

## **BILL ANALYSIS**

Senate Research Center  
86R10933 MM-F

H.B. 2818  
By: Lucio III (Lucio)  
Education  
5/15/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

To increase opportunities for students who had dropped out of high school, but later wished to put in the effort to receive their diploma, the legislature in 2017 passed H.B. 3706, which authorized digital dropout recovery programs. Crucially, a digital model offers increased flexibility for these students, who often work, care for a family, or have other adult responsibilities that can make it difficult to attend a program with a more traditional school schedule. Unfortunately, in implementation, it was discovered that the attendance rules, based on existing dropout recovery and digital learning models, do not provide the needed flexibility for these programs to successfully help these eager students complete the coursework needed to complete the program. Without a method for calculating attendance that makes sense for this innovative program, students who need a flexible way to earn credit will be unable to participate in this powerful opportunity to achieve their goal of a high school diploma.

H.B. 2818 ensures the success of online dropout recovery programs, and their students, by providing guidance in developing sensible attendance rules for these innovative programs. Under the bill, attendance in online dropout recovery programs is calculated similarly to attendance in comparable virtual school models, with flexibility in the time instruction is offered and funding distributed based on student completion of courses. By allowing these programs the ability to account for attendance in a way that makes sense for their student population, H.B. 2818 strengthens virtual dropout recovery programs' ability to help former dropouts chart a path toward receiving a high school diploma.

H.B. 2818 amends current law relating to an Internet online dropout recovery education program for students at risk of dropping out of school.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 29.081, Education Code, by amending Subsection (e-2) and adding Subsection (f-1), as follows:

(e-2) Deletes existing text requiring an Internet online dropout recovery education program to establish satisfactory requirements for the monthly progress of students according to standards set by the commissioner of education (commissioner) from a list of requirements and makes nonsubstantive changes.

(f-1) Provides that an Internet online dropout recovery education program is not subject to commissioner rules applicable to an optional flexible school day program under Section 29.0822 (Optional Flexible School Day Program) regarding minutes of instruction and calculation of average daily attendance. Requires the commissioner, for the purposes of calculating attendance for an Internet online dropout recovery education program, to:

- (1) consider a student to be scheduled for and receiving instruction for 55 minutes per day for each course taken for purposes of determining whether the student satisfies the requirements of half-day or full-day enrollment;
- (2) consider a student who is enrolled for five semester courses to be in attendance for each day of instruction in the reporting period for purposes of establishing the student's daily attendance;
- (3) calculate the final average daily attendance of the program based on successful student completion of semester courses in which students were enrolled using course completion data reported by the district;
- (4) adjust the average daily attendance based on students' failure to complete semester courses; and
- (5) adjust the amount of funding provided under the Foundation School Program during the following school year based on any adjustment made under Subdivision (4).

SECTION 2. Effective date: September 1, 2019.