86R13092 SRS-F

By:  Dutton H.B. No. 3683

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER F. DROPOUT RECOVERY COMPETENCY-BASED EDUCATIONAL PROGRAM

Sec. 12.201.  DEFINITION. In this section, "program" means a dropout recovery competency-based educational program authorized under this subchapter.

Sec. 12.202.  PROGRAM AUTHORIZATION. (a) For the purpose of offering a dropout recovery competency-based educational program to serve eligible students described by Section 12.203, the commissioner, subject to Subsection (b), may:

(1)  on the basis of an application submitted, grant a charter to an eligible entity for an open-enrollment charter school under Subchapter D to provide the program;

(2)  authorize an open-enrollment charter school that has been granted a charter under Subchapter D to provide the program; or

(3)  authorize a campus or campus program that has been granted a charter under Subchapter C to provide the program.

(b)  To qualify for authorization under this subchapter, a program must:

(1)  serve students in grades 9 through 12 and have an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission; and

(2)  meet the eligibility requirements for and register under alternative education accountability procedures adopted by the commissioner.

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

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

(2)  the student is a student at risk of dropping out of school under the circumstances described by Section 29.081(d)(1), (2), (3), (5), or (10);

(3)  the student has been previously placed in a disciplinary alternative education program under Section 37.006 during the previous or current school year based on the Public Education Information Management System (PEIMS) submissions or other supporting documentation;

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

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

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

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

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

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

(10)  the student is ordered by a court to attend a high school equivalency certificate program but has not yet earned the certificate or a high school diploma;

(11)  the student entered the United States as an asylee as defined by 45 C.F.R. Section 400.41 or a refugee as defined by 8 U.S.C. Section 1101(a)(42);

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

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

Sec. 12.204.  ELIGIBILITY FOR DIPLOMA. (a) A student enrolled in a program under this subchapter may earn high school course credits and receive a high school diploma if the student successfully completes the curriculum requirements described under Section 28.025.

(b)  The commissioner by rule shall establish the requirements to demonstrate satisfactory completion of the program, including:

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

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

Sec. 12.205.  OPERATION OF PROGRAM. (a) An open-enrollment charter school or campus or campus program authorized to operate a program under this subchapter shall create an educational calendar and class schedule for the program's operation that provides for flexibility in class scheduling and student attendance. The commissioner shall approve reasonable exceptions to accommodate program scheduling and achieve the program's purpose.

(b)  An open-enrollment charter school or a campus or campus program authorized to operate a program under this subchapter shall annually have an audit of the operations of the program, including the financial operations, conducted at the authorized entity's expense. The audit must be conducted by an independent certified public accountant.

(c)  For purposes of conducting an audit under this section, the commissioner by rule shall establish requirements for verifying course credits earned by program students.

Sec. 12.206.  ACCOUNTABILITY. (a) A program under this subchapter shall be evaluated under Section 39.0548 and as provided by commissioner rule.

(b)  An open-enrollment charter school granted a charter to operate a program is not subject to non-renewal under the conditions prescribed by Section 12.1141(d) or revocation under the conditions prescribed by Sections 12.115(c)(1) or (2) until the program has received an unacceptable performance rating under evaluations conducted by the commissioner under Subsection (a) for four consecutive school years.

Sec. 12.207.  FUNDING. (a) An open-enrollment charter school or campus or campus program authorized to operate a program under this subchapter is entitled to receive state funding as provided by Section 12.106, provided that, for purposes of this subchapter, the commissioner shall by rule determine a method to calculate average daily attendance based on:

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

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

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

(c)  An open-enrollment charter school or a campus or campus program authorized to operate a program under this subchapter may receive additional funds appropriated by the legislature for:

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

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

Sec. 12.208.  PROGRAM REPORTING SYSTEM. (a) The commissioner by rule shall develop:

(1)  a system for each open-enrollment charter school and a campus or campus program authorized to operate a program under this subchapter to report information relating to the program as directed by the commissioner; and

(2)  to the extent practicable, a monthly funding schedule.

(b)  Before developing the system and schedule under Subsection (a) and in an effort to best serve the interests and needs of eligible students under this subchapter, the commissioner shall solicit input from charter schools that currently operate dropout recovery programs.

Sec. 12.209.  RULES; WAIVERS. (a) The commissioner shall adopt rules necessary to implement and administer this subchapter.

(b)  The commissioner may waive any requirement under this code to facilitate the purposes of this subchapter. This subsection expires August 1, 2026.

Sec. 12.210.  REPORT. Not later than December 1, 2027, the commissioner shall submit a report to the legislature that:

(1)  evaluates the implementation of this subchapter; and

(2)  makes recommendations regarding any legislative or other action.

SECTION 2.  This Act applies beginning with the 2020-2021 school year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.