

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

1 the level of satisfactory performance on that instrument;

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

6 (E) is pregnant or is a parent;

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

10 (G) has been expelled in accordance with Section
11 37.007 during the preceding or current school year;

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

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

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

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

23 (L) is homeless;

24 (M) resided in the preceding school year or
25 resides in the current school year in a residential placement
26 facility in the district, including a detention facility, substance
27 abuse treatment facility, emergency shelter, psychiatric hospital,

1 halfway house, cottage home operation, specialized child-care
2 home, or general residential operation; [~~or~~]

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

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

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

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

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

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

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

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

27 (4) use an individual learning plan to monitor each

1 student's progress;

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

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

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

10 (7) [~~(8)~~] comply with this title and rules adopted
11 under this title except as otherwise provided by this subsection.

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

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

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

26 (3) calculate the final average daily attendance of
27 the program based on successful student completion of semester

1 courses in which students were enrolled using course completion
2 data reported by the district;

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

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

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

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