S.B. No. 668

AN ACT

relating to data collection, reporting, and notice requirements for certain educational entities.

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

ARTICLE 1. DATA COLLECTION, REPORTING, AND UTILIZATION

SECTION 1.01. Section 5.001, Education Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a)  "Child who is homeless," "person who is homeless," and "student who is homeless" have the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

SECTION 1.02.  Section 21.0452(b), Education Code, is amended to read as follows:

(b)  The board shall make available at least the following information regarding each educator preparation program:

(1)  the information specified in Sections 21.045(a) and (b);

(2)  in addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:

(A)  average overall grade point average and average grade point average in specific subject areas; and

(B)  average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;

(3)  the degree to which persons who complete the program are successful in obtaining teaching positions;

(4)  the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:

(A)  students with disabilities; and

(B)  students of limited English proficiency, as defined by Section 29.052;

(5)  the activities offered by the program that are designed to prepare teachers to:

(A)  integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and

(B)  use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;

(6)  for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;

(7)  the percentage of teachers employed under a standard teaching certificate within one year of completing the program;

(8)  the perseverance of beginning teachers in the profession, based on information reported through the Public Education Information Management System (PEIMS) providing [~~as determined on the basis of~~] the number of beginning teachers employed as classroom teachers [~~who maintain status as active contributing members in the Teacher Retirement System of Texas~~] for at least three years after certification in comparison to similar programs;

(9)  the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom;

(10)  the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants; and

(11)  the results of teacher satisfaction surveys developed under Section 21.045 and given to program participants at the end of the first year of teaching.

SECTION 1.03.  Section 25.001(b), Education Code, is amended to read as follows:

(b)  The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, and may admit a person who is at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma, if:

(1)  the person and either parent of the person reside in the school district;

(2)  the person does not reside in the school district but a parent of the person resides in the school district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person;

(3)  the person and the person's guardian or other person having lawful control of the person under a court order reside within the school district;

(4)  the person has established a separate residence under Subsection (d);

(5)  the person is homeless[~~, as defined by 42 U.S.C. Section 11302~~], regardless of the residence of the person, of either parent of the person, or of the person's guardian or other person having lawful control of the person;

(6)  the person is a foreign exchange student placed with a host family that resides in the school district by a nationally recognized foreign exchange program, unless the school district has applied for and been granted a waiver by the commissioner under Subsection (e);

(7)  the person resides at a residential facility located in the district;

(8)  the person resides in the school district and is 18 years of age or older or the person's disabilities of minority have been removed; or

(9)  the person does not reside in the school district but the grandparent of the person:

(A)  resides in the school district; and

(B)  provides a substantial amount of after-school care for the person as determined by the board.

SECTION 1.04.  Section 25.086(a), Education Code, is amended to read as follows:

(a)  A child is exempt from the requirements of compulsory school attendance if the child:

(1)  attends a private or parochial school that includes in its course a study of good citizenship;

(2)  is eligible to participate in a school district's special education program under Section 29.003 and cannot be appropriately served by the resident district;

(3)  has a physical or mental condition of a temporary and remediable nature that makes the child's attendance infeasible and holds a certificate from a qualified physician specifying the temporary condition, indicating the treatment prescribed to remedy the temporary condition, and covering the anticipated period of the child's absence from school for the purpose of receiving and recuperating from that remedial treatment;

(4)  is expelled in accordance with the requirements of law in a school district that does not participate in a mandatory juvenile justice alternative education program under Section 37.011;

(5)  is at least 17 years of age and:

(A)  is attending a course of instruction to prepare for the high school equivalency examination, and:

(i)  has the permission of the child's parent or guardian to attend the course;

(ii)  is required by court order to attend the course;

(iii)  has established a residence separate and apart from the child's parent, guardian, or other person having lawful control of the child; or

(iv)  is homeless [~~as defined by 42 U.S.C. Section 11302~~]; or

(B)  has received a high school diploma or high school equivalency certificate;

(6)  is at least 16 years of age and is attending a course of instruction to prepare for the high school equivalency examination, if:

(A)  the child is recommended to take the course of instruction by a public agency that has supervision or custody of the child under a court order; or

(B)  the child is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.);

(7)  is at least 16 years of age and is enrolled in a high school diploma program under Chapter 18;

(8)  is enrolled in the Texas Academy of Mathematics and Science under Subchapter G, Chapter 105;

(9)  is enrolled in the Texas Academy of Leadership in the Humanities;

(10)  is enrolled in the Texas Academy of Mathematics and Science at The University of Texas at Brownsville;

(11)  is enrolled in the Texas Academy of International Studies; or

(12)  is specifically exempted under another law.

SECTION 1.05.  Section 28.025(i), Education Code, is amended to read as follows:

(i)  If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. [~~In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.~~]

SECTION 1.06.  Section 29.081(d), Education Code, is amended to read as follows:

(d)  For purposes of this section, "student at risk of dropping out of school" includes each student who is under 26 years of age and who:

(1)  was not advanced from one grade level to the next for one or more school years;

(2)  if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

(3)  did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

(4)  if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(5)  is pregnant or is a parent;

(6)  has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(7)  has been expelled in accordance with Section 37.007 during the preceding or current school year;

(8)  is currently on parole, probation, deferred prosecution, or other conditional release;

(9)  was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(10)  is a student of limited English proficiency, as defined by Section 29.052;

(11)  is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(12)  is homeless[~~, as defined by 42 U.S.C. Section 11302, and its subsequent amendments~~]; or

(13)  resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation.

