) In accordance with 34 CFR, §300.518(d), a school district shall implement any decision of the hearing officer that is, at least in part, adverse to the school district in a timely manner within ten school days after the date the decision was rendered. School districts must provide services ordered by the hearing officer, but may withhold reimbursement during the pendency of appeals.</p>

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25.001 Page A-16	FORMATTING: Beginning alpha bullet should be (b)	<p>§ 25.001. Admission. [Excerpt]</p> <p>(1) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, and may admit a person who is at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma, if:</p> <p>(5) the person is homeless, as defined by 42 U.S.C. Section 11302, ...</p>	<p>§ 25.001. Admission [Excerpt]</p> <p>(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, and may admit a person who is at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma, if:</p> <p>(5) the person is homeless, as defined by 42 U.S.C. Section 11302,</p>
29.001 Page A-29	FORMATTING: Bulleted alpha should be caps	<p>§ 29.001 Statewide Plan [Excerpt]</p> <p>...procedures designed to:</p> <p>(10) ensure that an individual assigned to act as a surrogate parent for a child with a disability, as provided by 20 U.S.C. Section 1415(b) and its subsequent amendments, is required to:</p> <p>(a) complete a training program that complies with minimum standards established by agency rule;</p> <p>(b) visit the child and the child's school; etc.</p>	<p>§ 29.001 Statewide Plan [Excerpt]</p> <p>...procedures designed to:</p> <p>(10) ensure that an individual assigned to act as a surrogate parent for a child with a disability, as provided by 20 U.S.C. Section 1415(b) and its subsequent amendments, is required to:</p> <p>(A) complete a training program that complies with minimum standards established by agency rule;</p> <p>(B) visit the child and the child's school; etc.</p>
39.023 Page B-63	ADDITION: Added (a-1) plus (o)(p), and other changes throughout CHANGES: Last Amended: 81st Leg., R.S., ch. 895, Sec. 50, eff. June 19, 2009	<p>39.023. Adoption and Administration of Instruments</p> <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. All students, except students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:</p> <p>(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;</p> <p>(2) reading, annually in grades three through eight;</p> <p>(3) writing, including spelling and grammar, in grades four and seven;</p> <p>(4) social studies, in grade eight;</p> <p>(5) science, in grades five and eight; and</p> <p>(6) any other subject and grade required by federal law.</p> <p>(b) The agency shall develop or adopt appropriate criterion-referenced assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, who receives modified instruction in the essential knowledge and skills identified under Section 28.002 for the assessed subject but for whom an assessment instrument adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee. The assessment instruments required under this subsection must assess essential knowledge and skills</p>	<p>§ 39.023. Adoption and Administration of Instruments</p> <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. All students, except students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:</p> <p>(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;</p> <p>(2) reading, annually in grades three through eight;</p> <p>(3) writing, including spelling and grammar, in grades four and seven;</p> <p>(4) social studies, in grade eight;</p> <p>(5) science, in grades five and eight; and</p> <p>(6) any other subject and grade required by federal law.</p> <p>(a-1) The agency shall develop assessment instruments required under Subsection (a) in a manner that allows, to the extent practicable:</p> <p>(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</p> <p>(2) an appropriate range of performances to serve as a valid indication of growth in student achievement.</p> <p>(b) The agency shall develop or adopt appropriate criterion-</p>

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		<p>and growth in the subjects of reading, mathematics, and writing. A 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 assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).</p>	<p>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.</p>
		<p>(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 or whether the student should be exempted under Section 39.027(a)(2). 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).</p> <p>(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).</p> <p>(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.</p> <p>(c-3) In adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall require:</p> <p>(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</p>	<p>(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).</p> <p>(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) .</p> <p>(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 .</p> <p>(c-3) In adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall require:</p> <p>(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</p>

