

By: Madden, Strama

H.B. No. 426

A BILL TO BE ENTITLED

1 AN ACT

2 relating to applicability of provisions of the Education Code to
3 and standards for the operation of school district disciplinary
4 alternative education programs.

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

6 SECTION 1. Section 29.081(e), Education Code, is amended to
7 read as follows:

8 (e) A school district may use a private or public
9 community-based dropout recovery education program to provide
10 alternative education programs for students at risk of dropping out
11 of school. The programs must:

12 (1) provide not less than the minimum amount [~~four~~
13 ~~hours~~] of instructional time per day required under Section
14 25.082(a);

15 (2) employ as faculty and administrators persons with
16 baccalaureate or advanced degrees who meet all certification
17 requirements established under Subchapter B, Chapter 21;

18 (3) provide at least one instructor for each 28
19 students;

20 (4) perform satisfactorily according to performance
21 indicators and accountability standards adopted for alternative
22 education programs by the commissioner; and

23 (5) comply with this title and rules adopted under
24 this title except as otherwise provided by this subsection.

1 SECTION 2. Section 37.008, Education Code, is amended by
2 amending Subsections (a) through (c) and adding Subsections (a-1),
3 (a-2), (a-3), and (a-4) to read as follows:

4 (a) Each school district shall provide a disciplinary
5 alternative education program that:

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

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

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

12 (4) focuses on English language arts, mathematics,
13 science, history, and self-discipline;

14 (5) provides for students' educational and behavioral
15 needs;

16 (6) provides supervision and counseling;

17 (7) employs only teachers who ~~[requires that to teach~~
18 ~~in an off-campus disciplinary alternative education program, each~~
19 ~~teacher]~~ meet all certification requirements established under
20 Subchapter B, Chapter 21; and

21 (8) provides not less than the minimum amount of
22 instructional time per day required by Section 25.082(a)
23 ~~[notwithstanding Subdivision (7), requires that to teach in a~~
24 ~~disciplinary alternative education program of any kind, each~~
25 ~~teacher employed by a school district during the 2003-2004 school~~
26 ~~year or an earlier school year meet, not later than the beginning of~~
27 ~~the 2005-2006 school year, all certification requirements~~

1 ~~established under Subchapter B, Chapter 21].~~

2 (a-1) The agency shall adopt standards for the operation of
3 disciplinary alternative education programs. The standards must be
4 designed to enable students placed in a disciplinary alternative
5 education program to perform at grade level and must include
6 standards relating to:

7 (1) student/teacher ratios;

8 (2) student health and safety;

9 (3) reporting of abuse, neglect, or exploitation of
10 students;

11 (4) training for teachers in behavior management and
12 safety procedures; and

13 (5) planning for a student's transition from a
14 disciplinary alternative education program to a regular campus.

15 (a-2) The commissioner shall develop a compliance
16 monitoring system that includes the identification of disciplinary
17 alternative education programs that are at high risk of
18 noncompliance with the standards adopted under Subsection (a-1) and
19 the on-site monitoring of the identified programs. The monitoring
20 system must require the issuance of a monitoring report identifying
21 any areas of noncompliance, a system to track corrective action
22 plans for disciplinary alternative education programs, and a system
23 to track the progression, completion, and verification of
24 corrective action plans. The monitoring system must also allow the
25 issuance, notification, and tracking of findings of noncompliance
26 that are made outside of the normal monitoring process, such as
27 unannounced visits or investigations.

1 (a-3) Not later than December 15, 2008, the agency shall
2 deliver a report to the legislature that provides the estimated
3 costs to the agency of enforcing the standards adopted under
4 Subsection (a-1), including the estimated cost of:

- 5 (1) on-site monitoring to enforce the standards; and
6 (2) alternative methods of monitoring compliance with
7 the standards.

8 (a-4) Subsection (a-3) and this subsection expire January
9 15, 2009.

10 (b) A disciplinary alternative education program may
11 provide for a student's transfer to:

- 12 (1) a different campus;
13 (2) a school-community guidance center under
14 Subchapter B; or
15 (3) a community-based alternative school, including a
16 community-based dropout recovery education program under Section
17 29.081(e).

18 (c) An off-campus disciplinary alternative education
19 program, including a school-community guidance center, a
20 community-based alternative school, or a community-based dropout
21 recovery education program, is not subject to a requirement imposed
22 by this title, other than:

- 23 (1) a limitation on liability;
24 (2) [~~7~~] a reporting requirement;
25 (3) [~~7-01~~] a requirement imposed by this chapter or by
26 Chapter 39; or
27 (4) any other requirement imposed by this title that

1 applies to an on-campus disciplinary alternative education
2 program.

3 SECTION 3. (a) Sections 29.081(e) and 37.008, Education
4 Code, as amended by this Act, apply beginning with the 2007-2008
5 school year.

6 (b) Standards for the operation of school district
7 disciplinary alternative education programs adopted under Section
8 37.008(a-1), Education Code, as added by this Act, apply beginning
9 with the 2007-2008 school year.

10 SECTION 4. 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, 2007.