

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1455
By: West
Education
4/23/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law narrowly 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. The definition is used in determining portions of a school district’s funding. This bill would expand the definition of a “student at risk of dropping out of school,” and set forth guidelines for administration and funding of a compensatory and accelerated instruction program in public schools.

PURPOSE

As proposed, C.S.S.B. 1455 sets forth guidelines for administration and funding of a compensatory, intensive, and accelerated instruction program in public schools.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the commissioner of education in SECTIONS 2 and 6 (Sections 39.051(g) and 42.152, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.081, Education Code, by amending the heading and Subsection (a), (c), and (d) and adding Subsections (g), (h), and (i), as follows:

Sec. 29.081. New heading: COMPENSATORY, INTENSIVE, AND ACCELERATED INSTRUCTION. Requires each school district to use student performance data to design and implement appropriate compensatory, intensive, or accelerated instructional services for students that enable the students to perform at grade level at the conclusion of the next regular school term or to be prepared to obtain a high school equivalency certificate. Requires each school to evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on assessment instruments or disparity in the rates of high school completion or receipt of a high school equivalency certificate between students at risk of dropping out of school and all other district students. Redefines “student at risk of dropping out of school.” Prohibits a school district from placing a student in a program to obtain a high school equivalency certificate unless certain conditions are met. Authorizes a student eligible to participate in a district’s special education program under Section 29.003 to receive instructional services if such action is determined appropriate by the student’s admission, review, and dismissal committee. Authorizes a student who satisfies local eligibility criteria adopted by the board of trustees of the school district to receive instructional services under this section. Prohibits the number of students receiving instructional services from exceeding 10 percent of the number of students described by Subsection (d) who received instructional services during the preceding school year. Prohibits students receiving services under this subsection from being included in the group of students who are identified as being at risk of dropping out of school. Deletes text regarding the dropout rate.

SECTION 2. Amends Section 39.051, Education Code, by amending Subsection (b) and adding Subsection (g), to require indicators adopted under this section to be based on information that is disaggregated by gender, socioeconomic, and at risk status under Section 29.081, and must include dropout and completion rates and certain other information, rather than with respect to sex. Requires the commissioner of education (commissioner), by rule, to: adopt accountability measures to be used in assessing the performance of students at risk of dropping out of school; specify the level of student performance on the accountability measures that is necessary for a campus or district to obtain a certain performance rating; and determine appropriate methods of integrating student performance on the

accountability measures into the statewide public school accountability program.

SECTION 3. Amends Section 39.053(d), Education Code, to authorize a performance report to include socioeconomic status and at-risk status under Section 29.081, rather than economic status. Makes a conforming change.

SECTION 4. Amends the heading to Section 39.182, Education Code, as follows:

Sec. 39.182. New heading: COMPREHENSIVE ANNUAL REPORT.

SECTION 5. Amends Sections 39.182(a) and (b), Education Code, to require the Texas Education Agency (TEA), not later than December 1 of each year, to prepare and deliver a report to certain persons, covering the preceding school year, rather than the preceding two years, and containing: the number of students exempted from the administration of academic skills assessment instruments and the basis of the exemptions; a summary compilation of overall performance of students placed in an alternative education program established under Section 37.008 on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by grade level and subject area, and disaggregated by race, ethnicity, gender, and socioeconomic status; a statement of certain completion rates and the number and percentage of all students who have not been previously accounted for and are not enrolled in a private school, home school, or school in another state; a summary containing information concerning the number and percentage of students retained, and the performance of retained students on assessment instruments required under Section 39.023(a); certain information regarding students placed in an alternative education program established under Section 37.008; a summary of school district compliance with student/teacher ratios and class-size limitations prescribed by Sections 25.111 and 25.112; a summary of the exemptions and waivers granted to school districts under Section 7.056 or 39.112 and a review of the effectiveness of each campus or district following deregulation; an evaluation of the performance of the system of regional education service centers based on certain indicators and client satisfaction; and a comparison of the performance of open-enrollment charter schools and school districts on academic excellence indicators specified in Section 39.051(b), with a separately aggregated comparison of the performance of open-enrollment charter schools granted under Section 12.1011(a)(2) with the performance of school districts. Makes conforming changes.

SECTION 6. Amends Sections 42.152, Education Code, by amending Subsections (b), (c), and (r), and adding Subsection (s), to provide that the number of educationally disadvantaged students is determined in a manner determined by commissioner rule, if the district did not participate in the national school lunch program of free or reduced-price lunches during the preceding school year. Requires funds allocated under this section to be used to fund supplemental programs and services designated to eliminate any disparity in performance on assessment instruments administered under Chapter 39B or disparity in the rates of high school completion or receipt of a high school equivalency certificate between students at risk of dropping out and all other students. Authorizes funds allocated under this section to be used only to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081 (accelerated program), an alternative education program under Section 37.008, or a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382, and by federal regulations implementing that Act. Authorizes a district's compensatory education allotment to be used only for the costs supplementary to the regular education program in meeting the costs of providing an accelerated program. 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, rather than to provide compensatory education services. Requires the commissioner to grant a one-year exemption to a school district in which students identified as being at risk of dropping out of school perform on assessment instruments specified by Section 39.051(b) at levels rated to be academically acceptable. Requires the commissioner to determine and notify a school district of its exemption, based on the most recent information available, not later than March 1 of each year. Provides that Subsection (r) applies beginning with the 2001 - 2002 school year and that this subsection expires September 1, 2002. Deletes text authorizing funds to be spent for certain purposes. Deletes existing Subsection (r). Makes a conforming change.

