

BILL ANALYSIS

Senate Research Center

C.S.S.B. 702
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Education
4/27/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas law defines a “student at risk of dropping out of school” by age rather than grade level for students in grade levels higher than seventh grade. This definition is used in determining portions of a school district’s funding. C.S.S.B. 702 expands the definition of “student at risk of dropping out of school,” and sets forth guidelines for administering and funding of a compensatory and accelerated instruction program in public schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the to the commissioner of education in SECTION 5 (Section 39.051, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to section 29.081, Education Code, as follows:

Sec. 29.081. New heading: COMPENSATORY, INTENSIVE, AND ACCELERATED INSTRUCTION.

SECTION 2. Amends Section 29.081, Education Code, by amending Subsections (a), (c), and (d) and adding Subsection (g), as follows,

(a) Requires each school district to use the student performance data resulting from the basic skills assessment instruments and achievement tests administered under Chapter 39B to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district’s schools that enable the students to be performing at grade level at the conclusion of the next regular school term.

(c) Requires each school district to evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on assessment instruments administered under Chapter 39B, or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. Deletes text regarding the dropout rate and increasing achievement in the categories of students listed under Subsection (d).

(d) Sets forth requirements that constitute a “student at risk of dropping out of school.”

(g) Authorizes a student who satisfies local eligibility criteria adopted by the board of trustees of a school district, in addition to students described by Subsection (d), to receive instructional services under this section. Prohibits the number of students receiving services under this subsection during a school year from exceeding 10 percent of the number of students described by Subsection (d) who received services from the district during the preceding school year.

SECTION 3. Amends Section 39.027(e), Education Code, to require the performance under the assessment system developed under this subsection of students to whom Subsection (a)(3) applies to

be included in the academic excellence indicator system under Section 39.051, the performance report under Section 39.053, and the comprehensive annual, rather than biennial, report under Section 39.182.

SECTION 4. Amends Section 39.051(b), Education Code, as amended by Chapters 396, 397, and 1422, Acts of the 76th Legislature, Regular Session, 1999, to require the indicators to be based on information that is disaggregated by race, ethnicity, gender, (rather than sex), and socioeconomic status requires the indicators to include certain information.

SECTION 5. Amends Section 39.051, Education Code, by adding Subsection (g), to require the commissioner of education (commissioner) by rule to adopt accountability measures to be used in assessing the performance of students who have failed to perform satisfactorily in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (l).

SECTION 6. Amends Section 39.053, Education Code, as amended by Chapter 510 and 1417, Acts of the 76th Legislature, Regular Session, 1999, delete text regarding annual report. Makes conforming changes.

SECTION 7. Amends Section 39.073(e), Education Code, to make a conforming change regarding factors in determining a district's accreditation rating.

SECTION 8. Amends the heading to Section 39.182, Education Code, to read as follows:

Sec. 39.182. COMPREHENSIVE ANNUAL REPORT.

SECTION 9. Amends Sections 39.182(a) and (b), Education Code, as follows:

(a) Requires the Texas Education Agency (agency), not later than December 1 of each year, to prepare and deliver to certain persons a comprehensive report covering the preceding school year (rather than two school years) and containing certain information. Authorizes the agency, in reporting certain information, to perform certain functions.

(b) Adds a reference to new Subsection (a)(4).

SECTION 10. Amends Section 39.185, Education Code, to delete text referencing Sections 39.182(a)(2), (3), (5), (6), (7), (9), (11), and (13). Makes nonsubstantive changes.

SECTION 11. Amends Section 42.152, Education Code, by amending Subsections, (c), (s), and (t) and adding Subsections (r) and (u), as follows:

(c) Requires funds allocated under this section to be used only for certain purposes. Authorizes a district compensatory education allotment, in meeting the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081, to be used only for certain costs. Requires a home-rule school district or an open-enrollment charter school to use funds allocated under Subsection (a) for a purpose authorized in this subsection, but provides that such a district or school is not otherwise subject to Chapter 29C. Deletes text regarding compensatory education services.