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		<p>later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year; and</p>	<p>was administered under Subsection (a) during the 2006-2007 school year; and</p>
		<p>(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.</p>	<p>(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.</p>
		<p>(c-4) To the extent practicable, the agency shall ensure that each end-of-course assessment instrument adopted under Subsection (c) is:</p>	<p>(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:</p>
		<p>(1) developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and</p>	<p>(1) developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and validated by national postsecondary education experts for college readiness content and performance standards.</p>
		<p>(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.</p>	<p>(2) Validated by national postsecondary education experts for college readiness content and performance standards.</p>
		<p>(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:</p>	<p>(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.</p>
		<p>(1) is aligned with the essential knowledge and skills of the subject being assessed; and</p> <p>(2) allows for the measurement of annual improvement in student achievement as provided by Subsection (c-1).</p>	<p>(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:</p> <p>(1) is aligned with the essential knowledge and skills of the subject being assessed; and</p> <p>(2) allows for the measurement of annual improvement in student achievement as provided by Subsection (c-1).</p>
		<p>(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 or whether the student should be exempted under Section 39.027(a)(2).</p>	<p>(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.</p>
		<p>(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) 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.</p>	<p>(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</p>
		<p>(f) The assessment instruments shall be designed to include assessment of a student's problem-solving ability and complex-</p>	

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		<p>thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(j) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 18, eff. September 1, 2007.</p> <p>(k) Notwithstanding Subsection (e), the agency shall initially release under Subsection (e) the questions and answer keys to each assessment instrument administered under Subsection (b) during the third school year in which the instrument is administered after the last time the instrument is administered for that school year. This subsection expires September 1, 2004.</p> <p>(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 six 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)(3) or (4). 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.</p> <p>(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</p>	<p>release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(j) Repealed by Acts 2007, 80th Leg., ch. 1312, § 18.</p> <p>(k) Expired.</p> <p>(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.</p> <p>(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</p>

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		<p>from the administration of the assessment instruments under Section 39.027(a)(3) and (4). 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.</p> <p>(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).</p>	<p>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.</p> <p>(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).</p> <p>(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> <p>(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> <ol style="list-style-type: none"> (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.
<p>39.073 Page B-68 Page B-69</p>	<p>DELETED: 39.073 INSERTED: 39.052 Last Amended: 81st Leg., ch. 895,</p>	<p>§ 39.073. Determining Accreditation Status. [Excerpt]</p> <p>(a) The agency shall annually review the performance of each district and campus on the indicators adopted under Sections</p>	<p>§ 39.052. Determination of Accreditation Status or Performance Rating. [Excerpt]</p> <p>(a) Each year, the commissioner shall determine the accreditation</p>

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	Sec. 59, eff. June 19, 2009	<p>39.051(b)(1) through (8) and determine if a change in the accreditation status of the district is warranted. The commissioner may determine how all indicators adopted under Section 39.051(b) may be used to determine accountability ratings and to select districts and campuses for acknowledgment.</p> <p>(c) A district's accreditation rating may be raised or lowered based on the district's performance or may be lowered based on the unacceptable performance of one or more campuses in the district.</p> <p>(e) In determining a district's accreditation rating, the agency shall consider:</p> <p>(1) the district's current special education compliance status with the agency; and</p> <p>(2) the progress of students who have failed to perform satisfactorily in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (l).</p>	<p>status of each school district.</p> <p>(b) In determining the accreditation status of a school district, the commissioner:</p> <p>(1) shall evaluate and consider :</p> <p>(A) performance on student achievement indicators described by Section 39.053(c); and</p> <p>(B) performance under the financial accountability rating system developed under Subchapter D; and</p> <p>(2) may evaluate and consider:</p> <p>(A) the district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education under specific statutory authority that relate to:</p> <p>(i) reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;</p> <p>(ii) the high school graduation requirements under Section 28.025; or</p> <p>(iii) an item listed under Sections 7.056(e)(3)(C)-(I) that applies to the district;</p> <p>(B) the effectiveness of the district's programs for special populations; and</p> <p>(C) the effectiveness of the district's career and technology program.</p> <p>(c) Based on a school district's performance under Subsection (b), the commissioner shall:</p> <p>(1) assign each district an accreditation status; or</p> <p>(2) revoke the accreditation of the district and order closure of the district.</p> <p>(d) A school district's accreditation status may be raised or lowered based on the district's performance or may be lowered based on the performance of one or more campuses in the district that is below a standard required under this subchapter.</p>
<p>39.075 to 39.057 Page B-69</p>	<p>DELETED: 39.075 INSERTED: 39.057 Last Amended: 81st Leg., ch. 895, Sec. 59, eff. June 19, 2009</p>	<p>§ 39.075. Special Accreditation Investigations</p> <p>(a) The commissioner shall authorize special accreditation investigations to be conducted:</p> <p>(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;</p> <p>(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;</p> <p>(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;</p>	<p>§ 39.057. Special Accreditation Investigations.</p> <p>(a) The commissioner shall authorize special accreditation investigations to be conducted:</p> <p>(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;</p> <p>(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;</p> <p>(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;</p>

