

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 imposed a sanction under Section 39.102 based on a determination 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, in violation of local policy;

(2) retained a student at a grade level at which the student would not otherwise be retained, in violation of local policy;

(3) declined to admit to the schools of the district a

1 student with limited English proficiency who was eligible for
2 admission; or

3 (4) encouraged a student who was eligible for
4 admission to the district to enroll in another district or drop out
5 of school.

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

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

14 (1) identification of students affected by conduct
15 described by Subsection (b), with an emphasis on identifying and
16 obtaining current addresses for students who dropped out of school
17 after the conduct;

18 (2) notification of students identified under
19 Subdivision (1) of the availability of educational services
20 provided through the program;

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

26 (4) for students identified under Subdivision (1) who
27 are at least 21 years of age and under 26 years of age, the offer of

1 admission to the schools of the district for the purpose of
2 completing the requirements for a high school diploma, as
3 authorized by Section 25.001.

4 (e) A student who is at least 21 years of age and is admitted
5 to the schools of the district under Subsection (d)(4) is subject to
6 the placement restrictions described by Section 25.001(b-2) if the
7 student has not attended school in the three preceding school
8 years.

9 (f) In addition to any other available funds, a school
10 district may use funds provided to the district under Section
11 42.152 to pay the costs of the program. Instructional services may
12 be provided to students identified under Subsection (d)(1) who are
13 under 26 years of age using funds provided under Section 42.152 or
14 other Foundation School Program funds, notwithstanding Section
15 42.003.

16 (g) This section requires a school district to provide
17 instructional services only to a student who is a resident of this
18 state and is eligible for admission to the schools of the district
19 under Section 25.001, including eligibility described by that
20 section for students who are under 26 years of age.

21 (h) The commissioner shall determine the duration of a
22 special student recovery program, provided that the program must
23 have a duration of at least two years. Before a program may be
24 concluded, the district must conduct a public hearing in the
25 community served by the school district to solicit comments from
26 students, parents, and other members of the community regarding
27 whether there is a continuing need for the program.

1 (i) The commissioner shall adopt rules necessary to
2 implement this section.

3 (j) This section expires September 1, 2018.

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

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

S.B. No. 119

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 119 passed the Senate on April 8, 2013, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 119 passed the House on May 17, 2013, by the following vote: Yeas 134, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor