

BILL ANALYSIS

Senate Research Center
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S.B. 1739
By: Van de Putte
Education
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As Filed

DIGEST AND PURPOSE

Current statutes requires an Alternative Education Program (AEP) to include an education focus, but an AEP often emphasizes discipline. According to the Texas Education Agency (TEA), 52 percent of all Disciplinary Alternative Education Programs (DAEP) assignments are high school students and the majority of the students are from grades eight and nine. As proposed, S.B. 1739 ensures accountability that students assigned to Disciplinary Alternative Education Programs receive a meaningful educational experience and the classes necessary to graduate on time.

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, Education Code, by amending Subsections (a), (c), (l) and (m) and adding Subsection (n), as follows:

- (a) Requires each school district to provide an alternative education program that meets certain requirements.
- (c) Provides that a student assigned to an alternative education program, including an off-campus alternative education program, is entitled to each benefit or protection provided to the student by the No Child Left Behind Act of 2001 (Pub. L. No. 107-110), rather than providing that an off-campus alternative education program is not subject to a requirement imposed by this title, other than a limitation on liability, a reporting requirement, or a requirement imposed by this chapter or Chapter 39.
- (l) Makes a conforming change.
- (m) Provides that student assigned to an alternative education program is subject to assessment as provided by Subchapter B, Chapter 39. Requires the student's performance to be included in determining the performance rating under Chapter 39 of the campus and school district that the student was attending at the time of assignment to the program. Authorizes, rather than requires, the commissioner of education, in addition, to adopt rules necessary to evaluate annually the performance of each district's alternative education program established under this subchapter. Deletes text requiring the evaluation to be based on indicators defined by the commissioner.
- (n) Establishes that on return to the student's regular classroom after placement in an alternative education program, a student is entitled to all services required to be provided by a school district under Section 29.081.

SECTION 2. Amends Section 37.009(e), Education Code, to require the board of trustee's designee, with the student's parent or guardian, in the case of a student at grade level eight or above, to review the student's progress on the student's high school graduation plan established under Section 37.008(a)(4)(D). Deletes text regarding the role of the district.

SECTION 3. Provides that this Act applies beginning with the 2003-2004 school year.

SECTION 4. Effective date: upon passage or September 1,2003.