

By: Burns

H.B. No. 2452

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of educational services to certain
3 students receiving treatment at a day treatment center and to the
4 consideration of those students for purposes of accountability and
5 calculating average daily attendance.

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

7 SECTION 1. Section 5.001, Education Code, is amended by
8 adding Subdivision (3-a) to read as follows:

9 (3-a) "Day treatment center" means a psychiatric day
10 treatment facility, as defined by Section 1355.101, Insurance Code,
11 that does not provide residential services.

12 SECTION 2. Subchapter A, Chapter 25, Education Code, is
13 amended by adding Section 25.0012 to read as follows:

14 Sec. 25.0012. CHILDREN RECEIVING SERVICES AT DAY TREATMENT
15 CENTER. (a) A school district or open-enrollment charter school
16 shall provide educational services at a day treatment center to a
17 student enrolled in the district or charter school for whom:

18 (1) a court orders the treatment; or

19 (2) a psychiatrist or a licensed physician certified
20 by the American Board of Psychiatry and Neurology recommends the
21 treatment and specifies the recommended duration of the treatment
22 in a writing provided the district or charter school.

23 (b) A school district or open-enrollment charter school
24 shall maintain a copy of a writing received under Subsection

1 (a)(2).

2 (c) A school district or open-enrollment charter school may
3 contract for the provision of educational services to a student at a
4 day treatment center.

5 SECTION 3. Subchapter C, Chapter 39, Education Code, is
6 amended by adding Section 39.0551 to read as follows:

7 Sec. 39.0551. STUDENT RECEIVING EDUCATION SERVICES AT DAY
8 TREATMENT CENTER CONSIDERED FOR ACCOUNTABILITY PURPOSES. (a)
9 Except as provided by Subsection (b), a student receiving
10 educational services at a day treatment center in accordance with
11 Section 25.0012 is considered a student of the school district or
12 open-enrollment charter school that provides the services to the
13 student for purposes of determining the performance of a school
14 district, campus, or open-enrollment charter school under this
15 chapter, and the performance of such a student on an assessment
16 instrument or other student achievement indicator adopted under
17 Section 39.053 or reporting indicator adopted under Section 39.301
18 shall be determined, reported, and considered in the same manner as
19 the performance of other students enrolled in the district or
20 charter school.

21 (b) A student receiving educational services at a day
22 treatment center in accordance with Section 25.0012 is not
23 considered a student of a school district or open-enrollment
24 charter school for purposes of determining the performance of a
25 school district, campus, or open-enrollment charter school under
26 this chapter if the school district or charter school contracts for
27 the provision of services to that student, as permitted by Section

1 25.0012(c).

2 SECTION 4. Section 42.005, Education Code, is amended by
3 adding Subsection (h) to read as follows:

4 (h) For purposes of calculating average daily attendance, a
5 student receiving treatment at a day treatment center is considered
6 in attendance for each day for which a school district or
7 open-enrollment charter school provides educational services to
8 the student at the day treatment center, in accordance with Section
9 25.0012.

10 SECTION 5. This Act applies beginning with the 2015-2016
11 school year.

12 SECTION 6. 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, 2015.