

1-1 By: Rodriguez S.B. No. 119
 1-2 (In the Senate - Filed November 12, 2012; January 29, 2013,
 1-3 read first time and referred to Committee on Education;
 1-4 April 2, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 2, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 119 By: Seliger

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the operation of special student recovery programs by
 1-22 certain school districts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter E, Chapter 39, Education Code, is
 1-25 amended by adding Section 39.117 to read as follows:

1-26 Sec. 39.117. SPECIAL STUDENT RECOVERY PROGRAM. (a) This
 1-27 section applies only to a school district with a student enrollment
 1-28 of at least 60,000 that is located in a county on the international
 1-29 border with a population of 800,000 or more.

1-30 (b) The commissioner may require a school district to which
 1-31 this section applies to operate a special student recovery program
 1-32 if the commissioner has imposed a sanction under Section 39.102
 1-33 based on a determination that the district has, for the purpose of
 1-34 affecting the performance rating under Section 39.054 or former
 1-35 Section 39.072 or a distinction designation under Section 39.202 or
 1-36 39.203 of the district or a campus in the district:

1-37 (1) assigned a student to a grade level to which the
 1-38 student would not otherwise be assigned, in violation of local
 1-39 policy;

1-40 (2) retained a student at a grade level at which the
 1-41 student would not otherwise be retained, in violation of local
 1-42 policy;

1-43 (3) declined to admit to the schools of the district a
 1-44 student with limited English proficiency who was eligible for
 1-45 admission; or

1-46 (4) encouraged a student who was eligible for
 1-47 admission to the district to enroll in another district or drop out
 1-48 of school.

1-49 (c) The commissioner shall require a school district to
 1-50 which this section applies to operate a special student recovery
 1-51 program if the superintendent or assistant superintendent of the
 1-52 district or a principal or assistant principal of a campus in the
 1-53 district is convicted of or receives a grant of deferred
 1-54 adjudication community supervision for an offense associated with
 1-55 conduct described by Subsection (b).

1-56 (d) A special student recovery program must include:

1-57 (1) identification of students affected by conduct
 1-58 described by Subsection (b), with an emphasis on identifying and
 1-59 obtaining current addresses for students who dropped out of school
 1-60 after the conduct;

2-1 (2) notification of students identified under
2-2 Subdivision (1) of the availability of educational services
2-3 provided through the program;

2-4 (3) provision of appropriate compensatory, intensive,
2-5 and accelerated instructional services for students identified
2-6 under Subdivision (1), including services designed to enable
2-7 students to obtain high school equivalency certificates under
2-8 Section 7.111; and

2-9 (4) for students identified under Subdivision (1) who
2-10 are at least 21 years of age and under 26 years of age, the offer of
2-11 admission to the schools of the district for the purpose of
2-12 completing the requirements for a high school diploma, as
2-13 authorized by Section 25.001.

2-14 (e) A student who is at least 21 years of age and is admitted
2-15 to the schools of the district under Subsection (d)(4) is subject to
2-16 the placement restrictions described by Section 25.001(b-2) if the
2-17 student has not attended school in the three preceding school
2-18 years.

2-19 (f) In addition to any other available funds, a school
2-20 district may use funds provided to the district under Section
2-21 42.152 to pay the costs of the program. Instructional services may
2-22 be provided to students identified under Subsection (d)(1) who are
2-23 under 26 years of age using funds provided under Section 42.152 or
2-24 other Foundation School Program funds, notwithstanding Section
2-25 42.003.

2-26 (g) This section requires a school district to provide
2-27 instructional services only to a student who is a resident of this
2-28 state and is eligible for admission to the schools of the district
2-29 under Section 25.001, including eligibility described by that
2-30 section for students who are under 26 years of age.

2-31 (h) The commissioner shall determine the duration of a
2-32 special student recovery program, provided that the program must
2-33 have a duration of at least two years. Before a program may be
2-34 concluded, the district must conduct a public hearing in the
2-35 community served by the school district to solicit comments from
2-36 students, parents, and other members of the community regarding
2-37 whether there is a continuing need for the program.

2-38 (i) The commissioner shall adopt rules necessary to
2-39 implement this section.

2-40 (j) This section expires September 1, 2018.

2-41 SECTION 2. Section 39.117, Education Code, as added by this
2-42 Act, authorizes or requires, as applicable, the commissioner of
2-43 education to require a school district to operate a special student
2-44 recovery program regardless of whether the district's conduct
2-45 giving rise to the commissioner's action occurred before or after
2-46 the effective date of this Act. The commissioner may waive
2-47 operation of a program if the conduct occurred at least 10 years
2-48 before the effective date of this Act.

2-49 SECTION 3. This Act takes effect immediately if it receives
2-50 a vote of two-thirds of all the members elected to each house, as
2-51 provided by Section 39, Article III, Texas Constitution. If this
2-52 Act does not receive the vote necessary for immediate effect, this
2-53 Act takes effect September 1, 2013.

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