

CHAPTER 907

S.B. No. 393

AN ACT

relating to financial assistance to school districts for programs to improve student achievement and for programs for students who are at risk of dropping out; administration of the equivalency examination pilot program and the investment capital fund; and notification to school districts of births to school-age students.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.2092 to read as follows:

Sec. 11.2092. INVESTMENT CAPITAL FUND. (a) The investment capital fund consists of money transferred to the fund as provided by Section 16.152(m) of this code. The Central Education Agency shall administer the fund. The purpose of this fund is to assist eligible public schools to implement practices and procedures consistent with deregulation and school restructuring in order to improve student achievement and increase parental and community involvement in the schools.

(b) The commissioner of education may make grants from the fund to eligible schools. A school may apply for a grant under rules adopted by the State Board of Education.

(c) A school is eligible to apply for a grant if the school has demonstrated a commitment to campus deregulation and to restructuring educational practices and conditions at the school in partnership with:

- (1) school staff;*
- (2) parents of students at the school;*
- (3) community and business leaders;*
- (4) school district officers;*
- (5) a nonprofit, community-based organization; and*
- (6) the Central Education Agency.*

(d) A grant from the fund shall be made directly to the school and may be used for the training and development of school staff and parents in order that they understand the academic standards and practices necessary for high academic achievement and appropriate strategies to deregulate and restructure the school in order to improve student achievement.

(e) The commissioner of education may make a grant of up to \$25,000 each academic year to an eligible school. Campus administration personnel of a school that receives a grant under this section are accountable to the commissioner of education and must demonstrate:

- (1) the responsible use of the grant to achieve campus deregulation and restructuring to improve academic performance; and*
- (2) a comprehensive plan to engage in on-going development and training of teachers, parents, and community leaders to:*
 - (A) understand academic standards;*

(B) develop effective strategies to improve academic performance; and

(C) organize a large constituency of parents and community leaders to hold the school and school district accountable to achieve high academic standards; and

(3) on-going progress in achieving higher academic performance.

SECTION 2. Subsection (g), Section 16.152, Education Code, is amended to read as follows:

(g) From the total amount of funds appropriated for allotments under this section, the commissioner of education shall, each fiscal year, withhold *an [the] amount to be determined by the commissioner in consultation with the Legislative Education Board, but not less than [ef] \$10,000,000*, and distribute that amount for programs under Section 21.114 of this code. *In distributing those funds, preference shall be given to a school district that received funds for a program under Section 21.114 of this code for the preceding school year.* The program established under that section is required only in school districts in which the program is financed by funds distributed under this section and any other funds available for the program.

SECTION 3. Section 16.152, Education Code, is amended by adding Subsections (m) and (n) to read as follows:

(m) *From the total amount of funds appropriated for allotments under this section, the commissioner of education shall, each fiscal year, withhold the amount of \$1 million for transfer to the investment capital fund under Section 11.2092 of this code.*

(n) *After deducting the amount withheld under Subsection (m) of this section from the total amount appropriated for the allotment under Subsection (a) of this section, the commissioner of education shall reduce each district's allotment under Subsection (a) proportionately and shall allocate funds to each district accordingly.*

SECTION 4. Subsection (a), Section 21.114, Education Code, is amended to read as follows:

(a) A school district may provide an integrated program of educational and support services for students who are pregnant or who are parents ~~[if at least 30 percent of the district's students are of low socioeconomic status, as determined under rules adopted by the State Board of Education].~~

SECTION 5. Subsection (f), Section 21.557, Education Code, is amended to read as follows:

(f) For the purposes of this section, "student at risk of dropping out of school" includes:

(1) each student in grade levels seven through 12 who is under 21 years of age and who:

(A) was not advanced from one grade level to the next two or more school years;

(B) has mathematics or reading skills that are two or more years below grade level;

(C) did not maintain an average equivalent to 70 on a scale of 100 in two or more courses during a semester, or is not maintaining such an average in two or more courses in the current semester, and is not expected to graduate within four years of the date the student begins ninth grade; ~~[or]~~

(D) did not perform satisfactorily on an assessment instrument administered under this subchapter in the seventh, ninth, or twelfth grade; or

(E) is a student who is pregnant or who is a parent;

(2) each student in prekindergarten through grade level six who:

(A) did not perform satisfactorily on a readiness test or assessment instrument administered at the beginning of the school year;

(B) did not perform satisfactorily on an assessment instrument administered under this subchapter in the third or fifth grade;

(C) is a student of limited English proficiency, as defined by Section 21.452 of this code;

(D) is sexually, physically, or psychologically abused;

(E) engages in conduct described by Section 51.03(a), Family Code; or

(F) is otherwise identified as at risk under rules adopted by the State Board of Education; and

(3) each nonhandicapped student who resides in a residential placement facility in a district in which the student's parent or legal guardian does not reside, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster family group home.

SECTION 6. Subchapter A, Chapter 192, Health and Safety Code, is amended by adding Section 192.0031 to read as follows:

Sec. 192.0031. INFORMATION OF BIRTH TO SCHOOL-AGE MOTHER. (a) Notwithstanding Section 3, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), the department shall notify the commissioner of education of each birth to a school-age mother. The commissioner may notify the school district in which a school-age mother resides of each birth to a school-age mother.

(b) The department may not notify the commissioner of a birth to a school-age mother if:

(1) the child died at birth; or

(2) the child was placed for adoption.

(c) A notification under this section must include the name and address of the mother, the father, if the father is of school age and is named on the birth certificate, and the person born. Reports under this section shall be sent at least quarterly.

SECTION 7. Subsections (f) and (g), Section 11.351, Education Code, are repealed.

SECTION 8. This Act applies beginning with the 1993-1994 school year.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 1, 1993: Yeas 27, Nays 1; the Senate concurred in House amendments on May 25, 1993: Yeas 31, Nays 0; passed the House, with amendments, on May 22, 1993: Yeas 107, Nays 12, one present not voting.

Approved June 19, 1993.

Effective June 19, 1993.