

By: West

S.B. No. 1589

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the public school finance compensatory education
3 allotment.

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

5 SECTION 1. Section 42.152(c), Education Code, is amended to
6 read as follows:

7 (c) Funds allocated under this section shall be used [~~only~~]
8 to fund supplemental programs and services designed to assist any
9 student performing below grade level and to eliminate any disparity
10 in performance on assessment instruments administered under
11 Subchapter B, Chapter 39, or disparity in the rates of high school
12 completion between students at risk of dropping out of school, as
13 defined by Section 29.081, and all other students. Specifically,
14 the funds, other than an indirect cost allotment established under
15 State Board of Education rule, which may not exceed 15 percent, may
16 be used only to meet the costs of providing a compensatory,
17 intensive, or accelerated instruction program under Section 29.081
18 or an alternative education program established under Section
19 37.008 or to support a program eligible under Title I of the
20 Elementary and Secondary Education Act of 1965, as provided by Pub.
21 L. No. 103-382 and its subsequent amendments, and by federal
22 regulations implementing that Act, at a campus at which at least 50
23 percent of the students are educationally disadvantaged. In
24 meeting the costs of providing a compensatory, intensive, or

1 accelerated instruction program under Section 29.081, a district's
2 compensatory education allotment may be used [~~only~~] for costs
3 supplementary to the regular education program, such as costs for
4 program and student evaluation, instructional materials and
5 equipment and other supplies required for quality instruction,
6 supplemental staff expenses, salary for teachers of at-risk
7 students, smaller class size, and individualized instruction. A
8 district may use funds allocated under this section to pay the cost
9 of modifying a regular education program for students at risk of
10 dropping out of school, as determined by Section 29.081(d). A
11 home-rule school district or an open-enrollment charter school must
12 use funds allocated under Subsection (a) for a purpose authorized
13 in this subsection but is not otherwise subject to Subchapter C,
14 Chapter 29. Notwithstanding any other provisions of this section:

15 (1) to ensure that a sufficient amount of the funds
16 allotted under this section are available to supplement
17 instructional programs and services, no more than 18 percent of the
18 funds allotted under this section may be used to fund disciplinary
19 alternative education programs established under Section 37.008;
20 [~~and~~]

21 (2) the commissioner may waive the limitations of
22 Subdivision (1) upon an annual petition, by a district's board and a
23 district's site-based decision making committee, presenting the
24 reason for the need to spend supplemental compensatory education
25 funds on disciplinary alternative education programs under Section
26 37.008, provided that:

27 (A) the [~~The~~] district [~~shall~~] in its petition

1 reports [~~report~~] the number of students in each grade level, by
2 demographic subgroup, not making satisfactory progress under the
3 state's assessment system; and

4 (B) the [~~The~~] commissioner makes the [~~will~~
5 ~~make this~~] waiver request information available annually to the
6 public on the agency's website; and

7 (3) for purposes of this subsection, an alternative
8 education program specifically designed to serve students at risk
9 of dropping out of school, as defined by Section 29.081, is
10 considered to be a program supplemental to the overall educational
11 program, and a district may use its compensatory education
12 allotment for such a program.

13 SECTION 2. Section 42.152(c), Education Code, as amended by
14 this Act, applies to the use of compensatory education funds
15 allotted under Chapter 42, Education Code, for any school year,
16 including a school year before September 1, 2003.

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