

## **BILL ANALYSIS**

S.B. 119  
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Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to recent reports, certain school districts, such as El Paso Independent School District, have had certain problems with public corruption. One superintendent is reported to have intentionally placed students in the wrong grade level, pushed some students out of school, and prevented some students from enrolling as part of a district's effort to inflate standardized test scores so that low-performing schools appeared to meet federal and state accountability measures. Interested parties contend that these students need additional attention and help to ensure that they are getting the education that they need.

S.B. 119 seeks to address this concern by creating a program that provides certain students with remedial classes and opportunities to complete the requirements for a high school diploma.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

### **ANALYSIS**

S.B. 119 amends the Education Code to add temporary provisions, set to expire September 1, 2018, to authorize the commissioner of education to require a school district with a student enrollment of at least 60,000 located in a county on the international border with a population of 800,000 or more to operate a special student recovery program if the commissioner has imposed a sanction based on the determination that the district, for the purpose of affecting the performance rating or a distinction designation of the district or a campus in the district, has assigned a student to a grade level to which the student would not otherwise be assigned, in violation of local policy, retained a student at a grade level at which the student would not otherwise be retained, in violation of local policy, declined to admit to the district's schools a student with limited English proficiency who was eligible for admission, or encouraged a student who was eligible for admission to the district to enroll in another district or drop out of school. The bill requires the commissioner to require such a school district to operate a special student recovery program if the district superintendent or assistant superintendent of the district or a principal or an assistant principal of a campus in the district is convicted of or receives a grant of deferred adjudication or community supervision for an offense associated with conduct precipitating operation of a special student recovery program.

S.B. 119 sets out certain required components of a special student recovery program including components related to identification of affected students, notification of identified students, and provision of appropriate instructional services for the identified students. The bill also requires as a component of the program the offer of admission for students who are at least 21 years of age and under 26 years of age to the district's schools to complete the requirements for a high school diploma and makes such a student subject to the restrictions on placing a student of that age with a student who is 18 years of age or younger in a classroom setting, a cafeteria, or another district-sanctioned school activity if such a student has not attended school in the three

preceding school years. The bill authorizes a school district to use district funds provided through the compensatory education allotment to pay for the costs of the program and authorizes the provision of instructional services to students identified as having been affected by the conduct that precipitated the requirement for the district to operate the program using either the district's compensatory allotment funds or other Foundation School Program funds. The bill limits the provision of instructional services to a student who is a Texas resident and is eligible for admission to the schools of the district. The bill requires the commissioner to determine the duration of a special student recovery program, with a required minimum duration of two years. The bill requires the district, before a program may be concluded, to conduct a public hearing in the community served by the school district to solicit comments regarding whether there is a continuing need for the program.

S.B. 119 requires the commissioner to adopt rules necessary to implement the special student recovery program and clarifies that the commissioner's authorization or requirement, as applicable, to require a school district to operate a program applies regardless of whether the district's conduct giving rise to the action occurred before or after the bill's effective date. The bill authorizes the commissioner to waive operation of a program if the conduct occurred at least 10 years before the bill's effective date.

#### **EFFECTIVE DATE**

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