

1 AN ACT

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

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

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

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

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

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

17 (B) if the student is in grade 7, 8, 9, 10, 11, or
18 12, did not maintain an average equivalent to 70 on a scale of 100 in
19 two or more subjects in the foundation curriculum during a semester
20 in the preceding or current school year or is not maintaining such
21 an average in two or more subjects in the foundation curriculum in
22 the current semester;

23 (C) did not perform satisfactorily on an
24 assessment instrument administered to the student under Subchapter

1 B, Chapter 39, and who has not in the previous or current school
2 year subsequently performed on that instrument or another
3 appropriate instrument at a level equal to at least 110 percent of
4 the level of satisfactory performance on that instrument;

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

9 (E) is pregnant or is a parent;

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

13 (G) has been expelled in accordance with Section
14 37.007 during the preceding or current school year;

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

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

20 (J) is a student of limited English proficiency,
21 as defined by Section [29.052](#);

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

26 (L) is homeless;

27 (M) resided in the preceding school year or

1 resides in the current school year in a residential placement
2 facility in the district, including a detention facility, substance
3 abuse treatment facility, emergency shelter, psychiatric hospital,
4 halfway house, cottage home operation, specialized child-care
5 home, or general residential operation; ~~[or]~~

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

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

14 (2) regardless of the student's age, participates in
15 an adult education program provided under a high school diploma and
16 industry certification charter school program under Section
17 29.259.

18 SECTION 2. Subchapter 7, Chapter 29, Education Code, is
19 amended by adding Section 29.928 to read as follows:

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

24 (b) The study must analyze methods of:

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

27 (2) assessing the performance of competency-based

1 educational programs under the public school accountability
2 system; and

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

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

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

10 (e) This section expires September 1, 2023.

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

18 SECTION 4. To the extent of any conflict, this Act prevails
19 over another Act of the 87th Legislature, Regular Session, 2021,
20 relating to nonsubstantive additions to and corrections in enacted
21 codes.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

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.

Chief Clerk of the House

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