

AN ACT

relating to dropout recovery education programs.

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

SECTION 1. Section 29.081, Education Code, is amended by amending Subsections (e), (e-1), (e-2), and (f) and adding Subsections (e-3), (e-4), (e-5), and (e-6) to read as follows:

(e) A school district or open-enrollment charter school may use a private or public community-based dropout recovery education program or education management organization to provide alternative education programs for students at risk of dropping out of school. The program may be offered in person at a campus, remotely, or through a hybrid of in-person and remote instruction~~[+~~

~~[(1) at a campus; or~~

~~[(2) through the use of an Internet online program that leads to a high school diploma and prepares the student to enter the workforce].~~

(e-1) An in-person, [A] campus-based dropout recovery education program must:

(1) provide not less than four hours of instructional time per day;

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

(3) provide at least one instructor for each 28 students;

1 (4) perform satisfactorily according to performance
2 indicators and accountability standards adopted for alternative
3 education programs by the commissioner; and

4 (5) comply with this title and rules adopted under
5 this title except as otherwise provided by this subsection.

6 (e-2) A remote or hybrid [~~An Internet online~~] dropout
7 recovery education program must:

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

11 (2) employ as faculty and administrators persons with
12 baccalaureate or advanced degrees;

13 (3) provide an academic coach and local advocate for
14 each student;

15 (4) use an individual learning plan to monitor each
16 student's progress;

17 (5) establish satisfactory requirements for the
18 monthly progress of students according to standards set by the
19 commissioner;

20 (6) provide a monthly report to the student's school
21 district or open-enrollment charter school regarding the student's
22 progress;

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

26 (8) operate an in-person student engagement center at
27 a location suitable for high school students; and

1 (9) comply with this title and rules adopted under
2 this title except as otherwise provided by this subsection.

3 (e-3) A dropout recovery education program under Subsection
4 (e):

5 (1) may be operated only by an entity that is
6 accredited by the agency or a regional accrediting agency;

7 (2) must offer or provide referrals for mental health
8 services to students enrolled in the program; and

9 (3) may not market directly to students enrolled in a
10 traditional education program.

11 (e-4) A school district or open-enrollment charter school
12 may operate one campus-based dropout recovery education program
13 under Subsection (e) for all students in the district or school.

14 (e-5) A school district or open-enrollment charter school
15 administrator or school counselor may refer a student to a dropout
16 recovery education program under Subsection (e) if the
17 administrator or counselor determines that enrollment in the
18 program could prevent the student from dropping out of school.

19 (e-6) Each year, a school district or open-enrollment
20 charter school shall post on the district's or school's Internet
21 website a report on measurable outcomes for each dropout recovery
22 education program under Subsection (e) offered by the district or
23 school. The report must include the percentage of students
24 enrolled in the program during the preceding school year who
25 attained each of the following outcomes:

26 (1) transfer to a traditional education program;

27 (2) successful completion of the program;

1 (3) dual credit; or

2 (4) a credential of value.

3 (f) The commissioner shall include a student who
4 successfully completes a course offered through [~~students in~~
5 ~~attendance in~~] a program under Subsection (e) in the computation of
6 the district's or school's average daily attendance for funding
7 purposes. For a student who successfully completes a remote course
8 offered through the program, the commissioner shall include the
9 student in the computation of the district's or school's average
10 daily attendance with an attendance rate equal to:

11 (1) the district's or school's average attendance rate
12 for students successfully completing a course offered in person
13 under the program; or

14 (2) if the district or school does not offer courses in
15 person under the program, the statewide average attendance rate for
16 students successfully completing a course offered in person under a
17 program under Subsection (e).

18 SECTION 2. Section 39.023, Education Code, is amended by
19 amending Subsection (c-3) and adding Subsection (c-10) to read as
20 follows:

21 (c-3) Except as provided by Subsection (c-7) or (c-10) or as
22 otherwise provided by this subsection, in adopting a schedule for
23 the administration of assessment instruments under this section,
24 the State Board of Education shall ensure that assessment
25 instruments administered under Subsection (a) or (c) are not
26 administered on the first instructional day of a week. On request
27 by a school district or open-enrollment charter school, the

1 commissioner may allow the district or school to administer an
2 assessment instrument required under Subsection (a) or (c) on the
3 first instructional day of a week if administering the assessment
4 instrument on another instructional day would result in a
5 significant administrative burden due to specific local
6 conditions.

7 (c-10) An entity that operates a dropout recovery education
8 program under Section 29.081(e) may administer an assessment
9 instrument under this section on any date selected by the entity
10 that falls within a testing window established, in accordance with
11 Subsection (c-3), for the administration of the assessment
12 instrument.

13 SECTION 3. This Act applies beginning with the 2023-2024
14 school year.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2023.

S.B. No. 1647

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1647 passed the Senate on May 2, 2023, by the following vote: Yeas 22, Nays 9.

Secretary of the Senate

I hereby certify that S.B. No. 1647 passed the House on May 24, 2023, by the following vote: Yeas 93, Nays 47, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S.B. No. 1647