

## **BILL ANALYSIS**

Senate Research Center  
83R620 KKA-D

S.B. 119  
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Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2012, the commissioner of education (commissioner) sanctioned the El Paso Independent School District (EPISD). The sanction was in response to the discovery that EPISD's leaders had directed school staff to engage in illegal practices designed to falsely boost EPISD's performance rating. These practices had the goal of keeping students who were at risk of failing from taking sophomore level tests which count for federal accountability.

Current state law does not adequately provide for the education of students who have been affected by the illegal actions of EPISD. S.B. 119 only affects EPISD. The bill allows the commissioner to require EPISD to operate a special student recovery program if the commissioner finds EPISD has engaged in illegal practices. The illegal practices include assigning students to improper grade levels, retaining students in improper grade levels, declining to admit students with limited English proficiency, and encouraging students to enroll in other districts or drop out of school. The recovery program will identify students affected by these practices, notify these students of available educational services, provide educational services to allow the students to obtain high school equivalency, and admit students to district schools to complete requirements for their diplomas. The program will be paid for by EPISD. After two years, the commissioner will determine the duration of the recovery program. Before the program concludes, the Texas Education Agency will hold a public hearing to gauge the continuing need for the program.

As proposed, S.B. 119 amends current law relating to the operation of special student recovery programs by certain school districts.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 39.117, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 39, Education Code, by adding Section 39.117, as follows:

Sec. 39.117. SPECIAL STUDENT RECOVERY PROGRAM. (a) Provides that this section applies only to a school district with a student enrollment of at least 60,000 that is located in a county on the international border with a population of 800,000 or more.

(b) Authorizes the commissioner of education (commissioner) to require a school district to which this section applies to operate a special student recovery program if the commissioner has a reasonable belief that the district has, for the purpose of affecting the performance rating under Section 39.054 (Methods and Standards for Evaluating Performance) or former Section 39.072 or a distinction designation under Section 39.202 (Academic Excellence Distinction Designation for Districts and Campuses) or 39.203 (Campus Distinction Designations) of the district or a campus in the district:

- (1) assigned a student to a grade level to which the student would not otherwise be assigned;
- (2) retained a student at a grade level at which the student would not otherwise be retained;
- (3) declined to admit to the schools of the district a student with limited English proficiency; or
- (4) encouraged a student to enroll in another district or drop out of school.

(c) Requires the commissioner to require a school district to which this section applies to operate a special student recovery program if the superintendent or assistant superintendent of the district or a principal or assistant principal of a campus in the district is convicted of or receives a grant of deferred adjudication community supervision for an offense associated with conduct described by Subsection (b).

(d) Requires that a special student recovery program include:

- (1) identification of students affected by conduct described by Subsection (b), with an emphasis on identifying and obtaining current addresses for students who dropped out of school after the conduct;
- (2) notification of students identified under Subdivision (1) of the availability of educational services provided through the program;
- (3) provision of appropriate compensatory, intensive, and accelerated instructional services for students identified under Subdivision (1), including services designed to enable students to obtain high school equivalency certificates under Section 7.111 (High School Equivalency Examinations); and
- (4) for students identified under Subdivision (1) who are at least 21 years of age and under 26 years of age, the offer of admission to the schools of the district for the purpose of completing the requirements for a high school diploma, as authorized by Section 25.001 (Admission).

(e) Authorizes a school district, in addition to any other available funds, to use funds provided to the district under Section 42.152 (Creation of Authority) to pay the costs of the program. Authorizes instructional services to be provided to students identified under Subsection (d)(1) who are under 26 years of age using funds provided under Section 42.152 or other Foundation School Program funds, notwithstanding Section 42.003 (Student Eligibility).

(f) Provides that this section requires a school district to provide instructional services only to a student who is eligible for admission to the schools of the district under Section 25.001, including eligibility described by that section for students who are under 26 years of age.

(g) Requires the commissioner to determine the duration of a special student recovery program, provided that the program must have a duration of at least two years. Requires the Texas Education Agency (TEA), before a program may be concluded, to conduct a public hearing in the community served by the school district to solicit comments from students, parents, and other members of the community regarding whether there is a continuing need for the program.

(h) Requires the commissioner to adopt rules necessary to implement the section.

SECTION 2. Provides that Section 39.117, Education Code, as added by this Act, authorizes or requires, as applicable, the commissioner of education to require a school district to operate a special student recovery program regardless of whether the district's conduct giving rise to the commissioner's action occurred before or after the effective date of this Act. Authorizes the commissioner to waive operation of a program if the conduct occurred at least 10 years before the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2013.