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		<ul style="list-style-type: none"> (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; or (9) as the commissioner otherwise determines necessary. 	<ul style="list-style-type: none"> (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; or (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; (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; (12) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation; or (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.

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			<ul style="list-style-type: none"> (d) Based on the results of a special accreditation investigation, the commissioner may: <ul style="list-style-type: none"> (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.
12.104 Page A-4 Page C-6	AMENDED: See (D), (E), and (L) Last Amended: 81st Leg., ch. 895, Sec. 11, eff. June 19, 2009	<p>§ 12.104. Applicability of Title</p> <ul style="list-style-type: none"> (a) An open-enrollment charter school has the powers granted to schools under this title. (b) An open-enrollment charter school is subject to: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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) satisfactory performance on assessment instruments and to accelerated instruction under Section 28.0211; (E) high school graduation 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; (L) public school accountability under Subchapters B, C, D, and G, Chapter 39; (M) the requirement under Section 21.006 to report an 	<p>§ 12.104. Applicability of Title</p> <ul style="list-style-type: none"> (a) An open-enrollment charter school has the powers granted to schools under this title. (b) An open-enrollment charter school is subject to: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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; (L) public school accountability under Subchapters B, C, D, E, and J, Chapter 39; (M) the requirement under Section 21.006 to report an

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		<p>educator's misconduct; and</p> <p>(N) intensive programs of instruction under Section 28.0213.</p> <p>(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.</p> <p>(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.</p>	<p>educator's misconduct; and</p> <p>(N) intensive programs of instruction under Section 28.0213.</p> <p>(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.</p> <p>(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.</p>
501.503 Page D-13	FORMATTING: Changed indentation level	<p>Texas Occupations Code</p> <p>§ 501.503. Criminal Penalty.</p> <p>(a) A person commits an offense if the person engages in the practice of psychology or represents that the person is a psychologist in violation of this chapter.</p> <p>(b) An offense under this section is a Class A misdemeanor.</p> <p>(c) Each day a violation occurs is a separate offense.</p>	<p>Texas Occupations Code</p> <p>§ 501.503. Criminal Penalty.</p> <p>(a) A person commits an offense if the person engages in the practice of psychology or represents that the person is a psychologist in violation of this chapter.</p> <p>(b) An offense under this section is a Class A misdemeanor.</p> <p>(c) Each day a violation occurs is a separate offense.</p>
29.005 Page D-25	ADDITION: Inserted entire citation	<p>§ 29.005. Individualized Education Program [Excerpt]</p> <p>(a) Before a child is enrolled in a special education program of a school district, the district shall establish a committee composed of the persons required under 20 U.S.C. Section 1401(11) to develop the child's individualized education program.</p>	<p>§ 29.005. Individualized Education Program</p> <p>(a) Before a child is enrolled in a special education program of a school district, the district shall establish a committee composed of the persons required under 20 U.S.C. Section 1401(11) to develop the child's individualized education program.</p> <p>(b) The committee shall develop the individualized education program by agreement of the committee members or, if those persons cannot agree, by an alternate method provided by the agency. Majority vote may not be used to determine the individualized education program.</p> <p>(c) If the individualized education program is not developed by agreement, the written statement of the program required under 20 U.S.C. Section 1401(11) must include the basis of the disagreement.</p> <p>(d) If the child's parent is unable to speak English, the district shall:</p> <p>(1) provide the parent with a written or audiotaped copy of the child's individualized education program translated into Spanish if Spanish is the parent's native language; or</p> <p>(2) if the parent's native language is a language other than Spanish, make a good faith effort to provide the parent with a written or audiotaped copy of the child's individualized education program translated into the parent's native language.</p> <p>(e) The commissioner by rule may require a school district to include in the individualized education program of a student with autism</p>

