

BILL ANALYSIS

Senate Research Center

H.B. 426
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, there is very little in terms of minimum standards of operation for a school district's disciplinary alternative education programs (DAEP). Under Section 37.008, Education Code, the state requires that DAEPs focus on English language arts, mathematics, science, history, and self-discipline, provide for the students' educational and behavioral needs, and provide supervision and counseling.

The drop out rate of DAEP students is over twice the rate for students statewide. Some DAEPs offer as little as two hours per day of instruction, and students in DAEPs generally do very poorly on the TAKS test.

H.B. 426 provides more specific minimum standards for DAEPs in order to ensure a quality education for students enrolled in those programs.

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 29.081(e), Education Code, to require a private or public community-based dropout recovery education program to provide not less than the minimum amount, rather than four hours, of instructional time per day required under Section 25.082(a), and employ as faculty and administrators persons with baccalaureate or advanced degrees who meet all certification requirements established under Subchapter B (Certification of Educators), Chapter 21.

SECTION 2. Amends Section 37.008, Education Code, by amending Subsections (a) through (c) and adding Subsections (a-1), (a-2), (a-3), and (a-4), as follows:

(a) Requires each school district to provide a disciplinary alternative education program that employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21, rather than requires that to teach in an off-campus disciplinary alternative education program, each teacher meet all certification requirements established under Subchapter B, Chapter 21, and provides not less than the minimum amount of instructional time per day required by Section 25.082(a) (relating to a requirement that a school day be at least seven hours each day). Deletes existing text requiring each school district to provide a disciplinary alternative education program that requires that to teach in a disciplinary alternative education program of any kind, each teacher employed by a school district during the 2003-2004 school year or an earlier school year meet, not later than the beginning of the 2005-2006 school year, all certification requirements established under Subchapter B, Chapter 21, notwithstanding Subdivision (7).

(a-1) Requires the Texas Education Agency (TEA) to adopt standards for the operation of disciplinary alternative education programs. Requires the standards to be designed to enable students placed in a disciplinary alternative education program to perform at grade level and include standards relating to student/teacher ratios, student health and safety, reporting of abuse, neglect, or exploitation of students, training for teachers in

behavior management and safety procedures, and planning for a student's transition from a disciplinary alternative education program to a regular campus.

(a-2) Requires the commissioner of education to develop a compliance monitoring system that includes the identification of disciplinary alternative education programs that are at high risk of noncompliance with the standards adopted under Subsection (a-1) and the on-site monitoring of the identified programs. Requires the monitoring system to require the issuance of a monitoring report identifying any areas of noncompliance, a system to track corrective action plans for disciplinary alternative education programs, and a system to track the progression, completion, and verification of corrective action plans. Requires the monitoring system to also allow the issuance, notification, and tracking of findings of noncompliance that are made outside of the normal monitoring process, such as unannounced visits or investigations.

(a-3) Requires TEA, not later than December 15, 2008, to deliver a report to the legislature that provides the estimated costs to the agency of enforcing the standards adopted under Subsection (a-1), including the estimated cost of on-site monitoring to enforce the standards, and alternative methods of monitoring compliance with the standards.

(a-4) Provides that Subsection (a-3) and this subsection expire January 15, 2009.

(b) Authorizes a disciplinary alternative education program to provide for a student's transfer to a school-community guidance center under Subchapter B, or a community-based alternative school, including a community-based dropout recovery education program under Section 29.081(e).

(c) Provides that an off-campus disciplinary alternative education program, including a school-community guidance center, a community-based alternative school, or a community-based dropout recovery education program, is not subject to a requirement imposed by this title, other than any other requirement imposed by this title that applies to an on-campus disciplinary alternative education program.

SECTION 3. (a) Makes application of Sections 29.081(e) and 37.008, Education Code, as amended by this Act, prospective to the 2007-2008 school year.

(b) Makes application of Section 37.008(a-1), Education Code, as added by this Act, prospective to the 2007-2008 school year.

SECTION 4. Effective date: upon passage or September 1, 2007.