

By: Van de Putte

S.B. No. 1739

A BILL TO BE ENTITLED

AN ACT

relating to requirements applicable to public school alternative education programs.

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

SECTION 1. Section 37.008, Education Code, is amended by amending Subsections (a), (c), (l), and (m) and adding Subsection (n) to read as follows:

(a) Each school district shall provide an alternative education program that:

(1) is provided in a setting other than a student's regular classroom;

(2) is located on or off of a regular school campus;

(3) provides for the students who are assigned to the alternative education program to be separated from students who are not assigned to the program;

(4) includes the following elements to ensure that each student receives meaningful instruction designed to help the student achieve measurable progress in reading, writing [focuses on English language arts], mathematics, science, and history while enrolled in the program:

(A) diagnostic testing administered on the student's first day of program attendance to determine the student's skills and deficiencies in reading, writing, mathematics, science, and history;

1                   (B) a personalized instruction program based on  
2 the results of the diagnostic testing required by Paragraph (A);

3                   (C) periodic reports regarding the student's  
4 academic progress, provided to the student's parent or guardian at  
5 a time and in a manner comparable to the time and manner in which the  
6 district provides information regarding student academic  
7 performance to parents and guardians of students not enrolled in  
8 the program; and

9                   (D) if the student is enrolled at grade level  
10 eight or above, a high school graduation plan that:

11                   (i) is developed in a manner that provides  
12 the student and the student's parents with an opportunity to  
13 participate in development of the plan; and

14                   (ii) may include specific elements for  
15 assisting the student in obtaining a high school equivalency  
16 certificate~~[, and self-discipline];~~

17                   (5) provides for students' ~~[educational and]~~  
18 behavioral needs; and

19                   (6) provides supervision and counseling.

20                   (c) A student assigned to an alternative education program,  
21 including an [An] off-campus alternative education program, is  
22 entitled to each benefit or protection provided to the student by  
23 the No Child Left Behind Act of 2001 (Pub. L. No. 107-110) [is not  
24 ~~subject to a requirement imposed by this title, other than a~~  
25 ~~limitation on liability, a reporting requirement, or a requirement~~  
26 ~~imposed by this chapter or by Chapter 39].~~

27                   (1) A school district is not required to provide in the

1 district's alternative education program a course necessary to  
2 fulfill a student's high school graduation requirements other than  
3 a course specified by Subsection (a) or a course to which the  
4 student is entitled under Subsection (c).

5 (m) A student assigned to an alternative education program  
6 is subject to assessment as provided by Subchapter B, Chapter 39.  
7 The student's performance shall be included in determining the  
8 performance rating under Chapter 39 of the campus and school  
9 district that the student was attending at the time of assignment to  
10 the program. In addition, the [The] commissioner may [shall] adopt  
11 rules necessary to evaluate annually the performance of each  
12 district's alternative education program established under this  
13 subchapter[. The evaluation required by this section shall be  
14 based on indicators defined by the commissioner, but must include  
15 student performance on assessment instruments required under  
16 Sections 39.023(a) and (c). Academically, the mission of  
17 alternative education programs shall be to enable students to  
18 perform at grade level].

19 (n) On return to the student's regular classroom after  
20 placement in an alternative education program, a student is  
21 entitled to all services required to be provided by a school  
22 district under Section 29.081.

23 SECTION 2. Section 37.009(e), Education Code, is amended to  
24 read as follows:

25 (e) A student placed in an alternative education program  
26 under Section 37.002 or 37.006 shall be provided a review of the  
27 student's status, including a review of the student's academic

1 status, by the board's designee at intervals not to exceed 120 days.  
2 In the case of a [~~high school~~] student at grade level eight or  
3 above, the board's designee, with the student's parent or guardian,  
4 shall review the student's progress on the student's [~~towards~~  
5 ~~meeting~~] high school graduation [~~requirements and shall establish a~~  
6 ~~specific graduation~~] plan established under Section  
7 37.008(a)(4)(D) [~~for the student. The district is not required~~  
8 ~~under this subsection to provide in the district's alternative~~  
9 ~~education program a course not specified under Section 37.008(a)]  
10 At the review, the student or the student's parent or guardian must  
11 be given the opportunity to present arguments for the student's  
12 return to the regular classroom or campus. The student may not be  
13 returned to the classroom of the teacher who removed the student  
14 without that teacher's consent. The teacher may not be coerced to  
15 consent.~~

16 SECTION 3. This Act applies beginning with the 2003-2004  
17 school year.

18 SECTION 4. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2003.