

By: Watson

S.B. No. 591

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an adult education program provided under an adult high  
3 school diploma and industry certification charter school program,  
4 eligibility of certain students for Foundation School Program  
5 benefits, and reporting requirements regarding the dropout status  
6 of certain students.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Section 12.137(a), Education Code, is amended to  
9 read as follows:

10 (a) This section applies only to:

11 (1) an open-enrollment charter school designated as a  
12 dropout recovery school as described by Section 12.1141(c) if the  
13 enrollment of the school consists only of students 17 years of age  
14 and older; and

15 (2) an adult education program provided under a high  
16 school diploma and industry certification charter school [~~pilot~~]  
17 program under Section 29.259.

18 SECTION 2. Sections 29.081(d) and (d-1), Education Code,  
19 are amended to read as follows:

20 (d) For purposes of this section, "student at risk of  
21 dropping out of school" includes each student who:

22 (1) is under 26 years of age and who:

23 (A) [~~(1)~~] was not advanced from one grade level  
24 to the next for one or more school years;

1                    (B) [~~(2)~~] if the student is in grade 7, 8, 9, 10,  
2 11, or 12, did not maintain an average equivalent to 70 on a scale of  
3 100 in two or more subjects in the foundation curriculum during a  
4 semester in the preceding or current school year or is not  
5 maintaining such an average in two or more subjects in the  
6 foundation curriculum in the current semester;

7                    (C) [~~(3)~~] did not perform satisfactorily on an  
8 assessment instrument administered to the student under Subchapter  
9 B, Chapter 39, and who has not in the previous or current school  
10 year subsequently performed on that instrument or another  
11 appropriate instrument at a level equal to at least 110 percent of  
12 the level of satisfactory performance on that instrument;

13                    (D) [~~(4)~~] if the student is in prekindergarten,  
14 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on  
15 a readiness test or assessment instrument administered during the  
16 current school year;

17                    (E) [~~(5)~~] is pregnant or is a parent;

18                    (F) [~~(6)~~] has been placed in an alternative  
19 education program in accordance with Section 37.006 during the  
20 preceding or current school year;

21                    (G) [~~(7)~~] has been expelled in accordance with  
22 Section 37.007 during the preceding or current school year;

23                    (H) [~~(8)~~] is currently on parole, probation,  
24 deferred prosecution, or other conditional release;

25                    (I) [~~(9)~~] was previously reported through the  
26 Public Education Information Management System (PEIMS) to have  
27 dropped out of school;

1            (J) [~~(10)~~] is a student of limited English  
2 proficiency, as defined by Section 29.052;

3            (K) [~~(11)~~] is in the custody or care of the  
4 Department of Family and Protective Services or has, during the  
5 current school year, been referred to the department by a school  
6 official, officer of the juvenile court, or law enforcement  
7 official;

8            (L) [~~(12)~~] is homeless, as defined by 42 U.S.C.  
9 Section 11302, and its subsequent amendments; or

10           (M) [~~(13)~~] resided in the preceding school year  
11 or resides in the current school year in a residential placement  
12 facility in the district, including a detention facility, substance  
13 abuse treatment facility, emergency shelter, psychiatric hospital,  
14 halfway house, cottage home operation, specialized child-care  
15 home, or general residential operation; or

16           (2) regardless of the student's age, participates in  
17 an adult education program provided under a high school diploma and  
18 industry certification charter school program under Section  
19 29.259.

20           (d-1) Notwithstanding Subsection (d)(1)(A) [~~(d)(1)~~], a  
21 student is not considered a student at risk of dropping out of  
22 school if the student did not advance from prekindergarten or  
23 kindergarten to the next grade level only as the result of the  
24 request of the student's parent.

25           SECTION 3. The heading for Section 29.259, Education Code,  
26 is amended to read as follows:

27           Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY

1 CERTIFICATION CHARTER SCHOOL [~~PILOT~~] PROGRAM.

2 SECTION 4. Section 29.259, Education Code, is amended by  
3 amending Subsections (b), (d), (g), (j), and (m) and adding  
4 Subsections (g-1) and (i-1) to read as follows:

5 (b) The commissioner shall establish an adult high school  
6 diploma and industry certification charter school [~~pilot~~] program  
7 as provided by this section as a strategy for meeting industry needs  
8 for a sufficiently trained workforce within the state.

9 (d) Notwithstanding any other law and in addition to the  
10 number of charters allowed under Subchapter D, Chapter 12, the  
11 commissioner may, on the basis of an application submitted, grant a  
12 charter under the [~~pilot~~] program to a single nonprofit entity  
13 described by Subsection (e) to provide an adult education program  
14 for individuals described by Subsection (g) to successfully  
15 complete:

16 (1) a high school program that can lead to a diploma;  
17 and

18 (2) career and technology education courses that can  
19 lead to industry certification.