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21.451 Page D-43	ADDITION: Last Amended: 81st Leg., R.S., ch. 740, Sec. 1, eff. June 19, 2009	Not on Apr 2009 SBS version	<p>or another pervasive developmental disorder any information or requirement determined necessary to ensure the student receives a free appropriate public education as required under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).</p> <p>§ 21.451. Staff Development Requirements.</p> <p>(a) The staff development provided by a school district must be:</p> <ol style="list-style-type: none"> (1) conducted in accordance with standards developed by the district; and (2) designed to improve education in the district. <p>(b) The staff development must be predominantly campus-based, related to achieving campus performance objectives established under Section 11.253, and developed and approved by the campus-level committee established under Section 11.251.</p> <p>(c) A school district may use district-wide staff development developed and approved through the district-level decision process under Section 11.251.</p> <p>(d) The staff development:</p> <ol style="list-style-type: none"> (1) may include training in: <ol style="list-style-type: none"> (A) technology; (B) conflict resolution; and (C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; and (2) subject to Subsection (e), must include training based on scientifically based research, as defined by Section 9101, No Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that: <ol style="list-style-type: none"> (A) relates to instruction of students with disabilities; and (B) is designed for educators who work primarily outside the area of special education. <p>(e) A school district is required to provide the training described by Subsection (d)(2) to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.</p> <p>(f) In developing or maintaining the training required by Subsection (d)(2), a school district must consult with persons with expertise in research-based practices for students with disabilities. Persons who may be consulted under this subsection include colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district. This subsection applies to all training required by Subsection (d)(2),</p>

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			regardless of whether the training is provided at the campus or district level.
			(g) The staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school
30.051 Page D-53	DELETION: Deleted "the" before Texas	§ 30.051. Purpose of the Texas School for the Deaf.	§ 30.051. Purpose of Texas School for the Deaf
39.023 Page D-53	AMENDED: Last Amended: 81st Leg., R.S., ch. 895, Sec. 50, eff. June 19, 2009	§ 39.023. Adoption and Administration of Instruments [Excerpt] (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) 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.	§ 39.023. Adoption and Administration of Instruments [Excerpt] (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.
37.001 Page E-26	AMENDED: Last Amended: 81st Leg., R.S., ch. 897, Sec.1, eff. June 19, 2009	§ 37.001. Student Code of Conduct (a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must: (1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program; (2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program; (3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007; (4) specify whether consideration is given, as a factor in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion, to: (A) self-defense;	§ 37.001. Student Code of Conduct. (a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must: (1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program; (2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program; (3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007; (4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a

