87R3028 JES-F

By:  González of El Paso H.B. No. 823

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of chronically absent students as students at risk of dropping out of school and the collection and reporting of data regarding those students.

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

SECTION 1.  Section 29.081(d), Education Code, as amended by Chapters 403 (S.B. 1746), 597 (S.B. 668), and 1060 (H.B. 1051), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(d)  For purposes of this section, "student at risk of dropping out of school" includes each student who:

(1)  is under 26 years of age and who:

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

(B)  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;

(C)  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;

(D)  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;

(E)  is pregnant or is a parent;

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

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

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

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

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

(K)  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;

(L)  is homeless;

(M)  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; [~~or~~]

(N) [~~(14)~~]  has been incarcerated or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Section 1.07, Penal Code; or

(O)  is a chronically absent student, as defined by Section 48.009; or

(2)  regardless of the student's age, participates in an adult education program provided under a high school diploma and industry certification charter school program under Section 29.259.

SECTION 2.  Section 48.009, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (c-1) to read as follows:

(a)  In this section:

(1)  "Chronically absent student" means a student who is absent from school for more than 10 percent of the days within:

(A)  a school year; or

(B)  a six-week grade reporting period.

(2)  "Full-time [~~,"full-time~~] equivalent school counselor" means 40 hours of counseling services a week.

(b)  The commissioner by rule shall require each school district and open-enrollment charter school to report through the Public Education Information Management System information regarding:

(1)  the number of students enrolled in the district or school who are identified as having dyslexia;

(2)  the availability of school counselors, including the number of full-time equivalent school counselors, at each campus;

(3)  the availability of expanded learning opportunities as described by Section 33.252 at each campus;

(4)  the total number of students, other than students described by Subdivision (5), enrolled in the district or school with whom the district or school, as applicable, used intervention strategies, as that term is defined by Section 26.004, at any time during the year for which the report is made; [~~and~~]

(5)  the total number of students enrolled in the district or school to whom the district or school provided aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), at any time during the year for which the report is made; and

(6)  the total number of chronically absent students enrolled at each campus in the district or school disaggregated by students' race, ethnicity, and status as:

(A)  students enrolled in a special education program;

(B)  students identified as having dyslexia;

(C)  educationally disadvantaged students; and

(D)  students of limited English proficiency as defined by Section 29.052.

(c-1)  The agency shall annually aggregate and make publicly available the data on student chronic absenteeism collected under Subsection (b)(6). The data must:

(1)  be shown at the campus and district aggregate levels; and

(2)  include the percentage of chronically absent students in each demographic category listed under Subsection (b)(6).

SECTION 3.  To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4.  This Act takes effect September 1, 2021.