20 (g) A person who is at least 18 [~~19~~] years of age and not  
21 more than 50 years of age is eligible to enroll in the adult  
22 education program under this section if the person [~~has not earned a~~  
23 ~~high school equivalency certificate and~~]:

24 (1) has failed to complete the curriculum requirements  
25 for high school graduation; or

26 (2) has failed to perform satisfactorily on an  
27 assessment instrument required for high school graduation.

1        (g-1) In admitting students to the adult education program  
2 under this section, the nonprofit entity shall give priority to a  
3 person who has not earned a high school equivalency certificate.

4        (i-1) If money is appropriated for a state fiscal year for  
5 expansion of the program under this section, not later than June 30  
6 of the state fiscal year in which the appropriation is made, the  
7 nonprofit entity granted a charter under this section must submit  
8 any request for approval of an expansion amendment. Not later than  
9 August 1, the commissioner shall provide written notice to the  
10 nonprofit entity of the approval or disapproval of the expansion  
11 amendment. If the commissioner does not provide such notice by  
12 August 1, the request is considered to be approved.

13        (j) Funding for an adult education program under this  
14 section is ~~[provided based on the following:~~

15            ~~[(1) for participants who are 26 years of age and~~  
16 ~~older, an amount per participant from available general revenue~~  
17 ~~funds appropriated for the pilot program equal to the statewide~~  
18 ~~average amount of state funding per student in weighted average~~  
19 ~~daily attendance that would be allocated under the Foundation~~  
20 ~~School Program to an open-enrollment charter school under Section~~  
21 ~~12.106 were the student under 26 years of age, and~~

22            ~~[(2) for participants who are at least 19 years of age~~  
23 ~~and under 26 years of age,]~~ an amount per participant through the  
24 Foundation School Program equal to the amount of state funding per  
25 student in weighted average daily attendance that would be  
26 allocated under the Foundation School Program for the student's  
27 attendance at an open-enrollment charter school in accordance with

1 Section 12.106.

2 (m) The commissioner shall adopt rules necessary to  
3 administer the [~~pilot~~] program under this section. In adopting  
4 rules, the commissioner may modify charter school requirements only  
5 to the extent necessary for the administration of a charter school  
6 under this section that provides for adult education.

7 SECTION 5. Section 39.053, Education Code, is amended by  
8 adding Subsection (g-4) to read as follows:

9 (g-4) For purposes of the computation of dropout and  
10 completion rates such as high school graduation rates under  
11 Subsection (c)(1)(B)(ix), the commissioner shall exclude a student  
12 who was reported as having dropped out of school under Section  
13 42.006(a-9), and the student may not be considered to have dropped  
14 out from the school district or campus in which the student was last  
15 enrolled.

16 SECTION 6. Section 42.003(a), Education Code, is amended to  
17 read as follows:

18 (a) A student is entitled to the benefits of the Foundation  
19 School Program if, on September 1 of the school year, the student:

20 (1) is 5 years of age or older and under 21 years of age  
21 and has not graduated from high school, or is at least 21 years of  
22 age and under 26 years of age and has been admitted by a school  
23 district to complete the requirements for a high school diploma; or

24 (2) is [~~at least 19 years of age and under 26 years of~~  
25 ~~age and is~~] enrolled in an adult high school diploma and industry  
26 certification charter school [~~pilot~~] program under Section 29.259.

27 SECTION 7. Section 42.006, Education Code, is amended by

1 adding Subsections (a-8) and (a-9) to read as follows:

2 (a-8) The commissioner by rule shall require each school  
3 district and open-enrollment charter school to annually report  
4 through the Public Education Information Management System  
5 information regarding the number of students who are enrolled in a  
6 high school equivalency program, a dropout recovery school, or an  
7 adult education program provided under a high school diploma and  
8 industry certification charter school program provided by the  
9 district or school and who:

10 (1) are at least 18 years of age and under 26 years of  
11 age;

12 (2) have not previously been reported to the agency as  
13 dropouts; and

14 (3) enroll in the program at the district or school  
15 after not attending school for a period of at least nine months.

16 (a-9) A student reported under Subsection (a-8) as having  
17 enrolled in a high school equivalency program, a dropout recovery  
18 school, or an adult education program provided under a high school  
19 diploma and industry certification charter school program must be  
20 reported through the Public Education Information Management  
21 System as having previously dropped out of school.

22 SECTION 8. This Act applies beginning with the 2019-2020  
23 school year.

24 SECTION 9. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2019.