

SUBJECT: Authorizing a competency-based dropout recovery charter school

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Huberty, Bernal, Allen, Ashby, K. Bell, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

2 absent — Allison, Dutton

WITNESSES: For — Michelle Harvey, Learn4Life; Timothy Mattison, Texas Charter Schools Association; Frances Berrones-Johnson and Scott Carothers, Triumph Public High Schools; (*Registered, but did not testify*: Traci Berry, Goodwill Central Texas; Ashlea Turner, Houston ISD; Mary Cullinane, League of Women Voters of Texas; Amanda List, ResponsiveEd; Knox Kimberly, Upbring; Robert Norris)

Against — (*Registered, but did not testify*: Paige Williams, Texas Classroom Teachers Association; Lisa Dawn-Fisher, Texas State Teachers Association)

On — Mike Meyer, Texas Education Agency; (*Registered, but did not testify*: Liz Kromei, Department of Family and Protective Services; Terri Hanson, Eric Marin, Monica Martinez, and Heather Mauze, Texas Education Agency)

DIGEST: CSHB 3683 would create a competency-based dropout recovery pilot program for certain eligible students who had dropped out of school or were at risk of dropping out of school.

Providers. For the purpose of offering the program during the 2020-2021 school year, the commissioner of education would be authorized to:

- grant a charter to an eligible entity that applied for an open-enrollment charter school to provide the program;

- authorize a charter school that had been granted a charter to provide the program; or
- authorize a campus or campus program that had been granted a charter to provide the program.

A program would have to serve students in grades 9 through 12 and have an enrollment of which at least 50 percent of the students were 17 years of age or older as of September 1 of the school year. A program also would have to meet the eligibility requirements for and register under alternative education accountability procedures adopted by the commissioner.

Eligibility. A student would be eligible to enroll in the program if the student was at least 14 and under 26 years of age on September 1 of the school year and:

- was reported through the Public Education Information Management System (PEIMS) or by another state to have dropped out of school;
- was at risk of dropping out of school under certain circumstances, including academic deficiencies, being pregnant or a parent, or being of limited English proficiency;
- had been placed in a disciplinary alternative education program during the previous or current school year;
- had been expelled for serious offenses during the previous four school years or the current school year;
- was currently on parole, probation, deferred prosecution, deferred adjudication, or other conditional release;
- was currently in the custody or care of the Department of Family and Protective Services or had been referred to the department during the previous or current school year by a school official, juvenile court officer, or law enforcement official;
- had been previously or was currently homeless as defined by federal law;
- currently or previously had resided in a residential care facility;
- was employed for at least 15 hours or more each week to provide

- individual support or to support the student's family;
- was ordered by a court to attend a high school equivalency certificate program but had not yet earned the certificate or diplomas;
 - had previously been placed on a personal graduation plan or an intensive program of instruction; or
 - would benefit from the program to avoid dropping out of school due to extenuating family circumstances or responsibilities.

An enrolled student could earn high school course credit and receive a diploma if the student successfully completed the required foundation high school program. The commissioner of education would have to establish by rule the requirements to demonstrate satisfactory completion of the program, including successful completion of coursework to satisfy curriculum requirements and successful performance on an examination to demonstrate mastery of the curriculum.

Operations. A charter school or other program operator would have to create an educational calendar and class schedule that provided flexibility in class scheduling and student attendance. The commissioner would have to approve reasonable exceptions to accommodate program scheduling and achieve the program's purpose.

A program operator would be required to have an audit of its operations, including the financial operations, conducted at the authorized entity's expense. The audit would have to be conducted by an independent certified public accountant. For auditing purposes, the commissioner by rule would have to establish requirements for verifying course credits earned by students in the program.

Funding. A program provider would be entitled to full state funding for a charter school provided that the commissioner by rule determined a method to calculate average daily attendance based on a student's successful completion of a number of courses and the student's hours of contact time with the school. The method would have to provide for a proportionate funding reduction if a student failed to successfully

complete the required number of courses.

A program provider could receive additional funds appropriated by the Legislature for an intensive program of instruction or accelerated instruction.

Reporting. The commissioner by rule would have to develop a system for each program provider to report information relating to the program and, to the extent practicable, a monthly funding schedule. Before developing the system and schedule, the commissioner would have to solicit input from approved charter schools that currently operated dropout recovery programs.

By December 1, 2021, the commissioner would have to submit a report to the Legislature that evaluated the implementation of the program and made recommendations regarding any legislative or other action.

The bill would apply beginning with the 2020-2021 school year and the pilot program would expire December 1, 2021.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS
SAY:

CSHB 3683 would create an opportunity to help students who had dropped out of school or were at risk of dropping out earn their high school diplomas by providing scheduling flexibility for students who could not be in a structured class setting five days a week.

Life circumstances require some students to work or care for a child or family member during the traditional school day. A competency-based dropout recovery program could allow these students to attend school three or four days a week and still master their coursework. Texas should join other states in giving students who would otherwise fall through the cracks of the traditional school system the opportunity to re-engage in school and earn their diplomas.

The bill would create flexibility for a competency-based dropout recovery school to receive funding based on a student's successful completion of courses and time spent at the school. While some have said the bill would expand charter schools, traditional school districts that operated charter schools also could qualify to participate in the pilot program.

**OPPONENTS
SAY:**

CSHB 3683 would create a new program for charter schools at a time when many are calling for a moratorium on their expansion due to funding and other concerns. Funding for the pilot program would be a departure from the student attendance-based model that all other schools must follow and could result in students being rushed through the curriculum so the program provider could be paid.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of \$7.4 million to general revenue related funds through fiscal 2020-21.