

By: Madden

H.B. No. 531

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain high school students to take the high school equivalency examination.

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

SECTION 1. Section 37.008, Education Code, is amended by adding Subsection (1-1) to read as follows:

(1-1) A school district shall recommend that a student placed in a disciplinary alternative education program take the high school equivalency examination if:

(1) the student is not likely to receive a high school diploma before the sixth school year following the student's enrollment in grade nine, as determined by the school district;

(2) the student is at least 16 years of age; and

(3) the student's parent or guardian consents to the student taking the high school equivalency examination.

SECTION 2. Section 37.011, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) The juvenile board or the board's designee shall recommend that a student placed in a juvenile justice alternative education program participate in the high school equivalency program offered by the juvenile justice alternative education program if:

(1) the student is not likely to receive a high school diploma before the sixth school year following the student's

1 enrollment in grade nine, as determined by the board or the board's
2 designee;

3 (2) the student is at least 16 years of age; and

4 (3) the student's parent or guardian consents to the
5 student participating in the high school equivalency program.

6 SECTION 3. Section 7.111(a), Education Code, is amended to
7 read as follows:

8 (a) The board shall provide for the administration of high
9 school equivalency examinations, including administration by the
10 adjutant general's department for students described by
11 Subdivision (2)(C). A person who does not have a high school
12 diploma may take the examination in accordance with rules adopted
13 by the board if the person is:

14 (1) over 17 years of age;

15 (2) 16 years of age or older and:

16 (A) is enrolled in a Job Corps training program
17 under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801
18 et seq.) [~~and its subsequent amendments~~];

19 (B) a public agency providing supervision of the
20 person or having custody of the person under a court order
21 recommends that the person take the examination; [~~or~~]

22 (C) is enrolled in the adjutant general's
23 department's Seaborne Challenge Corps; [~~or~~]

24 (D) a school district recommends that the person
25 take the examination as provided by Section 37.008(1-1); or

26 (E) a juvenile board or the board's designee
27 recommends that the person take the examination as provided by

1 Section 37.011(d-1); or

2 (3) required to take the examination under a justice
3 or municipal court order issued under Article 45.054(a)(1)(C), Code
4 of Criminal Procedure.

5 SECTION 4. Section 25.086(a), Education Code, as amended by
6 Chapters 377, 887, and 1339, Acts of the 79th Legislature, Regular
7 Session, 2005, is reenacted and amended to read as follows:

8 (a) A child is exempt from the requirements of compulsory
9 school attendance if the child:

10 (1) attends a private or parochial school that
11 includes in its course a study of good citizenship;

12 (2) is eligible to participate in a school district's
13 special education program under Section 29.003 and cannot be
14 appropriately served by the resident district;

15 (3) has a physical or mental condition of a temporary
16 and remediable nature that makes the child's attendance infeasible
17 and holds a certificate from a qualified physician specifying the
18 temporary condition, indicating the treatment prescribed to remedy
19 the temporary condition, and covering the anticipated period of the
20 child's absence from school for the purpose of receiving and
21 recuperating from that remedial treatment;

22 (4) is expelled in accordance with the requirements of
23 law in a school district that does not participate in a mandatory
24 juvenile justice alternative education program under Section
25 37.011;

26 (5) is at least 17 years of age and:

27 (A) is attending a course of instruction to

1 prepare for the high school equivalency examination, and:

2 (i) has the permission of the child's parent
3 or guardian to attend the course;

4 (ii) is required by court order to attend
5 the course;

6 (iii) has established a residence separate
7 and apart from the child's parent, guardian, or other person having
8 lawful control of the child; or

9 (iv) is homeless as defined by 42 U.S.C.
10 Section 11302; or

11 (B) has received a high school diploma or high
12 school equivalency certificate;

13 (6) is at least 16 years of age and is attending a
14 course of instruction to prepare for the high school equivalency
15 examination, if:

16 (A) the child is recommended to take the course
17 of instruction by a public agency that has supervision or custody of
18 the child under a court order; or

19 (B) the child is enrolled in a Job Corps training
20 program under the Workforce Investment Act of 1998 (29 U.S.C.
21 Section 2801 et seq.);

22 [~~(B) the child is enrolled in a Job Corps~~
23 ~~training program under 29 U.S.C. Section 2881 et seq.~~]

24 (7) is at least 16 years of age and is enrolled in a
25 high school diploma program under Chapter 18;

26 (8) [~~(7)~~] is enrolled in the Texas Academy of
27 Mathematics and Science under Subchapter G, Chapter 105;

1 (9) [~~(8)~~] is enrolled in the Texas Academy of
2 Leadership in the Humanities;

3 (10) [~~(9)~~] is enrolled in the Texas Academy of
4 Mathematics and Science at The University of Texas at Brownsville;

5 (11) [~~(9)~~] is enrolled in the Texas Academy of
6 International Studies;

7 (12) is at least 16 years of age and is attending a
8 course of instruction to prepare for the high school equivalency
9 examination or has been issued a high school equivalency
10 examination, if the child is recommended to take the high school
11 equivalency examination by a school district under Section
12 37.008(1-1) or a juvenile board or the board's designee under
13 Section 37.011(d-1); or

14 (13) [~~(10)~~] is specifically exempted under another
15 law.

16 SECTION 5. This Act applies beginning with the 2007-2008
17 school year.

18 SECTION 6. 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, 2007.