

By: Dutton

H.B. No. 572

Substitute the following for H.B. No. 572:

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C.S.H.B. No. 572

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorizing a dropout recovery competency-based  
3 educational program provided through a campus or campus program  
4 charter or open-enrollment charter school.

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

6 SECTION 1. Chapter 12, Education Code, is amended by adding  
7 Subchapter F to read as follows:

8 SUBCHAPTER F. DROPOUT RECOVERY COMPETENCY-BASED EDUCATIONAL  
9 PROGRAM

10 Sec. 12.201. DEFINITION. In this subchapter, unless the  
11 context indicates otherwise, "program" means a dropout recovery  
12 competency-based educational program authorized under this  
13 subchapter.

14 Sec. 12.202. PROGRAM AUTHORIZATION. (a) A school district  
15 or open-enrollment charter school may offer a dropout recovery  
16 competency-based educational program to eligible students as  
17 provided by this subchapter.

18 (b) A program offered under this subchapter must:

19 (1) serve students in grades 9 through 12 and have an  
20 enrollment of which at least 50 percent of the students are 16 years  
21 of age or older as of September 1 of the school year as reported for  
22 the fall semester Public Education Information Management System  
23 (PEIMS) submission; and

24 (2) meet the eligibility requirements for and be

1 registered under alternative education accountability procedures  
2 adopted by the commissioner.

3 (c) A dropout recovery competency-based educational program  
4 may be offered at a new or existing school district or  
5 open-enrollment charter school campus, as a new campus program, or  
6 as part of an existing campus program, including a campus or campus  
7 program that has been granted a charter under Subchapter C.

8 (d) Notwithstanding any other provision of this code, a  
9 nonprofit entity granted a charter under Section 29.259 may  
10 transfer the adult education program operated under that charter as  
11 a campus to a school district or open-enrollment charter school to  
12 be offered as a program under this subchapter, subject to the  
13 commissioner's approval. For purposes of this subchapter, an adult  
14 education program transferred as a campus under this subsection is  
15 a program under this subchapter.

16 Sec. 12.203. ELIGIBLE STUDENT. (a) A student is eligible  
17 to enroll in a program offered under this subchapter if the student  
18 is at least 14 years of age and under 26 years of age on September 1  
19 of the school year and meets one or more of the following criteria:

20 (1) the student was reported through the Public  
21 Education Information Management System (PEIMS) or in another state  
22 to have dropped out of school, including a student who has  
23 previously dropped out of school;

24 (2) the student is a student at risk of dropping out of  
25 school under the circumstances described by Section  
26 29.081(d)(1)(A), (B), (C), (E), or (J);

27 (3) the student has been placed in a disciplinary

1 alternative education program under Section 37.006 during the  
2 previous or current school year based on the Public Education  
3 Information Management System (PEIMS) submissions or other  
4 supporting documentation;

5 (4) the student has been expelled under Section 37.007  
6 during the previous four school years or the current school year;

7 (5) the student is currently on parole, probation,  
8 deferred prosecution, deferred adjudication, or other conditional  
9 release;

10 (6) the student is currently in the custody or care of  
11 the Department of Family and Protective Services or has been  
12 referred to the department during the previous or current school  
13 year by a school official, officer of a juvenile court, or law  
14 enforcement official;

15 (7) the student has been previously or is currently  
16 homeless as defined by 42 U.S.C. Section 11302 or within the meaning  
17 of the term "homeless children and youths" under 42 U.S.C. Section  
18 11434a, as applicable;

19 (8) the student resided at any time or currently  
20 resides in a residential care facility, including a detention  
21 facility, substance abuse treatment facility, emergency shelter,  
22 psychiatric hospital, halfway house, cottage home operation,  
23 specialized child-care home, or general residential operation;

24 (9) the student is employed and working for pay at  
25 least 15 hours or more each week to provide individual support or to  
26 support the student's family;

27 (10) the student is ordered by a court to attend a high

1 school equivalency certificate program but has not yet earned the  
2 certificate or a high school diploma;

3 (11) the student has previously been placed on a  
4 personal graduation plan under Section 28.0212 or an intensive  
5 program of instruction under Section 28.0213; or

6 (12) the student or the parent of or person standing in  
7 parental relation to the student certifies to the school that the  
8 student would benefit from the program to otherwise avoid dropping  
9 out of school due to extenuating family circumstances or  
10 responsibilities, including to provide medical or caregiving  
11 services to a family member or to provide individual support or to  
12 support the student's family.

13 (b) A student is eligible to enroll in a program provided  
14 under this subchapter if the student is at least 26 years of age and  
15 under 50 years of age and meets one of the following criteria:

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

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

20 (c) Students enrolled in a program under Subsection (b) may  
21 not be counted toward the maximum student enrollment described by  
22 Section 12.0522 or an open-enrollment charter school's charter, as  
23 applicable.

24 Sec. 12.204. ELIGIBILITY FOR DIPLOMA. (a) A student  
25 enrolled in a program offered under this subchapter may earn high  
26 school course credits and receive a high school diploma if the  
27 student successfully completes the curriculum requirements

1 described under Section 28.025.

2 (b) A school district or open-enrollment charter school  
3 that operates a program under this subchapter shall establish the  
4 procedures and requirements to demonstrate satisfactory completion  
5 of the program, including:

6 (1) successful completion of coursework to satisfy  
7 curriculum requirements under the program; and

8 (2) successful performance on an examination under  
9 Section 28.023 to demonstrate mastery of the curriculum.