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		<p>(B) intent or lack of intent at the time the student engaged in the conduct;</p> <p>(C) a student's disciplinary history; or</p> <p>(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;</p> <p>(5) provide guidelines for setting the length of a term of:</p> <p>(A) a removal under Section 37.006; and</p> <p>(B) an expulsion under Section 37.007;</p> <p>(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;</p> <p>(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and</p> <p>(8) provide, as appropriate for students at each grade level, methods, including options, for:</p> <p>(A) managing students in the classroom and on school grounds;</p> <p>(B) disciplining students; and</p> <p>(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.</p> <p>(b) In this section:</p> <p>(1) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.</p> <p>(2) "Hit list" means a list of people targeted to be harmed, using:</p> <p>(A) a firearm, as defined by Section 46.01(3), Penal Code;</p> <p>(B) a knife, as defined by Section 46.01(7), Penal Code; or</p> <p>(C) any other object to be used with intent to cause bodily harm.</p> <p>(b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.</p> <p>(c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees.</p>	<p>mandatory or discretionary action, to:</p> <p>(A) self-defense;</p> <p>(B) intent or lack of intent at the time the student engaged in the conduct;</p> <p>(C) a student's disciplinary history; or</p> <p>(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;</p> <p>(5) provide guidelines for setting the length of a term of:</p> <p>(A) a removal under Section 37.006; and</p> <p>(B) an expulsion under Section 37.007;</p> <p>(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;</p> <p>(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and</p> <p>(8) provide, as appropriate for students at each grade level, methods, including options, for:</p> <p>(A) managing students in the classroom and on school grounds;</p> <p>(B) disciplining students; and</p> <p>(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.</p> <p>(b) In this section:</p> <p>(1) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.</p> <p>(2) "Hit list" means a list of people targeted to be harmed, using:</p> <p>(A) a firearm, as defined by Section 46.01(3), Penal Code;</p> <p>(B) a knife, as defined by Section 46.01(7), Penal Code; or</p> <p>(C) any other object to be used with intent to cause bodily harm.</p> <p>(b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been</p>

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		<ul style="list-style-type: none"> (d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct. (e) Except as provided by Section 37.007(e), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007. 	<ul style="list-style-type: none"> held to review the conduct. (c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees. (d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct. (e) Except as provided by Section 37.007(e), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007.
37.007 Page E-46	<p>AMENDED: Last Amended: 81st. Leg., ch. 338, Sec.1, eff. June 19, 2009</p> <p>There is no (j) subsection; wait on codified process</p>	<p>§ 37.007. Expulsion for Serious Offenses.</p> <p>A student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:</p> <ul style="list-style-type: none"> (1) uses, exhibits, or possesses: <ul style="list-style-type: none"> (A) a firearm as defined by Section 46.01(3), Penal Code; (B) an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy; (C) a club as defined by Section 46.01(1), Penal Code; or (D) a weapon listed as a prohibited weapon under Section 46.05, Penal Code; (2) engages in conduct that contains the elements of the offense of: <ul style="list-style-type: none"> (A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code; (B) arson under Section 28.02, Penal Code; (C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder; (D) indecency with a child under Section 21.11, Penal Code; (E) aggravated kidnapping under Section 20.04, Penal Code; (F) aggravated robbery under Section 29.03, Penal Code; (G) manslaughter under Section 19.04, Penal Code; (H) criminally negligent homicide under Section 19.05, Penal Code; or (I) continuous sexual abuse of young child or children under Section 21.02, Penal Code; or (3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony. 	<p>§ 37.007. Expulsion for Serious Offenses.</p> <p>(a) Except as provided by Subsection (k), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:</p> <ul style="list-style-type: none"> (1) uses, exhibits, or possesses: <ul style="list-style-type: none"> (A) a firearm as defined by Section 46.01(3), Penal Code; (B) an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy; (C) a club as defined by Section 46.01(1), Penal Code; or (D) a weapon listed as a prohibited weapon under Section 46.05, Penal Code; (2) engages in conduct that contains the elements of the offense of: <ul style="list-style-type: none"> (A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code; (B) arson under Section 28.02, Penal Code; (C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder; (D) indecency with a child under Section 21.11, Penal Code; (E) aggravated kidnapping under Section 20.04, Penal Code; (F) aggravated robbery under Section 29.03, Penal Code; (G) manslaughter under Section 19.04, Penal Code; (H) criminally negligent homicide under Section 19.05, Penal Code; or (I) continuous sexual abuse of young child or children under Section 21.02, Penal Code; or (3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.
		<p>A student may be expelled if the student:</p> <ul style="list-style-type: none"> (1) engages in conduct involving a public school that contains 	

