

By: West

S.B. No. 1470

A BILL TO BE ENTITLED

AN ACT

1
2 relating to student eligibility to participate in a high school
3 equivalency program and to authorization of a school district or
4 open-enrollment charter school to operate a program.

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

6 SECTION 1. Section 29.087, Education Code, as added by
7 Chapter 1514, Acts of the 77th Legislature, Regular Session, 2001,
8 is amended by amending Subsections (b), (d), and (f) and adding
9 Subsection (b-1) to read as follows:

10 (b) Any ~~[A]~~ school district or open-enrollment charter
11 school may ~~[not]~~ apply for authorization to operate a program under
12 this section ~~[unless on May 1, 2001, the district or school was~~
13 ~~operating a similar program as authorized by the agency]~~. As part
14 of the application process, the commissioner shall require a
15 district or school to provide information regarding the operation
16 of any ~~[that]~~ similar program during the preceding five years.

17 (b-1) A school district or open-enrollment charter school
18 authorized by the commissioner on or before August 31, 2003, to
19 operate a program under this section may continue to operate that
20 program in accordance with this section.

21 (d) A student is eligible to participate in a program
22 authorized by this section if:

23 (1) the student has been ordered by a court under
24 Article 45.054, Code of Criminal Procedure, as added by Chapter

1 1514, Acts of the 77th Legislature, Regular Session, 2001, or by the
2 Texas Youth Commission to:

3 (A) participate in a preparatory class for the
4 high school equivalency examination; or

5 (B) take the high school equivalency examination
6 administered under Section 7.111; or

7 (2) the following conditions are satisfied:

8 (A) the student is at least 16 years of age at the
9 beginning of the school year or semester;

10 (B) the student is a student at risk of dropping
11 out of school, as defined by Section 29.081;

12 (C) the student and the student's parent or
13 guardian agree in writing to the student's participation;

14 (D) at least two school years have elapsed since
15 the student first enrolled in ninth grade and the student has
16 accumulated less than one half [~~quarter~~] of the credits required to
17 graduate under the minimum graduation requirements of the district
18 or school; and

19 (E) any other conditions specified by the
20 commissioner.

21 (f) A [~~Except as otherwise provided by this subsection, a~~]
22 student participating in a program authorized by this section,
23 other than a student who has been ordered to participate by the
24 Texas Youth Commission under Subsection (d)(1), must have taken the
25 Test of Adult Basic Education (TABE) and performed satisfactorily
26 on that test [~~exit-level assessment instruments specified by~~
27 ~~Section 39.025(a)] before entering the program [~~or must take those~~~~

1 ~~assessment instruments during the first year in which the student~~
2 ~~is enrolled in the program]. The board of trustees of the school~~
3 ~~district or the governing body of the open-enrollment charter~~
4 ~~school operating the program shall adopt a policy that establishes~~
5 ~~the level of performance considered to be satisfactory for purposes~~
6 ~~of this subsection [The commissioner may authorize a student to~~
7 ~~take the assessment instruments required by Section 39.023(a) to be~~
8 ~~administered to students in grade 10 instead of the exit-level~~
9 ~~assessment instruments. A student participating in the program may~~
10 ~~not take the high school equivalency examination unless the student~~
11 ~~has taken the assessment instruments required by this subsection].~~

12 SECTION 2. Subsection (o), Section 29.087, Education Code,
13 as added by Chapter 1514, Acts of the 77th Legislature, Regular
14 Session, 2001, is repealed.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2003.