SECTION 7. Requires the commissioner to form a committee to conduct a study and detailed analysis of effective public education compensatory education programs for students receiving services under Section 29.081, Education Code, or Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.), and effective higher education developmental programs delivered under Section

51.306, Education Code, using funds appropriated for that purpose. Requires the committee formed by the commissioner (committee) to organize and administer the study required by this section. Sets forth the required composition of the committee. Requires the committee to use data collected through certain governmental entities in conducting the study required by this section. Requires the study to examine compensatory and developmental programs in a manner that allows comparison between similar schools and types of students, using information collected locally. Requires the committee to submit the report to the legislature not later than December 1, 2000. Provides that the committee is abolished and this section expires January 1, 2001.

SECTION 8. Repealers: Sections 39.183 and 39.185, Education Code (Regional and District Level Report and Interim Report).

SECTION 9. Provides that this Act applies beginning with the 1999 - 2000 school year, except as otherwise provided by this Act. Provides that Sections 39.051(g) and 39.053(d), Education Code, apply beginning with the 2000 - 2001 school year. Provides that Section 39.182 applies beginning with the report required to be prepared not later than December 1, 1999, except that TEA in computing information for inclusion in reports due December 1, 1999 and 2000, may determine appropriate information based on Section 29.081, Education Code, as it existed before amendment by this Act. Requires TEA to include information specified under Section 39.182(a)(7)(E), Education Code, beginning with the report due December 1, 2002, and to include alternative information relating to students who leave school in the reports due in 1999, 2000, and 2001.

SECTION 10. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Provides that this Act relates to compensatory, intensive, and accelerated education in public schools

SECTION 1.

Amends the heading of Section 29.081, Education Code.

Amends Section 29.081, Education Code, to require each school district to use student performance data to design and implement appropriate compensatory, intensive, or accelerated instructional services for students. Requires each school to evaluate and document the effectiveness of the accelerated instruction. Redefines "student at risk of dropping out of school." Prohibits a school district from placing a student in a program to obtain a high school equivalency certificate unless certain conditions are met. Authorizes a student eligible to participate in a district's special education program under Section 29.003 to receive instructional services if such action is determined appropriate by the student's admission, review, and dismissal committee. Authorizes a student who satisfies local eligibility criteria adopted by the board of trustees of the school district to receive instructional services under this section. Prohibits the number of students receiving instructional services from exceeding 10 percent of the number of students described by Subsection (d) who received instructional services during the preceding school year. Prohibits students receiving services under this subsection from being included in the group of students who are identified as being at risk of dropping out of school.

SECTION 2.

Amends Section 39.051, Education Code, to require indicators adopted under this section to be based on information that is disaggregated by gender, socioeconomic, and at risk status under Section 29.081, and must include dropout and completion rates and certain other information, rather than with respect to sex. Requires the commissioner, by rule, to adopt accountability measures and procedures for their use to be used in assessing the performance of students at risk of dropping out of school.

SECTION 3.

Amends Section 39.053(d), Education Code, to authorize a performance report to include socioeconomic status and at-risk status under Section 29.081. Makes a conforming change.

SECTION 4.

Amends the heading of Section 39.182, Education Code.

SECTION 5.

Amends Section 39.182, Education Code to set forth information required to be included in a comprehensive report covering the preceding school year and to be delivered to certain persons and offices of the state government. Makes conforming changes.

SECTION 6.

Amends Sections 42.152, Education Code, to provide that the number of educationally disadvantaged students is conditionally determined in a manner determined by commissioner rule. Requires funds allocated under this section to be used to fund supplemental programs and services designated to eliminate any disparity in performance on assessment instruments administered under Chapter 39B or disparity in the rates of high school completion or receipt of a high school equivalency certificate between students at risk of dropping out and all other students. Authorizes funds allocated under this section to be used only to meet the costs of providing an accelerated program, an alternative education program under Section 37.008, or a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382, and by federal regulations implementing that Act. Authorizes a district's compensatory education allotment to be used only for the costs supplementary to the regular education program in meeting the costs of providing an accelerated program. Provides that Subsection (r) applies beginning with the 2001 - 2002 school year and that this subsection expires September 1, 2002. Makes a conforming change. Deletes proposed SECTION 6.

SECTION 7.

Requires the commissioner to form a committee to conduct a study and detailed analysis of effective public education compensatory education programs for students receiving services under Section 29.081, Education Code, or Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.), and effective higher education developmental programs delivered under Section 51.306, Education Code, using funds appropriated for that purpose. Requires the committee to organize and administer the study required by this section. Sets forth the required composition of the committee. Requires the committee to use data collected through certain governmental entities in conducting the study required by this section. Requires the study to examine compensatory and developmental programs in a manner that allows comparison between similar schools and types of students, using information collected locally. Requires the committee to submit the report to the legislature not later than December 1, 2000. Provides that the committee is abolished and this section expires January 1, 2001.

SECTION 8.

Repeals Sections 39.183 and 39.185, Education Code.

SECTION 9.

Provides that this Act applies beginning with the 1999 - 2000 school year, except as otherwise provided by this Act. Provides that Sections 39.051(g) and 39.053(d), Education Code, apply beginning with the 2000 - 2001 school year. Provides that Section 39.182 applies beginning with the report required to be prepared not later than December 1, 1999, except that TEA in computing information for inclusion in reports due December 1, 1999 and 2000, may determine appropriate information based on Section 29.081, Education Code, as it existed before amendment by this Act. Requires TEA to include information specified under Section 39.182(a)(7)(E),

Education Code, beginning with the report due December 1, 2002, and to include alternative information relating to students who leave school in the reports due in 1999, 2000, and 2001.

SECTION 10.

Redesignated from SECTION 7.