(r) Requires the commissioner to grant a one-year exemption from the requirements of Subsection (g) to a school district in which the group of students who have failed to perform satisfactorily in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (l) subsequently performs on those assessment instruments at a level that meets or exceeds a level prescribed by commissioner rule. Requires the commissioner each year, based on the most recent information available,

to determine if a school district is entitled to an exemption for the following school year and notify the district of that determination.

(s) Provides that Subsection (r) applies beginning with the 2003-2004 school year. Provides that this subsection expires September 1, 2004.

(t) Makes a nonsubstantive change.

(u) Makes nonsubstantive changes.

SECTION 12. (a) Makes application of this Act prospective beginning with the 2001-2002 school year, except as provided by this section.

(b) Provides that Section 39.051(g), Education Code, as added by this Act, and Section 39.053(e), Education Code, as amended by this Act, apply beginning with the 2002-2003 school year.

(c) Provides that Section 39.182, Education Code, as amended by this Act, applies beginning with the report required to be prepared not later than December 1, 2001, except that the Texas Education Agency is required to include information specified under Section 39.182(a)(8)(E), Education Code, as added by this Act, beginning with the report due December 1, 2004, and is required to include, to the extent available, alternative information relating to students who leave school in the reports due in 2001, 2002, and 2003.

SECTION 13. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Amends As Filed S.B. 702 as follows:

Omits original SECTIONS 1-2.

SECTION 1. Redesignates original SECTION 3 as SECTION 1. No changes in text.

SECTION 2. Redesignates original SECTION 4 as SECTION 2. Amends Section 29.081, Education Code, as follows:

(a) Omits proposed new text regarding a high school equivalency certificate.

(c) Makes a conforming change.

(d) Omits proposed new text regarding students eligible to participate in a district's special education program under Section 29.003. Makes nonsubstantive and conforming changes. Omits proposed new text regarding a student who fails to meet a certain attendance requirement.

Omits original proposed Subsection (g) and redesignates original proposed Subsection (h) as Subsection (g) and amends text as follows:

(g) Omits proposed new text prohibiting students receiving services under this subsection from being included in the group of students identified as being at risk of dropping out of school.

Omits original SECTION 5.

SECTION 3. Redesignates original SECTION 6 as SECTION 3. No changes in text.

SECTION 4. Redesignates original SECTION 7 as SECTION 4. Amends text to omit the proposed text “and at-risk status” and make a conforming change. Replaces the text “number of students” with “percentage of students.”

SECTION 5. Redesignates original SECTION 8 as SECTION 5. Amends text to omit original proposed Subsection (g) and add a new Subsection (g).

SECTION 6. Redesignates original SECTION 9 as SECTION 6. Amends text to make conforming changes and omit a reference to Section 29.081.

Adds a new SECTION 7.

SECTION 8. Redesignates original SECTION 10 as SECTION 8. No change in text.

SECTION 9. Redesignates original SECTION 11 as SECTION 9. Amends text to make conforming and nonsubstantive changes. Adds the text “by district.” Adds to and subtracts from the list of items required to be included in the report.

Adds a new SECTION 10.

SECTION 11. Redesignates original SECTION 12 as SECTION 11. Omits original proposed amendment of Section 42.152(b). Amends text as follows:

(c) Makes a conforming change. Adds the text “only.” Adds the text “at a campus at which at least 50 percent of the students are educationally disadvantaged.”

(r) Changes the conditions under which the commissioner is required to grant an exemption from Subsection (g) to a school district. Omits proposed text regarding a deadline for the commissioner’s decision.

Omits original SECTIONS 13 - 14.

SECTION 12. Redesignates original SECTION 15 as SECTION 12. Omits original proposed Subsection (b). Omits text regarding the Texas Education Agency computing information relating to students at risk of dropping out of school. Makes conforming changes.

SECTION 13. Redesignates original SECTION 16 as SECTION 13. No change in text.