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		<p>the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code;</p> <p>(2) while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:</p> <p>(A) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:</p> <p>(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;</p> <p>(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or</p> <p>(iii) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;</p> <p>(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;</p> <p>(C) engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or</p> <p>(D) engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code;</p> <p>(3) subject to Subsection (d), while within 300 feet of school property, as measured from any point on the school's real property boundary line:</p> <p>(A) engages in conduct specified by Subsection (a); or</p> <p>(B) possesses a firearm, as defined by 18 U.S.C. Section 921; or</p> <p>(4) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.</p> <p>(c) A student may be expelled if the student, while placed in an alternative education program for disciplinary reasons, continues to engage in serious or persistent misbehavior that violates the district's student code of conduct.</p> <p>(d) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains</p>	<p>(b) A student may be expelled if the student:</p> <p>(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code ;</p> <p>(2) while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:</p> <p>(A) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:</p> <p>(i) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq. ;</p> <p>(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or</p> <p>(iii) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code ;</p> <p>(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code ;</p> <p>(C) engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code , against a school district employee or a volunteer as defined by Section 22.053 ; or</p> <p>(D) engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code ;</p> <p>(3) subject to Subsection (d), while within 300 feet of school property, as measured from any point on the school's real property boundary line:</p> <p>(A) engages in conduct specified by Subsection (a); or</p> <p>(B) possesses a firearm, as defined by 18 U.S.C. Section 921; or</p> <p>(4) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code , against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.</p> <p>(c) A student may be expelled if the student, while placed in an alternative education program for disciplinary reasons, continues to engage in serious or persistent misbehavior that violates the district's student code of conduct.</p>

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		<p>the elements of any offense listed in Subsection (b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.</p> <p>(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:</p> <ol style="list-style-type: none"> (1) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U. S.C. Section 7801, may modify the length of the expulsion in the case of an individual student; (2) the district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and (3) the district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008. <p>(f) A student who engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, may be expelled at the district's discretion if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.</p> <p>(g) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.</p> <p>(h) Subject to Subsection (e), notwithstanding any other provision of this section, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by this section.</p> <p>(i) A student who engages in conduct described by Subsection (a) may be expelled from school by the district in which the student</p>	<p>(d) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.</p> <p>(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:</p> <ol style="list-style-type: none"> (1) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U. S.C. Section 7801, may modify the length of the expulsion in the case of an individual student; (2) the district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and (3) the district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008. <p>(f) student who engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, may be expelled at the district's discretion if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.</p> <p>(g) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.</p> <p>(h) Subject to Subsection (e), notwithstanding any other provision of this section, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by this section.</p>

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		<p>attends school if the student engages in that conduct:</p> <ul style="list-style-type: none"> (1) on school property of another district in this state; or (2) while attending a school-sponsored or school-related activity of a school in another district in this state. 	<ul style="list-style-type: none"> (i) A student who engages in conduct described by Subsection (a) may be expelled from school by the district in which the student attends school if the student engages in that conduct: <ul style="list-style-type: none"> (1) on school property of another district in this state; or (2) while attending a school-sponsored or school-related activity of a school in another district in this state. (k) A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs: <ul style="list-style-type: none"> (1) at an approved target range facility that is not located on a school campus; and (2) while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department. (l) Subsection (k) does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity described by that subsection.
<p>39.131 changed to 39.102 Page F-9</p>	<p>AMENDED: 81st Leg., ch. 895, Sec. 59, eff. June 19, 2009</p>	<p>§ 39.131. Sanctions for Districts</p> <ul style="list-style-type: none"> (a) If a school district does not satisfy the accreditation criteria under Section 39.071, the academic performance standards under Section 39.072, or any financial accountability standard as determined by commissioner rule, the commissioner shall take any of the following actions to the extent the commissioner determines necessary: <ul style="list-style-type: none"> (1) issue public notice of the deficiency to the board of trustees; (2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the unacceptable performance, the improvements in performance expected by the agency, and the sanctions that may be imposed under this section if the performance does not improve; (3) order the preparation of a student achievement improvement plan that addresses each academic excellence indicator for which the district's performance is unacceptable, the submission of the plan to the commissioner for approval, and implementation of the plan; (4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement; (5) arrange an on-site investigation of the district; (6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees or the 	<p>§ 39.102. Interventions and Sanctions for Districts</p> <ul style="list-style-type: none"> (a) If a school district does not satisfy the accreditation criteria under Section 39.052, the academic performance standards under Section 39.053 or 39.054, or any financial accountability standard as determined by commissioner rule, the commissioner shall take any of the following actions to the extent the commissioner determines necessary: <ul style="list-style-type: none"> (1) issue public notice of the deficiency to the board of trustees; (2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the insufficient performance, the improvements in performance expected by the agency, and the interventions and sanctions that may be imposed under this section if the performance does not improve; (3) order the preparation of a student achievement improvement plan that addresses each student achievement indicator under Section 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and implementation of the plan; (4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement; (5) arrange an on-site investigation of the district; (6) appoint an agency monitor to participate in and report to the

