

AN ACT

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

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

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

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

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

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

(1) the student has been ordered by a court under 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 third [~~quarter~~] of the credits required
17 to graduate under the minimum graduation requirements of the
18 district 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 must
23 have taken the [~~exit-level~~] assessment instruments specified by
24 Section 39.023(a) for grade 9 [~~39.025(a)~~] before entering the
25 program and [~~or~~] must take each grade level [~~these~~] assessment
26 instrument administered [~~instruments~~] during the period [~~first~~
27 year] in which the student is enrolled in the program. [~~The~~

1 ~~commissioner may authorize a student to take the assessment~~
2 ~~instruments required by Section 39.023(a) to be administered to~~
3 ~~students in grade 10 instead of the exit-level assessment~~
4 ~~instruments.]~~ A student participating in the program may not take
5 the high school equivalency examination unless the student has
6 taken the assessment instruments required by this subsection.

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9 Session, 2001, is repealed.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1470 passed the Senate on May 1, 2003, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 30, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1470 passed the House, with amendment, on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor