

## **BILL ANALYSIS**

Senate Research Center  
79R9359 BDH-D

S.B. 1359  
By: West, Royce  
Education  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, Chapter 37.008(m), Education Code, requires the Texas Education Agency (TEA) commissioner (commissioner) to adopt rules needed to further evaluate the performance of each district's disciplinary alternative education program (DAEP). Current law requires that the student performance on the Chapter 39.023(a) and (c), Education Code, be included. Section 39.023(a), Education Code, deals with the assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Section 39.023(c), Education Code, deals with the secondary exit-level assessment instrument in mathematics, English language arts, social studies, and science. TEA is not conducting the evaluations of disciplinary alternative education programs required under Section 37.008(m), Education Code, because of limitations on compliance monitoring under Section 7.027, Education Code.

As proposed, S.B. 1359 establishes additional reporting requirements meant to achieve better monitoring of DAEPs and to ensure that the programs are fulfilling their mandated mission of enabling "students to perform at grade level. Over 103,696 students were placed in DAEPs during the 2003-04 academic year. The placements ranged from one to 360 days or more. The type of instruction in these programs is largely tutorial in nature, with certified teachers just recently being required in these programs.

Since the 78th Legislature, Regular Session, 2003, TEA oversight of these programs has significantly decreased. There is no on-site evaluation. There is no clear knowledge of what types of instructional practices are used. School districts are largely permitted to establish such programs with no oversight and minimal reporting requirements. Furthermore, current law does not provide for a comprehensive analysis of the educational standards, not even through the state's accountability laws.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 37.008(m), Education Code, to provide that the evaluation required by this section is to be based on indicators defined by the commissioner of education (commissioner), but is required to include the performance of students in the disciplinary alternative education program (program) on assessment instruments administered, rather than required, under Sections 39.023(a), (b), (c), and (d), and a comparative analysis of the performance on the assessments instruments of students in the program with students in the regular education program.

SECTION 2. Amends Section 39.182(a), Education Code, to require the Texas Education Agency, not later than December 1 of each year, to prepare and deliver to certain officials a comprehensive report covering the preceding school year and containing a summary compilation of overall performance of students placed in a disciplinary alternative education program established under Section 37.008 on academic skills assessment instruments administered under Section 39.021 (a), (b), (c), and (d) with the number of those students exempt from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate analysis, including evaluation described by Section

37.008(m), and disaggregated by mandatory or discretionary placement in the program, race, ethnicity, gender, status as a student with a disability, status as a student of limited English proficiency, status as a migratory child as defined by 20 U.S.C. Section 6399, and socioeconomic status. Makes conforming changes.

SECTION 3. Makes application of this Act prospective to the 2005-2006 school year.

SECTION 4. Effective date: upon passage or September 1, 2005.