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		<p>superintendent;</p> <p>(7) appoint a conservator to oversee the operations of the district;</p> <p>(8) appoint a management team to direct the operations of the district in areas of unacceptable performance or require the district to obtain certain services under a contract with another person;</p> <p>(9) if a district has a current accreditation status of accredited-warned or accredited-probation, is rated academically unacceptable, or fails to satisfy financial accountability standards as determined by commissioner rule, appoint a board of managers to exercise the powers and duties of the board of trustees;</p> <p>(10) if for two consecutive school years, including the current school year, a district has received an accreditation status of accredited-warned or accredited-probation, has been rated academically unacceptable, or has failed to satisfy financial accountability standards as determined by commissioner rule, revoke the district's accreditation and:</p> <p>(A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or</p> <p>(B) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter; or</p> <p>(11) if a district has been rated academically unacceptable for two consecutive school years, including the current school year, due to the district's dropout rates, impose sanctions designed to improve high school completion rates, including:</p> <p>(A) ordering the development of a dropout prevention plan for approval by the commissioner;</p> <p>(B) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;</p> <p>(C) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and</p> <p>(D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.</p> <p>(b) This subsection applies regardless of whether a district has satisfied the accreditation criteria. If for two consecutive school years, including the current school year, a district has had a conservator or management team assigned, the commissioner may appoint a board of managers, a majority of whom must be residents of the district, to exercise the powers and duties of the board of trustees.</p>	<p>agency on the activities of the board of trustees or the superintendent;</p> <p>(7) appoint a conservator to oversee the operations of the district;</p> <p>(8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;</p> <p>(9) if a district has a current accreditation status of accredited-warned or accredited-probation, fails to satisfy any standard under Section 39.054(e), or fails to satisfy financial accountability standards as determined by commissioner rule, appoint a board of managers to exercise the powers and duties of the board of trustees;</p> <p>(10) if for two consecutive school years, including the current school year, a district has received an accreditation status of accredited-warned or accredited-probation, has failed to satisfy any standard under Section 39.054(e), or has failed to satisfy financial accountability standards as determined by commissioner rule, revoke the district's accreditation and:</p> <p>(A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or</p> <p>(B) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter; or</p> <p>(11) if a district has failed to satisfy any standard under Section 39.054(e) due to the district's dropout rates, impose sanctions designed to improve high school completion rates, including:</p> <p>(A) ordering the development of a dropout prevention plan for approval by the commissioner;</p> <p>(B) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;</p> <p>(C) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and</p> <p>(D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.</p> <p>(b) This subsection applies regardless of whether a district has satisfied the accreditation criteria. If for two consecutive school years, including the current school year, a district has had a conservator or management team assigned, the commissioner may appoint a board of managers, a majority of whom must be</p>

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39.023 Page F-14	AMENDED (e) [Excerpt] Last Amended: 81st Leg., R.S., ch. 895, Sec. 50, eff. June 19, 2009	<p>§ 39.023. Adoption and Administration of Instruments [Excerpt]</p> <p>(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) 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.</p>	<p>residents of the district, to exercise the powers and duties of the board of trustees.</p> <p>§ 39.023. Adoption and Administration of Instruments [Excerpt]</p> <p>(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.</p>