10 Sec. 12.205. PROGRAM CALENDAR AND CLASS SCHEDULE. (a) A  
11 school district or open-enrollment charter school that offers a  
12 program under this subchapter shall create an educational calendar  
13 and class schedule for the program's operation that provides for  
14 flexibility in class scheduling and student attendance. The  
15 commissioner shall approve reasonable exceptions to accommodate  
16 program scheduling and achieve the program's purpose.

17 (b) The commissioner may waive any requirement under this  
18 code to facilitate the purposes of this subchapter.

19 Sec. 12.206. ACCOUNTABILITY. (a) For purposes of  
20 accountability, the commissioner shall evaluate the performance of  
21 students enrolled in a program under Section 12.203(a) separately  
22 from the performance of students enrolled in a program under  
23 Section 12.203(b).

24 (b) The performance of students enrolled in a program under  
25 Section 12.203(a) shall be evaluated under Section 39.0548 and as  
26 provided by commissioner rule.

27 (c) The performance of students enrolled in a program under

1 Section 12.203(b) shall be evaluated under the performance  
2 frameworks adopted under Section 29.259(o). The results of the  
3 evaluation may not be considered in determining under Chapter 39  
4 the accreditation status or overall or domain performance ratings  
5 of the school district or open-enrollment charter school that  
6 offers the program.

7 Sec. 12.207. FUNDING. (a) A school district or  
8 open-enrollment charter school that offers a program under this  
9 subchapter is entitled to receive funding for students enrolled in  
10 the program under Section 12.203(a) as provided by Chapter 48 or  
11 Section 12.106, as applicable, except that, for purposes of this  
12 subchapter, the commissioner shall calculate average daily  
13 attendance for the program as provided by commissioner rule based  
14 on:

15 (1) a student's successful completion of a number of  
16 courses as determined by commissioner rule; and

17 (2) a student's hours of contact time with the school.

18 (b) The method under Subsection (a) must provide for a  
19 proportionate reduction in funding if a student fails to  
20 successfully complete the number of courses determined under  
21 Subsection (a)(1).

22 (c) A school district or open-enrollment charter school  
23 that offers a program under this subchapter may use any available  
24 state or local funding, including funding received for a campus or  
25 campus program that has been granted a charter under Subchapter C or  
26 funding received under Section 12.106, as applicable, to provide  
27 the program to students described by Section 12.203(b).

1       (d) A school district or open-enrollment charter school  
2 that offers a program under this subchapter may receive additional  
3 funds appropriated by the legislature for:

4           (1) an intensive program of instruction to the same  
5 extent as a program under Section 28.0213; or

6           (2) accelerated instruction to the same extent as a  
7 program under Section 28.0217.

8       SECTION 2. Section 29.081(d), Education Code, as amended by  
9 Chapters 403 (S.B. 1746), 597 (S.B. 668), and 1060 (H.B. 1051), Acts  
10 of the 86th Legislature, Regular Session, 2019, is reenacted and  
11 amended to read as follows:

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

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

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

17                   (B) if the student is in grade 7, 8, 9, 10, 11, or  
18 12, did not maintain an average equivalent to 70 on a scale of 100 in  
19 two or more subjects in the foundation curriculum during a semester  
20 in the preceding or current school year or is not maintaining such  
21 an average in two or more subjects in the foundation curriculum in  
22 the current semester;

23                   (C) did not perform satisfactorily on an  
24 assessment instrument administered to the student under Subchapter  
25 B, Chapter 39, and who has not in the previous or current school  
26 year subsequently performed on that instrument or another  
27 appropriate instrument at a level equal to at least 110 percent of

1 the level of satisfactory performance on that instrument;

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

6 (E) is pregnant or is a parent;

7 (F) has been placed in an alternative education  
8 program in accordance with Section 37.006 during the preceding or  
9 current school year;

10 (G) has been expelled in accordance with Section  
11 37.007 during the preceding or current school year;

12 (H) is currently on parole, probation, deferred  
13 prosecution, or other conditional release;

14 (I) was previously reported through the Public  
15 Education Information Management System (PEIMS) to have dropped out  
16 of school;

17 (J) is a student of limited English proficiency,  
18 as defined by Section 29.052;

19 (K) is in the custody or care of the Department of  
20 Family and Protective Services or has, during the current school  
21 year, been referred to the department by a school official, officer  
22 of the juvenile court, or law enforcement official;

23 (L) is homeless;

24 (M) resided in the preceding school year or  
25 resides in the current school year in a residential placement  
26 facility in the district, including a detention facility, substance  
27 abuse treatment facility, emergency shelter, psychiatric hospital,



1 halfway house, cottage home operation, specialized child-care  
2 home, or general residential operation; [~~or~~]

3 (N) [~~(14)~~] has been incarcerated or has a parent  
4 or guardian who has been incarcerated, within the lifetime of the  
5 student, in a penal institution as defined by Section 1.07, Penal  
6 Code; or

7 (O) is enrolled in a school district or  
8 open-enrollment charter school, or a campus of a school district or  
9 open-enrollment charter school, that is designated as a dropout  
10 recovery school under Section 39.0548; or

11 (2) regardless of the student's age, participates in  
12 an adult education program provided under a high school diploma and  
13 industry certification charter school program under Section  
14 29.259.

15 SECTION 3. (a) Except as provided by Subsection (b) of this  
16 section, this Act applies beginning with the 2021-2022 school year.

17 (b) Subchapter F, Chapter 12, Education Code, as added by  
18 this Act, applies beginning with the 2024-2025 school year.

19 SECTION 4. To the extent of any conflict, this Act prevails  
20 over another Act of the 87th Legislature, Regular Session, 2021,  
21 relating to nonsubstantive additions to and corrections in enacted  
22 codes.

23 SECTION 5. This Act takes effect September 1, 2021.