

## **BILL ANALYSIS**

Senate Research Center  
83R10171 PAM-F

S.B. 1538  
By: Van de Putte; Lucio  
Education  
3/20/2013  
As Filed

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

Schools that serve a large population of students who have previously dropped out and are recovering credits to graduate are not accurately measured in the Texas accountability system. Many of the students served by these schools are simply removed from the accountability system altogether and therefore, their ultimate accomplishment of staying in school and graduating is never counted as a success for the school. This puts these schools in danger of being labeled as unacceptable and potentially shut down merely because they serve the dropout population they intended to serve.

S.B. 1538 will allow the accountability system to more accurately measure schools that serve a dropout population, and will designate these schools as dropout recovery schools. This designation will allow these schools to continue to serve students who have, at first, not succeeded for one reason or another, and it gives them a chance to continue and graduate ready for postsecondary education and/or the workforce. In addition, this legislation adds students into the accountability system in order to measure their achievement.

As proposed, S.B. 1538 amends current law relating to evaluating the performance, including computing dropout and completion rates, of public schools, including schools designated as dropout recovery schools and residential facilities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is previously granted to the commissioner of education is modified in SECTION 2 (Section 39.054, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 39.053, Education Code, by amending Subsection (g-1) and adding Subsection (g-2), as follows:

(g-1) Prohibits the commissioner of education (commissioner), in computing dropout and completion rates under Subsection (c)(2) (relating to the requirement that certain indicators of student achievement include dropout rates), from considering as a dropout a student:

- (1) who is ordered by a court to attend a high school equivalency certificate program but who has not yet earned a high school equivalency certificate;
- (2) who was previously reported to the state as a dropout;
- (3) who is in attendance but who is not in membership for purposes of average daily attendance;
- (4) whose initial enrollment in a school in the United States in grades 7 through 12 was as an unschooled refugee or asylee as defined by Section 39.027(a-1) (defining "unschooled asylee or refugee");

(5) who is in the district exclusively as a function of having been detained at a county detention facility but is otherwise not a student of the district in which the facility is located; and

(6) who is incarcerated in a state jail or federal penitentiary as an adult or as a person certified to stand trial as an adult.

Makes nonsubstantive changes.

(g-2) Requires the commissioner, notwithstanding Subsection (c)(2), in computing completion rates under that subdivision, to include any student described by Subsection (g-1) who graduates, continues attending school into the next academic year, or receives a high school equivalency certificate.

SECTION 2. Amends Section 39.054, Education Code, by adding Subsection (d-2), to require the commissioner, in evaluating performance of a dropout recovery school designated under Section 39.0545 or a campus or open-enrollment charter school that is a residential facility, to assign a performance rating in accordance with Subsection (a) (relating to the requirement that the commissioner adopt rules to evaluate school district and campus performance), provided that the commissioner is required to adjust the criteria on which performance is evaluated under Subsection (b) (relating to the requirement of the commissioner to evaluate against state standards and to consider the performance of each campus and open-enrollment charter school on the basis of the school's or campus's performance on certain student achievement indicators) to appropriately evaluate the student population served by the dropout recovery school or residential facility, as appropriate.

SECTION 3. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0545, as follows:

Sec. 39.0545. EVALUATING DROPOUT RECOVERY SCHOOLS. (a) Requires the commissioner, for purposes of evaluating performance under Section 39.053(c), to designate as a dropout recovery school a school district or an open-enrollment charter school or a campus of a district or of an open-enrollment charter school that has an enrollment of which at least 50 percent of the students are 17 years of age or older as of the fall semester Public Education Information Management System (PEIMS) submission, and that is registered under alternative education accountability procedures adopted by the commissioner.

(b) Requires the commissioner, notwithstanding Section 39.053(c)(2), to adopt an alternative computation for the student achievement indicator under Section 39.053(c)(2) for a dropout recovery school. Requires that the computation of the completion rate be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students.

(c) Authorizes only the best result from the primary administration and any retake of an assessment instrument administered to a student in the school year evaluated under the accountability procedures adopted by the commissioner, for a dropout recovery school, to be considered in determining the performance rating of the school under Section 39.054.

SECTION 4. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 5. Effective date: upon passage or September 1, 2013.