

By: Lozano

H.B. No. 2209

A BILL TO BE ENTITLED

AN ACT

1
2 relating to establishing the Rural Pathway Excellence Partnership
3 (R-PEP) program and creating an allotment and outcomes bonus under
4 the Foundation School Program to support the program.

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

6 SECTION 1. Subchapter 2, Chapter 29, Education Code, is
7 amended by adding Section 29.912 to read as follows:

8 Sec. 29.912. RURAL PATHWAY EXCELLENCE PARTNERSHIP (R-PEP)
9 PROGRAM. (a) In this section, "program" means the Rural Pathway
10 Excellence Partnership (R-PEP) program established under this
11 section.

12 (b) The commissioner shall establish and administer the
13 Rural Pathway Excellence Partnership (R-PEP) program to
14 incentivize and support multidistrict, cross-sector, rural college
15 and career pathway partnerships that expand opportunities for
16 underserved students to succeed in school and life while promoting
17 economic development in rural areas.

18 (c) The program must enable an eligible school district that
19 lacks an economy of scale, as determined by commissioner rule, to
20 partner with at least one other school district to offer a broader
21 array of robust college and career pathways. Each partnership must:

22 (1) offer college and career pathways that align with
23 regional labor market projections for high-wage, high-demand
24 careers; and

1 (2) be managed by a coordinating entity that:

2 (A) has or will have at the time students are
3 served under the partnership the capacity to effectively coordinate
4 the partnership;

5 (B) has entered into a performance agreement
6 approved by the board of trustees of each partnering school
7 district that confers to the coordinating entity the same authority
8 with respect to the partnership as provided to an entity that
9 contracts to operate a district campus under Section 11.174;

10 (C) is eligible to be awarded a charter under
11 Section 12.101(a);

12 (D) has been granted a charter by each partnering
13 school district under Subchapter C, Chapter 12; and

14 (E) has on the entity's governing board as either
15 voting or ex officio members representatives of each partnering
16 school district and members of regional higher education and
17 workforce organizations.

18 (d) The performance agreement described by Subsection
19 (c)(2)(B) must:

20 (1) include ambitious and measurable performance
21 goals and progress measures tied to current college, career, and
22 military readiness outcomes and longitudinal postsecondary
23 completion and employment-related outcomes;

24 (2) allocate responsibilities for accessing and
25 managing progress and outcome information and annually publishing
26 that information on the Internet website of each partnering
27 district and the coordinating entity;

1 (3) authorize the coordinating entity to optimize the
2 value of each college and career pathway offered through the
3 partnership by determining scheduling, adding or removing a
4 pathway, hiring of pathway-specific personnel, setting
5 pathway-specific budgets, and other matters critical to the
6 efficacy of the pathways; and

7 (4) provide that any eligible student residing in a
8 partnering school district may participate in a college or career
9 pathway offered through the partnership.

10 (e) An employee of a coordinating entity that manages a
11 partnership under the program is eligible for membership in and
12 benefits from the Teacher Retirement System of Texas if the
13 employee would be eligible for membership and benefits by holding
14 the same position at a partnering school district.

15 (f) A student enrolled in a college or career pathway
16 offered through a partnership under the program is not considered
17 for accountability purposes under Chapter 39 to have dropped out of
18 high school or failed to complete the curriculum requirements for
19 high school graduation until the sixth anniversary of the student's
20 first day in high school.

21 (g) A school district proposing to enter into a performance
22 agreement under this section shall notify the commissioner of the
23 district's intent to enter into the agreement. The commissioner
24 shall establish procedures for a district to notify the
25 commissioner, including the period within which notification is
26 required before the school year in which the proposed agreement
27 would take effect, and to provide any additional information

1 required by the commissioner. The commissioner shall notify the
2 district whether the proposed agreement is approved or denied not
3 later than the 60th day after the date the commissioner receives
4 notification of the proposed agreement and all other information
5 required by the commissioner. If the commissioner fails to notify
6 the district that the proposed agreement has been approved or
7 denied within the period prescribed by this subsection, the
8 proposed agreement is considered approved.

