

By: Van de Putte

S.B. No. 1097

A BILL TO BE ENTITLED

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AN ACT

relating to accelerated instruction required to be provided to students before the students may be retained at the third grade level in public schools.

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

SECTION 1. Sections 28.0211(c) and (e), Education Code, are amended to read as follows:

(c) Each time a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a), the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. After a student fails to perform satisfactorily on an assessment instrument a second time, a grade placement committee shall be established to prescribe the accelerated instruction the district shall provide to the student before the student is administered the assessment instrument the third time. The grade placement committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the grade placement committee and the purpose of the committee. An accelerated instruction group

1 administered by a school district under this section may not have a
2 ratio of more than 10 students for each teacher. For purposes of
3 determining the performance of a district on the academic
4 excellence indicator adopted under Section 39.051(b)(7), the
5 commissioner shall include evaluation of a district's provision of
6 accelerated instruction in accordance with this subsection to
7 students at the third grade level and may impose sanctions under
8 Subchapter G, Chapter 39, on a district that fails to comply with
9 this subsection in providing accelerated instruction to those
10 students.

11 (e) Except as otherwise provided by this subsection, a [A]
12 student who, after at least three attempts, fails to perform
13 satisfactorily on an assessment instrument specified under
14 Subsection (a) shall be retained at the same grade level for the
15 next school year in accordance with Subsection (a). The student's
16 parent or guardian may appeal the student's retention by submitting
17 a request to the grade placement committee established under
18 Subsection (c). The school district shall give the parent or
19 guardian written notice of the opportunity to appeal. The grade
20 placement committee may decide in favor of a student's promotion
21 only if the committee concludes, using standards adopted by the
22 board of trustees, that if promoted and given accelerated
23 instruction, the student is likely to perform at grade level. A
24 student may not be promoted on the basis of the grade placement
25 committee's decision unless that decision is unanimous. The
26 commissioner by rule shall establish a time line for making the
27 placement determination. This subsection does not create a

1 property interest in promotion. The decision of the grade
2 placement committee is final and may not be appealed. A student may
3 not be retained at the third grade level under this section unless a
4 district has provided the student with the accelerated instruction
5 required for the student under Subsection (c) in a manner that
6 satisfies the student/teacher ratio prescribed by Subsection (c)
7 and has provided any accelerated reading instruction required for
8 the student under Section 28.006(g)

9 SECTION 2. Section 28.006(j), Education Code, is amended to
10 read as follows:

11 (j) No more than 15 percent of the funds certified by the
12 commissioner under Subsection (i) may be spent on indirect costs.
13 The commissioner shall evaluate the programs that fail to provide
14 accelerated reading instruction as required under Subsection (g) or
15 to meet the standard of performance under Section 39.051(b)(7) and
16 may implement sanctions under Subchapter G, Chapter 39. The
17 commissioner may audit the expenditures of funds appropriated for
18 purposes of this section. The use of the funds appropriated for
19 purposes of this section shall be verified as part of the district
20 audit under Section 44.008.

21 SECTION 3. This Act applies to retention at the third grade
22 level in public schools based on assessment instruments
23 administered during or after the 2002-2003 school year.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2003.