

## **BILL ANALYSIS**

C.S.H.B. 3683  
By: Dutton  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that there are students for whom traditional advancement through the public school system is not the best option. It has been suggested that current education requirements prevent schools from being flexible enough to provide these students with educational opportunities and set them up for success in life. C.S.H.B. 3683 seeks to provide for that flexibility by authorizing the operation of dropout recovery competency-based educational pilot programs and providing funding for these programs.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 3683 amends the Education Code to authorize the commissioner of education, for the purpose of offering during the 2020-2021 school year a dropout recovery competency-based educational pilot program to serve eligible students, to:

- grant a charter to an eligible entity for an open-enrollment charter school to provide the program on the basis of an application submitted;
- authorize a charter school that has been granted a charter to provide the program; or
- authorize a campus or campus program that has been granted a charter to provide the program.

C.S.H.B. 3683 establishes that, to qualify for an authorization, a program must serve students in grades 9 through 12, have an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System submission, and meet the eligibility requirements for and register under alternative education accountability procedures adopted by the commissioner. The bill establishes that a student is eligible to enroll in a program 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 criteria specified by the bill.

C.S.H.B. 3683 establishes that a student enrolled in the program who successfully completes the foundation high school program curriculum requirements adopted by the State Board of Education may earn high school course credits and receive a high school diploma. The bill requires the commissioner by rule to establish the requirements to demonstrate satisfactory

completion of the dropout recovery competency-based educational program, including successful completion of coursework to satisfy curriculum requirements under the program and successful performance, with respect to credit by examination, on an examination to demonstrate mastery of the curriculum.

C.S.H.B. 3683 requires an entity authorized to operate the program to create an educational calendar and class schedule for the program's operation that provides for flexibility in class scheduling and student attendance. The bill requires the commissioner to approve reasonable exceptions to accommodate program scheduling and achieve the program's purpose. The bill requires the entity authorized to operate a program to have an audit of the operations of the program, including the financial operations, conducted at the authorized entity's expense. The audit must be conducted by an independent certified public accountant. The bill requires the commissioner by rule to establish requirements for verifying course credits earned by program students for purposes of conducting the audit. The bill requires a program under the bill's provisions to be evaluated as a dropout recovery school and as provided by commissioner rule.

C.S.H.B. 3683 entitles an entity authorized to operate the program to full state funding for a charter school under the foundation school program provided that, for purposes of the bill's provisions, the commissioner is required to determine by rule a method to calculate average daily attendance based on a student's successful completion of a number of courses as determined by commissioner rule and a student's hours of contact time with the school. The method must provide for a proportionate reduction in funding if a student fails to successfully complete the requisite number of courses. The bill authorizes an entity authorized to operate the program to receive additional funds appropriated by the legislature for an intensive program of instruction or for accelerated instruction to the same extent as provided by law for those programs.

C.S.H.B. 3683 requires the commissioner to develop by rule a system for each entity authorized to operate the program to report information relating to the program as directed by the commissioner and requires the commissioner to develop by rule, to the extent practicable, a monthly funding schedule. The bill requires the commissioner to solicit input from approved charter schools that currently operate dropout recovery programs before developing the system and schedule.

C.S.H.B. 3683 requires the commissioner to adopt rules necessary to implement and administer the bill's provisions and authorizes the commissioner to waive any requirement under the Education Code to facilitate the purposes of the bill's provisions.

C.S.H.B. 3683 requires the commissioner, not later than December 1, 2021, to submit a report to the legislature that evaluates the implementation of the bill's provisions and makes recommendations regarding any legislative or other action. The bill's provisions apply beginning with the 2020-2021 school year and expire December 1, 2021.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3683 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision making the program a pilot program that is offered during the 2020-2021 school year and includes a provision making the bill's provisions expire on December 1, 2021. The substitute revises certain bill provisions to reflect the change in the nature of the

program, including changing the deadline for the commissioner to submit a report to the legislature, not including the requirement for the audit to be an annual audit, and not including the expiration of the bill's authorization for the commissioner to waive any requirement under the Education Code to facilitate the purposes of the bill's provisions.

The substitute clarifies that the charter schools from which the commissioner is required to solicit input before developing by rule an information reporting system and monthly funding schedule are approved charter schools.

The substitute does not include an applicable student who entered the United States as an asylee or refugee among the students eligible to enroll in the program.

The substitute does not include a provision exempting a charter school that operates a program under the bill's provisions from nonrenewal or revocation under certain conditions.