

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 426
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Education
5/18/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, there is very little in terms of minimum standards of operation for a school district's disciplinary alternative education programs (DAEP). Under Section 37.008 (Disciplinary Alternative Education Programs), Education Code, the state requires that DAEPs focus on English language arts, mathematics, science, history, and self-discipline, provide for the students' educational and behavioral needs, and provide supervision and counseling.

The drop out rate of DAEP students is over twice the rate for students statewide. Some DAEPs offer as little as two hours per day of instruction, and students in DAEPs generally do very poorly on the TAKS test.

C.S.H.B. 426 provides more specific minimum standards for DAEPs in order to ensure a quality education for students enrolled in those programs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.008, Education Code, by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3), as follows:

(a) Requires each school district to provide a disciplinary alternative education program (DAEP) that employs only teachers who meet all certification requirements established under Subchapter B (Certification of Educators), Chapter 21 (Educators), Education Code, rather than requires that to teach in an off-campus DAEP each teacher meet all certification requirements established under Subchapter B, Chapter 21. Requires each school district to provide a DAEP that provides not less than the minimum amount of instructional time per day required by Section 25.082(a) (relating to a requirement that a school day to be at least seven hours each day), Education Code. Deletes existing text requiring each school district to provide a DAEP that requires each teacher employed by a school district during the 2003-2004 school year or an earlier school year meet, not later than the beginning of the 2005-2006 school year, all certification requirements established under Subchapter B, Chapter 21, notwithstanding Subdivision (7), to teach in a DAEP of any kind.

(a-1) Requires the Texas Education Agency (TEA) to adopt standards for the operation of DAEPs including standards relating to student/teacher ratios, student health and safety, reporting of abuse, neglect, or exploitation of students, training for teachers in behavior management and safety procedures, and planning for a student's transition from a DAEP to a regular campus.

(a-2) Requires TEA, not later than December 15, 2008, to deliver a report to the legislature that provides the estimated costs to the agency of enforcing the standards adopted under Subsection (a-1), including the estimated cost of on-site monitoring to enforce the standards and alternative methods of monitoring compliance with the standards.

(a-3) Provides that Subsection (a-2) and this subsection expire January 15, 2009.

SECTION 2. (a) Makes application of Section 37.008(a), Education Code, as amended by this Act, prospective to the 2007-2008 school year.

(b) Makes application of Section 37.008(a-1), Education Code, as added by this Act, prospective to the 2007-2008 school year.

SECTION 3. Effective date: upon passage or September 1, 2007.