

BILL ANALYSIS

C.S.H.B. 3808
By: Farney
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that schools serving large populations of students who have previously dropped out and are recovering credits needed to graduate are not accurately measured under the state's public school accountability system. The parties assert that many of the students served by these schools are removed from the system altogether, meaning such students' accomplishments of staying in school and graduating is never credited to the school as a successful dropout recovery. This puts the schools in danger of being labeled as unacceptable and potentially being shut down merely because they serve the at-risk population they are intended to serve. C.S.H.B. 3808 seeks to address this problem by providing for the evaluation of the performance of public schools designated as dropout recovery schools.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3808 amends the Education Code to require the commissioner of education, for purposes of evaluating district performance using indicators of student achievement, to designate as a dropout recovery school a school district or an open-enrollment charter school or a campus of a district or of an open-enrollment charter school that serves students in grades 9 through 12 and has an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year as reported for the fall semester submission to the Public Education Information Management System (PEIMS) and that meets eligibility requirements for and is registered under alternative education accountability procedures adopted by the commissioner. The bill requires the commissioner to use the alternative completion rate to determine the student achievement indicator for a dropout recovery school and establishes the alternative completion rate as the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.

C.S.H.B. 3808 requires the commissioner, in determining the performance rating of a designated dropout recovery school, to include any student who the commissioner is required to exclude in computing dropout and completion rates with regard to student achievement indicators who graduates or receives a high school equivalency certificate. The bill limits a determination of a dropout recovery school's performance rating with respect to student test performance to a consideration of only the best result from the primary administration and any retake of a test administered to a student in the school year evaluated under the accountability procedures adopted by the commissioner. The bill's provisions apply beginning with the 2013-2014 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3808 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 39.053, Education Code, is amended by amending Subsection (g-1) and adding Subsection (g-2) to read as follows:

No equivalent provision.

(g-1) In computing dropout and completion rates under Subsection (c)(2), the commissioner may not consider as a dropout a student ~~shall exclude~~:

(1) ~~[students]~~ who is ~~[are]~~ ordered by a court to attend a high school equivalency certificate program but who has ~~[have]~~ not yet earned a high school equivalency certificate;

(2) ~~[students]~~ who was ~~[were]~~ previously reported to the state as a dropout ~~[dropouts]~~;

(3) who is ~~[students]~~ in attendance but who is ~~[are]~~ not in membership for purposes of average daily attendance;

(4) ~~[students]~~ whose initial enrollment in a school in the United States in grades 7 through 12 was as an unschooled refugee ~~[refugees]~~ or asylee ~~[asylees]~~ as defined by Section 39.027(a-1);

(5) ~~[students]~~ who is ~~[are]~~ in the district exclusively as a function of having been detained at a county detention facility but is ~~[are]~~ otherwise not a student ~~[students]~~ of the district in which the facility is located; and

(6) ~~[students]~~ who is ~~[are]~~ incarcerated in a state jail or ~~[jails and]~~ federal penitentiary ~~[penitentiaries]~~ as an adult or as a person ~~[adults and as persons]~~ certified to stand trial as an adult ~~[adults]~~.

(g-2) Notwithstanding Subsection (c)(2), in computing completion rates under that subdivision, the commissioner shall include any student described by Subsection (g-1) who graduates, continues attending school into the next academic year, or receives a high school equivalency certificate.

SECTION 2. Section 39.054, Education

No equivalent provision.

Code, is amended by adding Subsection (d-2) to read as follows:

(d-2) In evaluating performance of a dropout recovery school designated under Section 39.0545 or a campus or open-enrollment charter school that is a residential facility, the commissioner shall assign a performance rating in accordance with Subsection (a), provided that the commissioner shall adjust the criteria on which performance is evaluated under Subsection (b) to appropriately evaluate the student population served by the dropout recovery school or residential facility, as appropriate.

SECTION 3. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0545 to read as follows:

Sec. 39.0545. EVALUATING DROPOUT RECOVERY SCHOOLS. (a) For purposes of evaluating performance under Section 39.053(c), the commissioner shall designate as a dropout recovery school a school district or an open-enrollment charter school or a campus of a district or of an open-enrollment charter school:

(1) that has an enrollment of which at least 50 percent of the students are 17 years of age or older as of the fall semester Public Education Information Management System (PEIMS) submission; and

(2) that is registered under alternative education accountability procedures adopted by the commissioner.

(b) Notwithstanding Section 39.053(c)(2), the commissioner shall adopt an alternative computation for the student achievement indicator under Section 39.053(c)(2) for a dropout recovery school. The computation of the completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students.

SECTION 1. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0545 to read as follows:

Sec. 39.0545. EVALUATING DROPOUT RECOVERY SCHOOLS. (a) For purposes of evaluating performance under Section 39.053(c), the commissioner shall designate as a dropout recovery school a school district or an open-enrollment charter school or a campus of a district or of an open-enrollment charter school:

(1) that serves students in grades 9 through 12 and has an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission; and

(2) that meets the eligibility requirements for and is registered under alternative education accountability procedures adopted by the commissioner.

(b) Notwithstanding Section 39.053(c)(2), the commissioner shall use the alternative completion rate under this subsection to determine the student achievement indicator under Section 39.053(c)(2) for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.

(c) Notwithstanding Section 39.053(c)(2), in determining the performance rating under Section 39.054 of a dropout recovery

school, the commissioner shall include any student described by Section 39.053(g-1) who graduates or receives a high school equivalency certificate.

(c) For a dropout recovery school, only the best result from the primary administration and any retake of an assessment instrument administered to a student in the school year evaluated under the accountability procedures adopted by the commissioner may be considered in determining the performance rating of the school under Section 39.054.

SECTION 4. This Act applies beginning with the 2013-2014 school year.

SECTION 5. 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, 2013.

(d) For a dropout recovery school, only the best result from the primary administration and any retake of an assessment instrument administered to a student in the school year evaluated under the accountability procedures adopted by the commissioner may be considered in determining the performance rating of the school under Section 39.054.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.