

By: Dutton

H.B. No. 3683

A BILL TO BE ENTITLED

AN ACT

relating to authorizing a dropout recovery competency-based educational pilot 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 PILOT PROGRAM

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

Sec. 12.202. PROGRAM AUTHORIZATION. (a) For the purpose of offering during the 2020-2021 school year a dropout recovery competency-based educational pilot 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

1 granted a charter under Subchapter C to provide the program.

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

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

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

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

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

20 (2) the student is a student at risk of dropping out of  
21 school under the circumstances described by Section [29.081\(d\)\(1\)](#),  
22 (2), (3), (5), or (10);

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

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

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

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

11           (7) the student has been previously or is currently  
12 homeless as defined by 42 U.S.C. Section 11302 or within the meaning  
13 of the term "homeless children and youths" under 42 U.S.C. Section  
14 11434a, as applicable;

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

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

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

26           (11) the student has previously been placed on a  
27 personal graduation plan under Section 28.0212 or an intensive

1 program of instruction under Section 28.0213; or

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

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

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

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

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

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

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

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

10       Sec. 12.206. ACCOUNTABILITY. A program under this  
11 subchapter shall be evaluated under Section 39.0548 and as provided  
12 by commissioner rule.

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

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

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

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

26       (c) An open-enrollment charter school or a campus or campus  
27 program authorized to operate a program under this subchapter may

1 receive additional funds appropriated by the legislature for:

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

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

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

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

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

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

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

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

23 Sec. 12.210. REPORT. Not later than December 1, 2021, the  
24 commissioner shall submit a report to the legislature that:

25 (1) evaluates the implementation of this subchapter;  
26 and

27 (2) makes recommendations regarding any legislative

1 or other action.

2 Sec. 12.211. EXPIRATION. This subchapter expires December  
3 1, 2021.

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

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