SECTION 1.07.  Section 29.153(b), Education Code, is amended to read as follows:

(b)  A child is eligible for enrollment in a prekindergarten class under this section if the child is at least three years of age and:

(1)  is unable to speak and comprehend the English language;

(2)  is educationally disadvantaged;

(3)  is [~~a~~] homeless [~~child, as defined by 42 U.S.C. Section 11434a~~], regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child;

(4)  is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;

(5)  is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty;

(6)  is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing held as provided by Section 262.201, Family Code; or

(7)  is the child of a person eligible for the Star of Texas Award as:

(A)  a peace officer under Section 3106.002, Government Code;

(B)  a firefighter under Section 3106.003, Government Code; or

(C)  an emergency medical first responder under Section 3106.004, Government Code.

SECTION 1.08.  Section 31.103(b), Education Code, is amended to read as follows:

(b)  A school district or open-enrollment charter school shall make a requisition for instructional material using the online requisition program maintained by the commissioner [~~not later than June 1 of each year~~]. The publisher or manufacturer shall fill a requisition approved by the agency.

SECTION 1.09.  Sections 33.906(a) and (c), Education Code, are amended to read as follows:

(a)  Except as provided by Subsection (e), each school that maintains an Internet website shall post on the website information regarding local programs and services, including charitable programs and services, available to assist [~~homeless~~] students who are homeless.

(c)  A representative of a local program or service available to assist [~~homeless~~] students who are homeless may request to have information concerning the program or service posted on a school's website. A school may determine the information that is posted on the school's website and is not required to post information as requested by the representative.

SECTION 1.10.  Section 38.209(a), Education Code, is amended to read as follows:

(a)  Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with a policy adopted under Section 38.208(a), the school shall report the information required under Subsection (b) to:

(1)  the school district, the charter holder if the school is an open-enrollment charter school, or the governing body of the school if the school is a private school;

(2)  the physician or other person who prescribed the epinephrine auto-injector; and

(3)  [~~the commissioner of education; and~~

[~~(4)~~]  the commissioner of state health services.

SECTION 1.11.  Section 39.0233(a), Education Code, is amended to read as follows:

(a)  The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of questions to be included in an end-of-course assessment instrument administered under Section 39.023(c) to be used for purposes of Subchapter F-1, Chapter 51. The questions adopted under this subsection must be developed in a manner consistent with any college readiness standards adopted under [~~Section 39.233 and~~] Subchapter F-1, Chapter 51.

SECTION 1.12.  Section 39.410(c), Education Code, is amended to read as follows:

(c)  The commissioner shall ensure that an evaluation conducted under this section includes an assessment of whether student achievement has improved. [~~Results of the evaluation shall be provided through the online clearinghouse of information relating to the best practices of campuses and school districts established under Section 7.009.~~]

SECTION 1.13.  Section 2265.001(a), Government Code, is amended to read as follows:

(a)  In this section, "governmental entity" means:

(1)  a board, commission, or department of the state or a political subdivision of the state, including a municipality, a county, or any kind of district other than a school district; or

(2)  an institution of higher education as defined by Section 61.003, Education Code.

ARTICLE 2. OPEN-ENROLLMENT CHARTER SCHOOLS

SECTION 2.01.  Section 12.101, Education Code, is amended by adding Subsection (b-10) to read as follows:

(b-10)  The commissioner by rule shall allow a charter holder to provide written notice of the establishment of a new open-enrollment charter school under Subsection (b-4)(2) up to 18 months before the date on which the campus is anticipated to open. Notice provided to the commissioner under this section does not obligate the charter holder to open a new campus.

SECTION 2.02.  Section 12.1101, Education Code, is amended to read as follows:

Sec. 12.1101.  NOTIFICATION OF CHARTER APPLICATION OR ESTABLISHMENT OF CAMPUS. The commissioner by rule shall adopt a procedure for providing notice to the following persons on receipt by the commissioner of an application for a charter for an open-enrollment charter school under Section 12.110 or of notice of the establishment of a campus as authorized under Section 12.101(b-4):

(1)  the superintendent and the board of trustees of each school district from which the proposed open-enrollment charter school or campus is likely to draw students, as determined by the commissioner; and

(2)  each member of the legislature that represents the geographic area to be served by the proposed school or campus, as determined by the commissioner.

SECTION 2.03.  Section 12.114, Education Code, is amended by adding Subsection (d) to read as follows:

(d)  A charter holder may submit a request for approval for an expansion amendment up to 18 months before the date on which the expansion will be effective. A request for approval of an expansion amendment does not obligate the charter holder to complete the proposed expansion.

ARTICLE 3. REPEALER

SECTION 3.01.  The following provisions of the Education Code are repealed:

(1)  Section 7.009;

(2)  Section 25.007(a-1);

(3)  Section 39.233; and

(4)  Section 44.903.

ARTICLE 4. EFFECTIVE DATE

SECTION 4.01.  This Act applies beginning with the 2019-2020 school year.

SECTION 4.02.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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I hereby certify that S.B. No. 668 passed the Senate on April 25, 2019, by the following vote:  Yeas 30, Nays 0; May 20, 2019, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 22, 2019, House granted request of the Senate; May 25, 2019, Senate adopted Conference Committee Report by the following vote:  Yeas 29, Nays 1.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 668 passed the House, with amendment, on May 16, 2019, by the following vote:  Yeas 132, Nays 2, two present not voting; May 22, 2019, House granted request of the Senate for appointment of Conference Committee; May 24, 2019, House adopted Conference Committee Report by the following vote:  Yeas 138, Nays 2, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_            Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor