

By: González of El Paso

H.B. No. 823

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the inclusion of chronically absent students as  
3 students at risk of dropping out of school and the collection and  
4 reporting of data regarding those students.

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

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

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

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

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

15 (B) if the student is in grade 7, 8, 9, 10, 11, or  
16 12, did not maintain an average equivalent to 70 on a scale of 100 in  
17 two or more subjects in the foundation curriculum during a semester  
18 in the preceding or current school year or is not maintaining such  
19 an average in two or more subjects in the foundation curriculum in  
20 the current semester;

21 (C) did not perform satisfactorily on an  
22 assessment instrument administered to the student under Subchapter  
23 B, Chapter 39, and who has not in the previous or current school  
24 year subsequently performed on that instrument or another

1 appropriate instrument at a level equal to at least 110 percent of  
2 the level of satisfactory performance on that instrument;

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

7 (E) is pregnant or is a parent;

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

11 (G) has been expelled in accordance with Section  
12 37.007 during the preceding or current school year;

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

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

18 (J) is a student of limited English proficiency,  
19 as defined by Section [29.052](#);

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

24 (L) is homeless;

25 (M) resided in the preceding school year or  
26 resides in the current school year in a residential placement  
27 facility in the district, including a detention facility, substance

1 abuse treatment facility, emergency shelter, psychiatric hospital,  
2 halfway house, cottage home operation, specialized child-care  
3 home, or general residential operation; ~~[or]~~

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

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

10 (2) regardless of the student's age, participates in  
11 an adult education program provided under a high school diploma and  
12 industry certification charter school program under Section  
13 29.259.

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

17 (a) In this section:

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

20 (A) a school year; or

21 (B) a six-week grade reporting period.

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

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

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

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

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

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

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

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

21 (A) students enrolled in a special education  
22 program;

23 (B) students identified as having dyslexia;

24 (C) educationally disadvantaged students; and

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

27 (c-1) The agency shall annually aggregate and make publicly

1 available the data on student chronic absenteeism collected under  
2 Subsection (b)(6). The data must:

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

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

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

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