

BILL ANALYSIS

C.S.H.B. 572
By: Dutton
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that Texas' current requirements that are tied to school funding do not encourage the design and implementation of flexible programs for students who drop out or are at risk of dropping out of the education system. It has been suggested that those students may benefit from a nontraditional educational opportunity to earn course credit and obtain a high school diploma and that dropout recovery programs can be designed to create such an opportunity. C.S.H.B. 572 seeks to address these concerns by authorizing public school districts and open-enrollment charter schools to operate dropout recovery competency-based educational programs, including providing for flexibility in class scheduling and student attendance.

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. 572 amends the Education Code to authorize a public school district or open-enrollment charter school to operate a dropout recovery competency-based educational program through a campus or campus program charter or open-enrollment charter school. Such a program must meet the following criteria:

- serve students in grades 9 through 12;
- have a specified percentage of enrolled students, as reported for the fall semester, who are 16 years of age or older as of September 1 of the applicable school year; and
- meet the eligibility requirements for and be registered under alternative education accountability procedures adopted by the commissioner of education.

A program may be offered at a new or existing district or charter school campus as a new campus program or as part of an existing campus program. The bill provides for a student's eligibility for program enrollment, a student's eligibility for earning course credits and receiving a high school diploma, and the procedures and requirements for a student's demonstration of satisfactory completion of the program.

C.S.H.B. 572 provides that a student is eligible to enroll in a program provided if the student is at least 26 years of age and under 50 years of age and meets one of the following criteria:

- the student has failed to complete the curriculum requirements for high school graduation; or
- the student failed to perform satisfactorily on an assessment instrument required for high school graduation.

Students enrolled in a program under this provision may not be counted toward the maximum student enrollment described by the district charter authorization or an open-enrollment charter school's charter, as applicable.

C.S.H.B. 572 entitles a district or charter school that offers a program to receive funding for students enrolled in the program under the foundation school program or statutory provisions relating to state funding for charter schools, as applicable, except that the commissioner must calculate average daily attendance for the program as provided by commissioner rule based on a student's successful course completion of a number of courses as determined by commissioner rule and on a student's hours of contact time with the school. Such a method must provide for a proportionate funding reduction if a student fails to successfully complete the requisite number of courses.

C.S.H.B. 572 authorizes a district or charter school that offers a program to use any available state or local funding to provide the program to applicable students and provides that a district or charter school may receive additional funds appropriated by the legislature for an intensive program of instruction or accelerated instruction to the same extent as provided by law for those programs.

C.S.H.B. 572, with respect to the operation of a program, requires the following:

- creation of an educational calendar and class schedule that provides flexibility in class scheduling and student attendance;
- approval by the commissioner of reasonable exceptions to accommodate program scheduling and achieve the program's purpose; and
- authorization for the commissioner to waive any requirement under the Education Code to facilitate the program's purposes.

The bill authorizes a nonprofit entity that provides an adult high school diploma and industry certification charter school program to transfer the adult education program to a district or charter school to be offered as a dropout recovery competency-based educational program, subject to the commissioner's approval.

C.S.H.B. 572 provides for the evaluation of the performance of students in a program as provided by commissioner rule for the purposes of accountability and under statutory provisions relating to community education programs. The bill prohibits evaluation results from being considered in determining the accreditation status or performance ratings of a district or charter school that offers an adult high school diploma and industry certification program. The bill's provisions relating to a dropout recovery competency-based educational program apply beginning with the 2024-2025 school year.

C.S.H.B. 572 includes in the definition of "student at risk of dropping out of school" a student who is under 26 years of age and enrolled in a district, district campus, charter school, or charter school campus that is designated as a dropout recovery school. The bill's provisions relating to this definition apply beginning with the 2021-2022 school year.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 572 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 changes the nature of the dropout recovery competency-based educational program from a pilot program with an expiration date and temporary authorization during the 2022-2023 school year, as established in the original, to a permanently operating program.

The substitute changes the date on which the bill's provisions relating to a dropout recovery competency-based educational program begin to apply from applicability beginning with the 2022-2023 school year, as established in the original, to applicability beginning with the 2024-2025 school year.

The substitute changes enrollment requirements for a program from a percentage threshold of students that are 17 years of age or older to the same percentage threshold of students that are 16 years of age or older.

The substitute expands program eligibility established in the original to include a student that is at least 26 years of age and under 50 years of age and who has either failed to complete curriculum requirements for graduation or failed to perform satisfactorily on a test required for graduation. The substitute includes a provision absent from the original prohibiting these students from being counted toward the applicable maximum enrollment.

The substitute changes the party responsible for establishing requirements to demonstrate satisfactory program completion from the commissioner, as established in the original, to a district or charter school operating a program.

The substitute expands program evaluation requirements for accountability purposes established in the original to provide for evaluation of student performance.

The substitute does not include the following provisions contained in the original:

- an authorization for the commissioner to authorize the operation of a dropout recovery competency-based educational program;
- a requirement for an audit of a program's operations conducted by an independent certified public accountant;
- a requirement for the establishment, by commissioner rule, of requirements for verifying course credits earned by students for purposes of conducting the audit;
- a requirement for the commissioner by rule to develop a monthly funding schedule and a program reporting system and solicit input from charter schools that currently operate dropout recovery programs before developing the system and schedule;
- a requirement for the commissioner to adopt rules necessary to implement and administer the bill's provisions; and
- a requirement for the commissioner 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 substitute includes the following provisions not contained in the original:

- an authorization for a program to be offered at a new or existing district or charter school campus;
- an authorization relating to the transfer of an adult education program to a district or charter school to be offered as a dropout recovery competency-based educational program;
- an authorization for the commissioner to waive certain requirements to facilitate the program's purposes;
- an authorization for a district or charter school that offers a program to use any available state or local funding to provide the program; and
- a change to the definition of "student at risk of dropping out of school."

The substitute makes the provision changing that definition applicable beginning with the 2021-2022 school year.