

House Bill 572
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<p>SECTION 1. Chapter 12, Education Code, is amended by adding Subchapter F to read as follows:</p> <p><u>SUBCHAPTER F. DROPOUT RECOVERY COMPETENCY-BASED EDUCATIONAL PROGRAM</u></p> <p><u>Sec. 12.201. DEFINITION. In this subchapter, unless the context indicates otherwise, "program" means a dropout recovery competency-based educational program authorized under this subchapter.</u></p> <p><u>Sec. 12.202. PROGRAM AUTHORIZATION. (a) A school district or open-enrollment charter school may offer a dropout recovery competency-based educational program to eligible students as provided by this subchapter.</u></p> <p><u>(b) A program offered under this subchapter must:</u></p> <p><u>(1) serve students in grades 9 through 12 and have an enrollment of which at least 50 percent of the students are 16 years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission; and</u></p> <p><u>(2) meet the eligibility requirements for and be registered under alternative education accountability procedures adopted by the commissioner.</u></p> <p><u>(c) A dropout recovery competency-based educational program may be offered at a new or existing school district or open-enrollment charter school campus, as a new campus program, or as part of an existing campus program, including a campus or campus program that has been granted a charter under Subchapter C.</u></p> <p><u>(d) Notwithstanding any other provision of this code, a nonprofit entity granted a charter under Section 29.259 may transfer the adult education program operated under that</u></p>	<p>No equivalent provision.</p>	

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charter as a campus to a school district or open-enrollment charter school to be offered as a program under this subchapter, subject to the commissioner's approval. For purposes of this subchapter, an adult education program transferred as a campus under this subsection is a program under this subchapter.

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

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

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

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

(4) the student has been expelled under Section 37.007 during the previous four school years or the current school year;

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

(6) the student is currently in the custody or care of the Department of Family and Protective Services or has been

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referred to the department during the previous or current school year by a school official, officer of a juvenile court, or law enforcement official;

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

(8) the student resided at any time or currently resides in a residential care facility, 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;

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

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

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

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

(b) A student is eligible to enroll in a program provided under this subchapter if the student is at least 26 years of age and

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under 50 years of age and meets one of the following criteria:
(1) has failed to complete the curriculum requirements for high school graduation; or
(2) has failed to perform satisfactorily on an assessment instrument required for high school graduation.
(c) Students enrolled in a program under Subsection (b) may not be counted toward the maximum student enrollment described by Section 12.0522 or an open-enrollment charter school's charter, as applicable.
Sec. 12.204. ELIGIBILITY FOR DIPLOMA. (a) A student enrolled in a program offered under this subchapter may earn high school course credits and receive a high school diploma if the student successfully completes the curriculum requirements described under Section 28.025.
(b) A school district or open-enrollment charter school that operates a program under this subchapter shall establish the procedures and requirements to demonstrate satisfactory completion of the program, including:
(1) successful completion of coursework to satisfy curriculum requirements under the program; and
(2) successful performance on an examination under Section 28.023 to demonstrate mastery of the curriculum.
Sec. 12.205. PROGRAM CALENDAR AND CLASS SCHEDULE. (a) A school district or open-enrollment charter school that offers a program under this subchapter shall create an educational calendar and class schedule for the program's operation that provides for flexibility in class scheduling and student attendance. The commissioner shall approve reasonable exceptions to accommodate program scheduling and achieve the program's purpose.

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

Sec. 12.206. ACCOUNTABILITY. (a) For purposes of accountability, the commissioner shall evaluate the performance of students enrolled in a program under Section 12.203(a) separately from the performance of students enrolled in a program under Section 12.203(b).

(b) The performance of students enrolled in a program under Section 12.203(a) shall be evaluated under Section 39.0548 and as provided by commissioner rule.

(c) The performance of students enrolled in a program under Section 12.203(b) shall be evaluated under the performance frameworks adopted under Section 29.259(o). The results of the evaluation may not be considered in determining under Chapter 39 the accreditation status or overall or domain performance ratings of the school district or open-enrollment charter school that offers the program.

Sec. 12.207. FUNDING. (a) A school district or open-enrollment charter school that offers a program under this subchapter is entitled to receive funding for students enrolled in the program under Section 12.203(a) as provided by Chapter 48 or Section 12.106, as applicable, except that, for purposes of this subchapter, the commissioner shall calculate average daily attendance for the program as provided by commissioner rule based on:

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

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

(b) The method under Subsection (a) must provide for a proportionate reduction in funding if a student fails to

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successfully complete the number of courses determined under Subsection (a)(1).

(c) A school district or open-enrollment charter school that offers a program under this subchapter may use any available state or local funding, including funding received for a campus or campus program that has been granted a charter under Subchapter C or funding received under Section 12.106, as applicable, to provide the program to students described by Section 12.203(b).

(d) A school district or open-enrollment charter school that offers a program under this subchapter may receive additional funds appropriated by the legislature for:

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

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

SECTION 2. 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

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<p>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;</p> <p>(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;</p> <p>(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;</p> <p>(E) is pregnant or is a parent;</p> <p>(F) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;</p> <p>(G) has been expelled in accordance with Section 37.007 during the preceding or current school year;</p> <p>(H) is currently on parole, probation, deferred prosecution, or other conditional release;</p> <p>(I) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;</p> <p>(J) is a student of limited English proficiency, as defined by Section 29.052;</p> <p>(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;</p>		

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(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) ~~[(14)]~~ 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.

No equivalent provision.

SECTION 1. 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;

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(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. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.
(b) Subchapter F, Chapter 12, Education Code, as added by this Act, applies beginning with the 2024-2025 school year.

No equivalent provision.

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.

No equivalent provision.

No equivalent provision.

SECTION __. The Texas Education Agency is required to implement 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

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may, but is not required to, implement this Act using other appropriations available for the purpose. [FA1]

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

SECTION 2. 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.