87R3419 MLH-F

By:  Lucio S.B. No. 880

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 2022-2023 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 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 the 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 in 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)(A), (B), (C), (E), or (J);

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

(12)  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 entity 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 entity authorized to operate a program under this subchapter shall have an audit of the operations of the program, including the financial operations, conducted at the 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 program under this subchapter shall be evaluated under Section 39.0548 and as provided by commissioner rule.

Sec. 12.207.  FUNDING. (a) An entity authorized to operate a program under this subchapter is entitled to receive full 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 entity 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 entity 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 approved 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.

Sec. 12.210.  REPORT. Not later than December 1, 2023, the commissioner shall submit to the legislature a report that:

(1)  evaluates the implementation of this subchapter; and

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

Sec. 12.211.  EXPIRATION. This subchapter expires December 1, 2023.

SECTION 2.  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

(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 3.  This Act applies beginning with the 2022-2023 school year.

SECTION 4.  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 5.  This Act takes effect September 1, 2021.