

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.

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

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

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

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

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

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

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

27            (4) the student has been expelled under Section [37.007](#)

1 during the previous four school years or the current school year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 commissioner shall approve reasonable exceptions to accommodate  
2 program scheduling and achieve the program's purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8               (1) evaluates the implementation of this subchapter;  
9 and

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

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

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