

- SUBJECT:** Special instruction for at-risk students in public schools
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 9 ayes — Sadler, Dutton, Dunnam, Grusendorf, Hardcastle, Hochberg, Oliveira, Olivo, Smith
- 0 nays
- WITNESSES:** For — Jesus Chavez, South Texas School Association; Teresa Flores, La Joya Independent School District; Ken McCraw, La Mesa Independent School District; Lisandro Ramón, Lyford Consolidated Independent School District; Lico Reyes, LULAC District III
- Against — None
- On — David Anderson, Texas Education Agency; Dick Lavine, Center for Public Policy Priorities
- BACKGROUND:** Education Code, sec. 29.081 requires each school district to use the student performance data from basic academic skills assessment instruments and achievement tests to design and implement appropriate compensatory or accelerated instructional services for students considered to be at risk in the district's schools. Chapter 39 establishes guidelines and procedures for academic assessment instruments and school district accountability.
- DIGEST:** CSHB 970 would require school districts to use school performance data to design and implement intensive instruction so that students would perform at grade level by the end of the school term. It would require each school district to evaluate the effectiveness of accelerated instruction in reducing any disparity in performance on academic skills assessment or the rates of high school completion between at-risk students and all other district students.
- The bill would expand the definition of at-risk student as one who:

- ! is not a special education student, unless at-risk instruction is deemed appropriate;
- ! is under 21 years old;
- ! has not advanced to the next grade level for one or more years;
- ! is in grades 7-12 and has not maintained at least a 70 average in two or more core curriculum subjects;
- ! has not performed satisfactorily on an academic skills assessment;
- ! is in pre-kindergarten through 3rd grade and has not performed satisfactorily on a skills assessment;
- ! is pregnant or is a parent;
- ! has been placed in an alternative education program for committing a crime laid out in Education Code, sec. 37.006 on or within 300 feet of school property;
- ! has been expelled from school;
- ! is on parole, probation, deferred prosecution, or another conditional release;
- ! previously was reported officially to have dropped out of school;
- ! speaks limited English;
- ! is in foster care or has been referred to the Department of Protective and Regulatory Services;
- ! is homeless; or
- ! lives or lived in a residential placement facility.

The number of students receiving at-risk services during a school year could not exceed 10 percent of the number of at-risk students who received services the preceding year.

CSHB 970 would require the education commissioner to produce a comprehensive annual, rather than biennial, report of academic progress by December 1 of each year. The report would have to include:

- ! a summary of overall performance of students in alternative education programs on academic skills assessments;
- ! a summary of overall performance of at-risk students on academic skills assessments;
- ! completion and dropout rates;
- ! number and percentage of student grade-level retention;
- ! information regarding students in alternative education programs; and

! a comparison of open-enrollment charter schools and school districts based on academic excellence indicators.

The education commissioner would have to adopt accountability measures to assess the progress of students who performed unsatisfactorily on academic skills assessments during the preceding school year.

The Texas Education Agency (TEA) would have to consider the progress of students who had performed unsatisfactorily on academic skills assessments during the preceding school year when determining a school district's accreditation rating. TEA no longer would have to submit an interim report of information in the comprehensive annual report.

Funds allocated for compensatory education allotments could be used only to fund supplemental programs and services designed to eliminate disparity in academic skills assessment performance or in rates of high school completion between at-risk students and all other students. The funds specifically could be used to meet the costs of a compensatory, intensive, or accelerated program or an alternative education program.

The education commissioner would have to grant a school district a one-year exemption from the requirements of a compensatory education allotment if a group of students who had performed unsatisfactorily on academic skills assessments in the preceding school year later performed satisfactorily. Each year, the commissioner would have to determine if a school district would be entitled to an exemption. This requirement would apply beginning with the 2003-04 school year and would expire September 1, 2004.

The education commissioner would have to form a committee to conduct a study using specifically appropriated funds. The study would have to examine effective public education compensatory education programs for at-risk students and effective higher education developmental programs for the Texas Academic Skills Program. The bill would establish membership and duties of the committee, which would have to submit the study to the Legislature not later than December 1, 2002. The committee would be abolished and this section would expire January 1, 2003.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

NOTES:

The committee substitute changed the filed version by:

- ! requiring that compensatory, intensive, or accelerated instruction enable to students to perform at grade level at the conclusion of the next regular school term;
- ! requiring TEA to prepare and deliver a comprehensive report annually, rather than biennially;
- ! requiring excellence indicators to include completion rates and percentage rather than number of the students who are provided accelerated instruction; and
- ! requiring the education commissioner to adopt accountability measures to be used in assessing student progress.