

By: Lucio

S.B. No. 880

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorizing a dropout recovery competency-based
3 educational pilot program provided through a campus or campus
4 program charter or open-enrollment charter school.

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

6 SECTION 1. Chapter 12, Education Code, is amended by adding
7 Subchapter F to read as follows:

8 SUBCHAPTER F. DROPOUT RECOVERY COMPETENCY-BASED EDUCATIONAL
9 PILOT PROGRAM

10 Sec. 12.201. DEFINITION. In this subchapter, "program"
11 means a dropout recovery competency-based educational pilot
12 program authorized under this subchapter.

13 Sec. 12.202. PROGRAM AUTHORIZATION. (a) For the purpose of
14 offering during the 2022-2023 school year a dropout recovery
15 competency-based educational pilot program to serve eligible
16 students described by Section 12.203, the commissioner, subject to
17 Subsection (b), may:

18 (1) on the basis of an application submitted, grant a
19 charter to an eligible entity for an open-enrollment charter school
20 under Subchapter D to provide the program;

21 (2) authorize an open-enrollment charter school to
22 provide the program; or

23 (3) authorize a campus or campus program that has been
24 granted a charter under Subchapter C to provide the program.

1 (b) To qualify for authorization under this subchapter, a
2 program must:

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

8 (2) meet the eligibility requirements for and register
9 under alternative education accountability procedures adopted by
10 the commissioner.

11 Sec. 12.203. ELIGIBLE STUDENT. A student is eligible to
12 enroll in a program offered under this subchapter if the student is
13 at least 14 years of age and under 26 years of age on September 1 of
14 the school year and meets one or more of the following criteria:

15 (1) the student was reported through the Public
16 Education Information Management System (PEIMS) or in another state
17 to have dropped out of school, including a student who has
18 previously dropped out of school;

19 (2) the student is a student at risk of dropping out of
20 school under the circumstances described by Section
21 [29.081\(d\)\(1\)\(A\), \(B\), \(C\), \(E\), or \(J\)](#);

22 (3) the student has been placed in a disciplinary
23 alternative education program under Section [37.006](#) during the
24 previous or current school year based on the Public Education
25 Information Management System (PEIMS) submissions or other
26 supporting documentation;

27 (4) the student has been expelled under Section [37.007](#)

1 during the previous four school years or the current school year;

2 (5) the student is currently on parole, probation,
3 deferred prosecution, deferred adjudication, or other conditional
4 release;

5 (6) the student is currently in the custody or care of
6 the Department of Family and Protective Services or has been
7 referred to the department during the previous or current school
8 year by a school official, officer of a juvenile court, or law
9 enforcement official;

10 (7) the student has been previously or is currently
11 homeless as defined by 42 U.S.C. Section 11302 or within the meaning
12 of the term "homeless children and youths" under 42 U.S.C. Section
13 11434a, as applicable;

14 (8) the student resided at any time or currently
15 resides in a residential care facility, including a detention
16 facility, substance abuse treatment facility, emergency shelter,
17 psychiatric hospital, halfway house, cottage home operation,
18 specialized child-care home, or general residential operation;

19 (9) the student is employed and working for pay at
20 least 15 hours or more each week to provide individual support or to
21 support the student's family;

22 (10) the student is ordered by a court to attend a high
23 school equivalency certificate program but has not yet earned the
24 certificate or a high school diploma;

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

1 (12) the student or the parent of or person standing in
2 parental relation to the student certifies to the school that the
3 student would benefit from the program to otherwise avoid dropping
4 out of school due to extenuating family circumstances or
5 responsibilities, including to provide medical or caregiving
6 services to a family member or to provide individual support or to
7 support the student's family.

8 Sec. 12.204. ELIGIBILITY FOR DIPLOMA. (a) A student
9 enrolled in a program under this subchapter may earn high school
10 course credits and receive a high school diploma if the student
11 successfully completes the curriculum requirements described under
12 Section 28.025.

13 (b) The commissioner by rule shall establish the
14 requirements to demonstrate satisfactory completion of the
15 program, including:

16 (1) successful completion of coursework to satisfy
17 curriculum requirements under the program; and

18 (2) successful performance on an examination under
19 Section 28.023 to demonstrate mastery of the curriculum.

