

By: Dutton

H.B. No. 998

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the qualifications for designation as a dropout  
3 recovery school and evaluating the performance of dropout recovery  
4 schools for purposes of the public school accountability system.

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

6 SECTION 1. Section 12.1141(c), Education Code, is amended  
7 to read as follows:

8 (c) At the end of the term of a charter for an  
9 open-enrollment charter school, if a charter holder submits to the  
10 commissioner a petition for renewal of the charter and the charter  
11 does not meet the criteria for expedited renewal under Subsection  
12 (b) or for expiration under Subsection (d), the commissioner shall  
13 use the discretionary consideration process. The commissioner's  
14 decision under the discretionary consideration process must take  
15 into consideration the results of annual evaluations under the  
16 performance frameworks established under Section 12.1181. The  
17 renewal of the charter of an open-enrollment charter school that is  
18 registered under the agency's alternative education accountability  
19 procedures for evaluation under Chapter 39 shall be considered  
20 under the discretionary consideration process regardless of the  
21 performance ratings under Subchapter C, Chapter 39, of the  
22 open-enrollment charter school or of any campus operating under the  
23 charter, except that if the charter holder has been assigned a  
24 financial accountability performance rating under Subchapter D,

1 Chapter 39, indicating financial performance that is lower than  
2 satisfactory for any three of the five preceding school years, the  
3 commissioner shall allow the charter to expire under Subsection  
4 (d). In considering the renewal of the charter of an  
5 open-enrollment charter school that is registered under the  
6 agency's alternative education accountability procedures for  
7 evaluation under Chapter 39, such as a dropout recovery school or a  
8 school providing education within a residential treatment  
9 facility, the commissioner shall use academic criteria established  
10 by commissioner rule that are appropriate to measure the specific  
11 goals of the school. The criteria established by the commissioner  
12 shall recognize growth in student achievement as well as  
13 educational attainment. For purposes of this subsection, the  
14 commissioner shall designate as a dropout recovery school an  
15 open-enrollment charter school or a campus of an open-enrollment  
16 charter school:

17 (1) that serves students in grades 9 through 12 and has  
18 an enrollment of which at least 50 percent of the students are 16  
19 [~~17~~] years of age or older as of September 1 of the school year as  
20 reported for the fall semester Public Education Information  
21 Management System (PEIMS) submission; and

22 (2) that meets the eligibility requirements for and is  
23 registered under alternative education accountability procedures  
24 adopted by the commissioner.

25 SECTION 2. Section 12.137(a), Education Code, is amended to  
26 read as follows:

27 (a) This section applies only to:

1           (1) an open-enrollment charter school designated as a  
2 dropout recovery school as described by Section 12.1141(c) if the  
3 enrollment of the school consists only of students 16 [~~17~~] years of  
4 age and older; and

5           (2) an adult education program provided under a high  
6 school diploma and industry certification charter school program  
7 under Section 29.259.

8           SECTION 3. (a) Section 39.0548(a), Education Code, is  
9 amended to read as follows:

10           (a) For purposes of evaluating performance under Section  
11 39.053(c), the commissioner shall designate as a dropout recovery  
12 school a school district or an open-enrollment charter school or a  
13 campus of a district or of an open-enrollment charter school:

14           (1) that serves students in grades 9 through 12 and has  
15 an enrollment of which at least 50 percent of the students are 16  
16 [~~17~~] years of age or older as of September 1 of the school year as  
17 reported for the fall semester Public Education Information  
18 Management System (PEIMS) submission; and

19           (2) that meets the eligibility requirements for and is  
20 registered under alternative education accountability procedures  
21 adopted by the commissioner.

22           (b) Effective September 1, 2023, Section 39.0548, Education  
23 Code, is amended by amending Subsections (a) and (d) and adding  
24 Subsections (a-1), (e), and (f) to read as follows:

25           (a) For purposes of evaluating performance under Section  
26 39.053(c), the commissioner shall designate as a dropout recovery  
27 school a school district or an open-enrollment charter school or a

1 campus of a district or of an open-enrollment charter school:

2 (1) that serves students in grades 9 through 12 and has  
3 an enrollment of which at least 50 percent of the students are 16  
4 ~~[17]~~ years of age or older as of September 1 of the school year as  
5 reported for the fall semester Public Education Information  
6 Management System (PEIMS) submission; and

7 (2) that ~~[meets the eligibility requirements for and]~~  
8 is registered under alternative education accountability  
9 procedures adopted by the commissioner.

10 (a-1) For purposes of assigning performance ratings under  
11 Section 39.054, the commissioner shall evaluate a dropout recovery  
12 school under alternative education accountability procedures  
13 adopted by the commissioner.

14 (d) For ~~[Notwithstanding Section 39.053(c), for]~~ purposes  
15 of evaluating a dropout recovery school under the alternative  
16 education accountability procedures adopted by the commissioner  
17 ~~[to determine the performance rating of the school under Section~~  
18 39.054], only the best result from the primary administration or  
19 any retake of an assessment instrument administered to a student in  
20 the school year evaluated may be considered in assigning  
21 performance ratings for the school under 39.054.

22 (e) To the extent consistent with or permitted by an  
23 authorized waiver of federal law, the commissioner, for purposes of  
24 evaluating performance of a dropout recovery school under the  
25 alternative education accountability procedures adopted by the  
26 commissioner, shall adopt performance targets for the student  
27 achievement domain under Section 39.053(c)(1) and the school

1 progress domain under Section 39.053(c)(2) that are based on the  
2 average performance of school districts and campuses registered  
3 under the alternative education accountability procedures for the  
4 preceding school year for those respective domains.

5 (f) To the extent consistent with or permitted by an  
6 authorized waiver of federal law, the commissioner, for purposes of  
7 evaluating performance of a dropout recovery school under the  
8 alternative education accountability procedures adopted by the  
9 commissioner, shall attribute to a dropout recovery school not less  
10 than a minimum scaled score of 60 for the closing the gaps domain  
11 under Section 39.053(c)(3).

12 SECTION 4. Sections 12.1141(c) and 12.137(a), Education  
13 Code, as amended by this Act, and Section 39.0548(a), Education  
14 Code, as amended by Section 3(a) of this Act, apply beginning with  
15 the 2021-2022 school year.

16 SECTION 5. (a) Not later than September 1, 2023, the  
17 commissioner of education shall:

18 (1) obtain any necessary waiver from the application  
19 of federal law or regulation conflicting with Section 39.0548,  
20 Education Code, as amended by this Act, effective September 1,  
21 2023; or

22 (2) receive written notification from the United  
23 States Department of Education that a waiver is not required for  
24 Section 39.0548, Education Code, as amended by this Act, effective  
25 September 1, 2023, to take effect.

26 (b) If the commissioner of education obtains any necessary  
27 waiver or receives written notification that a waiver is not needed

1 as described by Subsection (a) of this section, the commissioner  
2 shall certify that the commissioner has obtained the waiver or  
3 received notification that a waiver is not required, as applicable,  
4 and shall publish notice of that fact in the Texas Register as soon  
5 as practicable after obtaining the waiver or receiving  
6 notification.

7 SECTION 6. Except as otherwise provided by this Act, this  
8 Act takes effect immediately if it receives a vote of two-thirds of  
9 all the members elected to each house, as provided by Section 39,  
10 Article III, Texas Constitution. If this Act does not receive the  
11 vote necessary for immediate effect, this Act takes effect  
12 September 1, 2021.