

House Bill 426
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

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

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

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No equivalent provision.

CONFERENCE

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

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

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

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- (2) is located on or off of a regular school campus;
 - (3) provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;
 - (4) focuses on English language arts, mathematics, science, history, and self-discipline;
 - (5) provides for students' educational and behavioral needs;
 - (6) provides supervision and counseling;
 - (7) employs only teachers who [~~requires that to teach in an off campus disciplinary alternative education program, each teacher~~] meet all certification requirements established under Subchapter B, Chapter 21; and
 - (8) provides not less than the minimum amount of instructional time per day required by Section 25.082(a) [~~notwithstanding Subdivision (7), requires that to teach in a disciplinary alternative education program of any kind, 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].~~
- (a-1) The agency shall adopt standards for the operation of disciplinary alternative education programs. The standards must be designed to enable students placed in a disciplinary alternative education program to perform at grade level and must include standards relating to:
- (1) student/teacher ratios;

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- (2) is located on or off of a regular school campus;
 - (3) provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;
 - (4) focuses on English language arts, mathematics, science, history, and self-discipline;
 - (5) provides for students' educational and behavioral needs;
 - (6) provides supervision and counseling;
 - (7) employs only teachers who [~~requires that to teach in an off campus disciplinary alternative education program, each teacher~~] meet all certification requirements established under Subchapter B, Chapter 21; and
 - (8) provides not less than the minimum amount of instructional time per day required by Section 25.082(a) [~~notwithstanding Subdivision (7), requires that to teach in a disciplinary alternative education program of any kind, 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].~~
- (a-1) The agency shall adopt minimum standards for the operation of disciplinary alternative education programs, including standards relating to:
- (1) student/teacher ratios;

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- (2) student health and safety;
- (3) reporting of abuse, neglect, or exploitation of students;
- (4) training for teachers in behavior management and safety procedures; and
- (5) planning for a student's transition from a disciplinary alternative education program to a regular campus.

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

(a-3) Not later than December 15, 2008, the agency shall 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:

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

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- (2) student health and safety;
- (3) reporting of abuse, neglect, or exploitation of students;
- (4) training for teachers in behavior management and safety procedures; and
- (5) planning for a student's transition from a disciplinary alternative education program to a regular campus.

(a-2) Not later than December 15, 2008, the agency shall 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:

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

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

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

(1) a different campus;

(2) a school-community guidance center under Subchapter B; or

(3) a community-based alternative school, including a community-based dropout recovery education program under Section 29.081(e).

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

(1) a limitation on liability;

(2) [;] a reporting requirement;

(3) [~~;~~] a requirement imposed by this chapter or by Chapter 39; or

(4) any other requirement imposed by this title that applies to an on-campus disciplinary alternative education program.

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

(b) Standards for the operation of school district disciplinary alternative education programs adopted under Section 37.008(a-1), Education Code, as added by

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

SECTION 2. (a) Section 37.008(a), Education Code, as amended by this Act, applies beginning with the 2007-2008 school year.

(b) Standards for the operation of school district disciplinary alternative education programs adopted under Section 37.008(a-1), Education Code, as added by

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this Act, apply beginning with the 2007-2008 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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this Act, apply beginning with the 2007-2008 school year.

SECTION 3. Same as House version.

CONFERENCE