

By: Marquez

H.B. No. 209

A BILL TO BE ENTITLED

AN ACT

relating to the operation of special student recovery programs by certain school districts.

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

SECTION 1. Subchapter E, Chapter 39, Education Code, is amended by adding Section 39.117 to read as follows:

Sec. 39.117. SPECIAL STUDENT RECOVERY PROGRAM. (a) 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) The commissioner may 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 or former Section 39.072 or a distinction designation under Section 39.202 or 39.203 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

1 or drop out of school.

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

9 (d) A special student recovery program must include:

10 (1) identification of students affected by conduct
11 described by Subsection (b), with an emphasis on identifying and
12 obtaining current addresses for students who dropped out of school
13 after the conduct;

14 (2) notification of students identified under
15 Subdivision (1) of the availability of educational services
16 provided through the program;

17 (3) provision of appropriate compensatory, intensive,
18 and accelerated instructional services for students identified
19 under Subdivision (1), including services designed to enable
20 students to obtain high school equivalency certificates under
21 Section 7.111; and

22 (4) for students identified under Subdivision (1) who
23 are at least 21 years of age and under 26 years of age, the offer of
24 admission to the schools of the district for the purpose of
25 completing the requirements for a high school diploma, as
26 authorized by Section 25.001.

27 (e) In addition to any other available funds, a school

1 district may use funds provided to the district under Section
2 42.152 to pay the costs of the program. Instructional services may
3 be provided to students identified under Subsection (d)(1) who are
4 under 26 years of age using funds provided under Section 42.152 or
5 other Foundation School Program funds, notwithstanding Section
6 42.003.

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

12 (g) The commissioner shall determine the duration of a
13 special student recovery program, provided that the program must
14 have a duration of at least two years. Before a program may be
15 concluded, the agency must conduct a public hearing in the
16 community served by the school district to solicit comments from
17 students, parents, and other members of the community regarding
18 whether there is a continuing need for the program.

19 (h) The commissioner shall adopt rules necessary to
20 implement this section.

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

1 before the effective date of this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.