9 (h) From money appropriated for that purpose, the
10 commissioner shall establish a grant program to assist in the
11 planning and implementation of a partnership under the program.
12 The commissioner may award a grant only to a coordinating entity
13 that has entered into a performance agreement approved under
14 Subsection (g). The commissioner may use not more than 15 percent
15 of the money appropriated for the grant program to cover the cost of
16 administering the grant program and to provide technical assistance
17 and support to partnerships under the program.

18 (i) The commissioner shall adopt rules as necessary to
19 implement this section, including rules establishing:

20 (1) requirements for a coordinating entity and a
21 performance agreement with the entity;

22 (2) the period for which a partnership under the
23 program may operate after commissioner approval before renewal of
24 commissioner approval is required; and

25 (3) standards for renewal of commissioner approval for
26 a partnership under the program.

27 (j) This section does not prohibit an agreement between a

1 school district and another entity for the provision of services at
2 a district campus.

3 (k) The commissioner may accept gifts, grants, and
4 donations from any source, including private and nonprofit
5 organizations, for the program. A private or nonprofit
6 organization that contributes to the program may receive an award
7 under Section 7.113.

8 SECTION 2. Subchapter C, Chapter 48, Education Code, is
9 amended by adding Section 48.118 to read as follows:

10 Sec. 48.118. RURAL PATHWAY EXCELLENCE PARTNERSHIP (R-PEP)
11 ALLOTMENT AND OUTCOME BONUS. (a) For each full-time equivalent
12 student in average daily attendance in grades 9 through 12 in a
13 college or career pathway offered through a partnership under the
14 Rural Pathway Excellence Partnership (R-PEP) program under Section
15 29.912, a school district is entitled to an allotment equal to the
16 basic allotment or, if applicable, the sum of the basic allotment
17 and the allotment under Section 48.101 to which the district is
18 entitled, multiplied by:

19 (1) 1.15, if the student is educationally
20 disadvantaged; or

21 (2) 1.11, if the student is not educationally
22 disadvantaged.

23 (b) Each year, the commissioner shall determine for each
24 school district the minimum number of annual graduates of a college
25 or career pathway described by Subsection (a) in each cohort
26 described by Section 48.110(b) who would have to demonstrate
27 college, career, or military readiness, as determined by

1 commissioner rule, in order for the district to qualify for an
2 outcomes bonus under Subsection (c).

3 (c) In addition to the allotment under Subsection (a), for
4 each annual graduate in a cohort described by Subsection (b) who
5 demonstrates college, career, or military readiness, as determined
6 by commissioner rule, in excess of the minimum number of students
7 determined for the applicable district cohort under Subsection (b),
8 a school district is entitled to an annual outcomes bonus of:

9 (1) if the annual graduate is educationally
10 disadvantaged, \$2,000;

11 (2) if the annual graduate is not educationally
12 disadvantaged, \$1,000; and

13 (3) if the annual graduate is enrolled in a special
14 education program under Subchapter A, Chapter 29, \$2,000,
15 regardless of whether the annual graduate is educationally
16 disadvantaged.

17 (d) A school district is entitled to an outcomes bonus under
18 each subdivision of Subsection (c) for which an annual graduate
19 qualifies.

20 (e) A school district may receive funding for a student
21 under this section and any other section for which the student
22 qualifies.

23 SECTION 3. Section 29.912, Education Code, as added by this
24 Act, applies beginning with the 2023-2024 school year.

25 SECTION 4. (a) Except as provided by Subsection (b) of this
26 section, this Act takes effect immediately if it receives a vote of
27 two-thirds of all the members elected to each house, as provided by

1 Section 39, Article III, Texas Constitution. If this Act does not
2 receive the vote necessary for immediate effect, this Act takes
3 effect September 1, 2023.

4 (b) Section 48.118, Education Code, as added by this Act,
5 takes effect September 1, 2023.