AN ACT
relating to the inclusion of students enrolled in a dropout
recovery school as students at risk of dropping out of school for
purposes of compensatory, intensive, and accelerated instruction
and to a study by the Texas Education Agency on competency-based
educational programs.

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) [44] 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. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.928 to read as follows:

Sec. 29.928. STUDY ON COMPETENCY-BASED EDUCATIONAL PROGRAMS. (a) The agency shall conduct a study on the implementation of competency-based educational programs by public schools in the state.

(b) The study must analyze methods of:

(1) providing funding for competency-based educational programs that do not rely on average daily attendance;

(2) assessing the performance of competency-based
educational programs under the public school accountability system; and

(3) providing competency-based educational programs to nontraditional students, including adult students.

(c) The agency may solicit and accept gifts, grants, and donations from any public or private source to fund the study.

(d) Not later than December 1, 2022, the agency shall prepare and submit to the legislature a report on the results of the study and any recommendations for legislative or other action.

(e) This section expires September 1, 2023.

SECTION 3. The Texas Education Agency is required to implement Section 29.928, Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement that section using other money available for that purpose.

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 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, 2021.
I certify that H.B. No. 572 was passed by the House on May 14, 2021, by the following vote: Yeas 128, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 572 on May 28, 2021, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 572 on May 30, 2021, by the following vote: Yeas 138, Nays 0, 2 present, not voting.
H.B. No. 572

I certify that H.B. No. 572 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 572 on May 30, 2021, by the following vote: Yeas 31, Nays 0.

______________________________
Secretary of the Senate

APPROVED: __________________

Date

__________________________
Governor