

By: Dutton

H.B. No. 3088

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the evaluation of school district disciplinary
3 alternative education programs.

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

5 SECTION 1. Section 37.008, Education Code, is amended by
6 amending Subsection (m) and adding Subsection (n) to read as
7 follows:

8 (m) The commissioner shall adopt rules necessary to
9 evaluate annually the performance of each district's disciplinary
10 alternative education program established under this subchapter.
11 The evaluation required by this section must [~~shall~~] be based on
12 indicators defined by the commissioner, including [~~but must~~
13 ~~include~~] student performance on assessment instruments required
14 under Sections 39.023(a) and (c). The evaluation must include
15 on-site analysis and interpretation of program data by the agency
16 if determined necessary by the commissioner or if an electronic
17 evaluation under Subsection (m-1) indicates the need for on-site
18 evaluation. The academic [~~Academically, the~~] mission of
19 disciplinary alternative education programs must [~~shall~~] be to
20 enable students to perform at grade level.

21 (n) Section 7.027, Education Code, as added by Section 4,
22 Chapter 201, Acts of the 78th Legislature, Regular Session, 2003,
23 does not apply to an evaluation under Subsection (m) or (m-1).

24 SECTION 2. Section 7.027(a), Education Code, as added by

1 Section 4, Chapter 201, Acts of the 78th Legislature, Regular
2 Session, 2003, is amended to read as follows:

3 (a) Except as provided by Section 29.001(5), 29.010(a),
4 37.008, 39.074, or 39.075, the agency may monitor compliance with
5 requirements applicable to a process or program provided by a
6 school district, campus, program, or school granted charters under
7 Chapter 12, including the process described by Subchapter F,
8 Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or
9 I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the
10 use of funds provided for such a program under Subchapter C, Chapter
11 42, only as necessary to ensure:

- 12 (1) compliance with federal law and regulations;
- 13 (2) financial accountability, including compliance
14 with grant requirements; and
- 15 (3) data integrity for purposes of:
- 16 (A) the Public Education Information Management
17 System (PEIMS); and
- 18 (B) accountability under Chapter 39.

19 SECTION 3. This Act applies beginning with the 2005-2006
20 school year.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2005.