

By: Hughes
(VanDeaver)

S.B. No. 668

A BILL TO BE ENTITLED

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

1 Test (SAT), the American College Test (ACT), or the Graduate Record
2 Examination (GRE), as applicable;

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

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

8 (A) students with disabilities; and

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

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

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

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

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

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

25 (8) the perseverance of beginning teachers in the
26 profession, based on information reported through the Public
27 Education Information Management System (PEIMS) providing [as

1 ~~determined on the basis of]~~ the number of beginning teachers
2 employed as classroom teachers [~~who maintain status as active~~
3 ~~contributing members in the Teacher Retirement System of Texas]~~ for
4 at least three years after certification in comparison to similar
5 programs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (A) resides in the school district; and

27 (B) provides a substantial amount of

1 after-school care for the person as determined by the board.

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

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

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

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

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

18 (4) is expelled in accordance with the requirements of
19 law in a school district that does not participate in a mandatory
20 juvenile justice alternative education program under Section
21 37.011;

22 (5) is at least 17 years of age and:

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

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

27 (ii) is required by court order to attend

1 the course;

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

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

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

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

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

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

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

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

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

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

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

1 (12) is specifically exempted under another law.

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

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

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

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

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

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

27 (3) did not perform satisfactorily on an assessment

1 instrument administered to the student under Subchapter B, Chapter
2 39, and who has not in the previous or current school year
3 subsequently performed on that instrument or another appropriate
4 instrument at a level equal to at least 110 percent of the level of
5 satisfactory performance on that instrument;

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

10 (5) is pregnant or is a parent;

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

14 (7) has been expelled in accordance with Section
15 37.007 during the preceding or current school year;

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

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

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

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

27 (12) is homeless[~~, as defined by 42 U.S.C. Section~~

1 ~~11302, and its subsequent amendments]; or~~

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

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

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

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

15 (2) is educationally disadvantaged;

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

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

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

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

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

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

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

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

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

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

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

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

26 (c) A representative of a local program or service available
27 to assist [~~homeless~~] students who are homeless may request to have

1 information concerning the program or service posted on a school's
2 website. A school may determine the information that is posted on
3 the school's website and is not required to post information as
4 requested by the representative.

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

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

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

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

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

18 [~~4~~] the commissioner of state health services.

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

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

1 Chapter 51.

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

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

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

12 (a) In this section, "governmental entity" means:
13 (1) a board, commission, or department of the state or
14 a political subdivision of the state, including a municipality, a
15 county, or any kind of district other than a school district; or
16 (2) an institution of higher education as defined by
17 Section 61.003, Education Code.

18 ARTICLE 2. OPEN-ENROLLMENT CHARTER SCHOOLS

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

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

27 SECTION 2.02. Section 12.1101, Education Code, is amended

1 to read as follows:

2 Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR
3 ESTABLISHMENT OF CAMPUS. The commissioner by rule shall adopt a
4 procedure for providing notice to the following persons on receipt
5 by the commissioner of an application for a charter for an
6 open-enrollment charter school under Section 12.110 or of notice of
7 the establishment of a campus as authorized under Section
8 12.101(b-4):

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

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

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

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

23 ARTICLE 3. REPEALER

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

- 26 (1) Section 7.009;
27 (2) Section 25.007(a-1);

1 (3) Section 39.233; and

2 (4) Section 44.903.

3 ARTICLE 4. EFFECTIVE DATE

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

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