87R6368 MM-F

By:  Lucio S.B. No. 878

A BILL TO BE ENTITLED

AN ACT

relating to an Internet online dropout recovery education program for students at risk of dropping out of school.

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

SECTION 1.  Section 29.081(d), Education Code, as amended by Chapters 403 (S.B. 1746), 597 (S.B. 668), and 1060 (H.B. 1051), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

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

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

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

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

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

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

(E)  is pregnant or is a parent;

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

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

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

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

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

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

(L)  is homeless;

(M)  resided in the preceding school year or resides in the current school year in a residential placement facility in the district, 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; [~~or~~]

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

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

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

SECTION 2.  Section 29.081, Education Code, is amended by amending Subsection (e-2) and adding Subsection (f-1) to read as follows:

(e-2)  An Internet online dropout recovery education program must:

(1)  include as a part of its curriculum credentials, certifications, or other course offerings that relate directly to employment opportunities in the state;

(2)  employ as faculty and administrators persons with baccalaureate or advanced degrees;

(3)  provide an academic coach and local advocate for each student;

(4)  use an individual learning plan to monitor each student's progress;

(5)  [~~establish satisfactory requirements for the monthly progress of students according to standards set by the commissioner;~~

[~~(6)~~]  provide a monthly report to the student's school district regarding the student's progress;

(6) [~~(7)~~]  perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the commissioner; and

(7) [~~(8)~~]  comply with this title and rules adopted under this title except as otherwise provided by this subsection.

(f-1)  An Internet online dropout recovery education program is not subject to commissioner rules applicable to an optional flexible school day program under Section 29.0822 regarding minutes of instruction and calculation of average daily attendance. For the purposes of calculating attendance for an Internet online dropout recovery education program, the commissioner shall:

(1)  consider a student to be scheduled for and receiving instruction for 55 minutes per day for each course taken for purposes of determining whether the student satisfies the requirements of half-day or full-day enrollment;

(2)  consider a student who is enrolled for five semester courses to be in attendance for each day of instruction in the reporting period for purposes of establishing the student's daily attendance;

(3)  calculate the final average daily attendance of the program based on successful student completion of semester courses in which students were enrolled using course completion data reported by the district;

(4)  adjust the average daily attendance based on students' failure to complete semester courses; and

(5)  adjust the amount of funding provided under the Foundation School Program during the following school year based on any adjustment made under Subdivision (4).

SECTION 3.  To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4.  This Act takes effect September 1, 2021.