

By: Gervin-Hawkins

H.B. No. 46

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, is amended to
7 read as follows:

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

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

11 (A) except as provided by Subsection (h) or if
12 retained for prekindergarten under Section 28.02124, was not
13 advanced from one grade level to the next for one or more school
14 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 an emergent bilingual student, as defined
19 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;

4 (N) has been incarcerated or has a parent or
5 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 enrolled in a school district or
9 open-enrollment charter school, or a campus of a school district or
10 open-enrollment charter school, that is designated as a dropout
11 recovery school under Section 39.0548; or

12 (P) is a chronically absent student, as defined
13 by Section 48.009; or

14 (2) regardless of the student's age, participates in
15 an adult education program provided under the adult high school
16 charter school program under Subchapter G, Chapter 12.

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

20 (a) In this section:

21 (1) "Chronically absent student" means a student who
22 is absent from school for more than 10 percent of the minutes of
23 school operation time allocated under Section 25.081 for
24 instruction within:

25 (A) a school year; or

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

27 (2) "Full-time [~~,"full-time]~~ equivalent school

1 counselor" means 40 hours of counseling services a week.

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

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

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

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

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

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

23 (6) disaggregated by campus and grade, the number of:

24 (A) children who are required to attend school
25 under Section 25.085, are not exempted under Section 25.086, and
26 fail to attend school without excuse for 10 or more days or parts of
27 days within a six-month period in the same school year;

1 (B) students for whom the district initiates a
2 truancy prevention measure under Section 25.0915(a-4); and

3 (C) parents of students against whom an
4 attendance officer or other appropriate school official has filed a
5 complaint under Section 25.093; ~~and~~

6 (7) the number of students who are enrolled in a high
7 school equivalency program, a dropout recovery school, or an adult
8 education program provided under a high school diploma and industry
9 certification charter school program provided by the district or
10 school and who:

11 (A) are at least 18 years of age and under 26
12 years of age;

13 (B) have not previously been reported to the
14 agency as dropouts; and

15 (C) enroll in the program at the district or
16 school after not attending school for a period of at least nine
17 months; and

18 (8) 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) emergent bilingual students, as defined by
26 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)(8). 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)(8).

8 SECTION 3. This Act takes effect on the 91st day after the
9 last day of the legislative session.