20 Sec. 12.205. OPERATION OF PROGRAM. (a) An entity
21 authorized to operate a program under this subchapter shall create
22 an educational calendar and class schedule for the program's
23 operation that provides for flexibility in class scheduling and
24 student attendance. The commissioner shall approve reasonable
25 exceptions to accommodate program scheduling and achieve the
26 program's purpose.

27 (b) An entity authorized to operate a program under this

1 subchapter shall have an audit of the operations of the program,
2 including the financial operations, conducted at the entity's
3 expense. The audit must be conducted by an independent certified
4 public accountant.

5 (c) For purposes of conducting an audit under this section,
6 the commissioner by rule shall establish requirements for verifying
7 course credits earned by program students.

8 Sec. 12.206. ACCOUNTABILITY. A program under this
9 subchapter shall be evaluated under Section 39.0548 and as provided
10 by commissioner rule.

11 Sec. 12.207. FUNDING. (a) An entity authorized to operate
12 a program under this subchapter is entitled to receive full state
13 funding as provided by Section 12.106, provided that, for purposes
14 of this subchapter, the commissioner shall by rule determine a
15 method to calculate average daily attendance based on:

16 (1) a student's successful completion of a number of
17 courses as determined by commissioner rule; and

18 (2) a student's hours of contact time with the school.

19 (b) The method under Subsection (a) must provide for a
20 proportionate reduction in funding if a student fails to
21 successfully complete the number of courses determined under
22 Subsection (a)(1).

23 (c) An entity authorized to operate a program under this
24 subchapter may receive additional funds appropriated by the
25 legislature for:

26 (1) an intensive program of instruction to the same
27 extent as a program under Section 28.0213; or

1 (2) accelerated instruction to the same extent as a
2 program under Section 28.0217.

3 Sec. 12.208. PROGRAM REPORTING SYSTEM. (a) The
4 commissioner by rule shall develop:

5 (1) a system for each entity authorized to operate a
6 program under this subchapter to report information relating to the
7 program as directed by the commissioner; and

8 (2) to the extent practicable, a monthly funding
9 schedule.

10 (b) Before developing the system and schedule under
11 Subsection (a) and in an effort to best serve the interests and
12 needs of eligible students under this subchapter, the commissioner
13 shall solicit input from approved charter schools that currently
14 operate dropout recovery programs.

15 Sec. 12.209. RULES; WAIVERS. (a) The commissioner shall
16 adopt rules necessary to implement and administer this subchapter.

17 (b) The commissioner may waive any requirement under this
18 code to facilitate the purposes of this subchapter.

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

21 (1) evaluates the implementation of this subchapter;
22 and

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

25 Sec. 12.211. EXPIRATION. This subchapter expires December
26 1, 2023.

27 SECTION 2. Section 29.081(d), Education Code, as amended by

1 Chapters 403 (S.B. 1746), 597 (S.B. 668), and 1060 (H.B. 1051), Acts
2 of the 86th Legislature, Regular Session, 2019, is reenacted and
3 amended to read as follows:

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

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

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

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

15 (C) did not perform satisfactorily on an
16 assessment instrument administered to the student under Subchapter
17 B, Chapter 39, and who has not in the previous or current school
18 year subsequently performed on that instrument or another
19 appropriate instrument at a level equal to at least 110 percent of
20 the level of satisfactory performance on that instrument;

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

25 (E) is pregnant or is a parent;

26 (F) has been placed in an alternative education
27 program in accordance with Section 37.006 during the preceding or

1 current school year;

2 (G) has been expelled in accordance with Section
3 37.007 during the preceding or current school year;

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

6 (I) was previously reported through the Public
7 Education Information Management System (PEIMS) to have dropped out
8 of school;

9 (J) is a student of limited English proficiency,
10 as defined by Section 29.052;

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

15 (L) is homeless;

16 (M) resided in the preceding school year or
17 resides in the current school year in a residential placement
18 facility in the district, including a detention facility, substance
19 abuse treatment facility, emergency shelter, psychiatric hospital,
20 halfway house, cottage home operation, specialized child-care
21 home, or general residential operation; or

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

26 (2) regardless of the student's age, participates in
27 an adult education program provided under a high school diploma and

1 industry certification charter school program under Section
2 [29.259](#).

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

5 SECTION 4. To the extent of any conflict, this Act prevails
6 over another Act of the 87th Legislature, Regular Session, 2021,
7 relating to nonsubstantive additions to and corrections in enacted
8 codes.

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