

## **BILL ANALYSIS**

Senate Research Center  
87R19942 MLH-F

H.B. 572  
By: Dutton (Lucio)  
Education  
5/18/2021  
Engrossed

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

One in five Texas freshmen will not graduate high school, and this number is expected to grow after the 2020 school disruptions. Without a high school diploma, these students represent a loss of potential in their own lives and for the Texas economy at large. Current Texas education law, especially funding, does not allow for much flexibility in creating alternative programs for students who cannot conform to school schedules. Consequently, students with unique circumstances, such as needing to work to provide for their family, find themselves unable to complete high school or to return after failing to graduate.

H.B. 572 enables innovation in dropout recovery programs by allowing for flexible schedules in programs, relaxing standards for eligibility, and providing for funding based on course completion. Under this bill, students with challenging schedules can work at their own pace. Many students who would not ordinarily qualify for dropout recovery programs but who are at risk for dropping out would be eligible, as well as adults who have been out of school for some time. The state formula would fund course completion and student attendance at the program but would reduce funding if the student fails to complete their course load. H.B. 572 will make dropout recovery programs a meaningful option for students at risk for dropping out of high school or who have failed to graduate. Greater educational success will open up more opportunities for these students and strengthen the Texas economy.

H.B. 572 amends current law relating to authorizing a dropout recovery competency-based educational program provided through a campus or campus program charter or open-enrollment charter 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 Chapter 12, Education Code, by adding Subchapter F, as follows:

#### **SUBCHAPTER F. DROPOUT RECOVERY COMPETENCY-BASED EDUCATIONAL PROGRAM**

Sec. 12.201. DEFINITION. Defines "program."

Sec. 12.202. PROGRAM AUTHORIZATION. (a) Authorizes a school district or open-enrollment charter school to offer a dropout recovery competency-based educational program to eligible students as provided by this subchapter.

(b) Requires that a program offered under this subchapter serve students in grades 9 through 12 and have an enrollment of which at least 50 percent of the students are 16 years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and meet the eligibility requirements for and be registered under

alternative education accountability procedures adopted by the commissioner of education (commissioner).

(c) Authorizes a dropout recovery competency-based educational program to be offered at a new or existing school district or open-enrollment charter school campus, as a new campus program, or as part of an existing campus program, including a campus or campus program that has been granted a charter under Subchapter C (Campus or Campus Program Charter).

(d) Authorizes a nonprofit entity granted a charter under Section 29.259 (Adult High School Diploma and Industry Certification Charter School Program), notwithstanding any other provision of this code, to transfer the adult education program operated under that charter as a campus to a school district or open-enrollment charter school to be offered as a program under this subchapter, subject to approval of the commissioner. Provides that for purposes of this subchapter, an adult education program transferred as a campus under this subsection is a program under this subchapter.

Sec. 12.203. ELIGIBLE STUDENT. (a) Provides that a student is eligible to enroll in a program offered under this subchapter 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 following criteria:

(1) the student was reported through PEIMS or in another state to have dropped out of school, including a student who has previously dropped out of school;

(2) the student is a student at risk of dropping out of school under the circumstances described by Section 29.081(d)(1)(A), (B), (C), (E), or (J) (relating to certain qualifications to be classified as a "student at risk of dropping out of school);

(3) the student has been placed in a disciplinary alternative education program under Section 37.006 (Removal for Certain Conduct) during the previous or current school year based on PEIMS submissions or other supporting documentation;

(4) the student has been expelled under Section 37.007 (Expulsion for Serious Offenses) during the previous four school years or the current school year;

(5) the student is currently on parole, probation, deferred prosecution, deferred adjudication, or other conditional release;

(6) the student is currently in the custody or care of the Department of Family and Protective Services (DFPS) or has been referred to DFPS during the previous or current school year by a school official, officer of a juvenile court, or law enforcement official;

(7) the student has been previously or is currently homeless as defined by 42 U.S.C. Section 11302 or within the meaning of the term "homeless children and youths" under 42 U.S.C. Section 11434a, as applicable;

(8) the student resided at any time or currently resides in a residential care facility, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation;

(9) the student is employed and working for pay at least 15 hours or more each week to provide individual support or to support the student's family;

(10) the student is ordered by a court to attend a high school equivalency certificate program but has not yet earned the certificate or a high school diploma;

(11) the student has previously been placed on a personal graduation plan under Section 28.0212 (Junior High or Middle School Personal Graduation Plan) or an intensive program of instruction under Section 28.0213 (Intensive Program of Instruction); or

(12) the student or the parent of or person standing in parental relation to the student certifies to the school that the student would benefit from the program to otherwise avoid dropping out of school due to extenuating family circumstances or responsibilities, including to provide medical or caregiving services to a family member or to provide individual support or to support the student's family.

(b) Provides that a student is eligible to enroll in a program provided under this subchapter if the student is at least 26 years of age and under 50 years of age and meets one of the following criteria: has failed to complete the curriculum requirements for high school graduation or has failed to perform satisfactorily on an assessment instrument required for high school graduation.

(c) Prohibits students enrolled in a program under Subsection (b) from being counted toward the maximum student enrollment described by Section 12.0522 (District Charter Authorization) or an open-enrollment charter school's charter, as applicable.

**Sec. 12.204. ELIGIBILITY FOR DIPLOMA.** (a) Authorizes a student enrolled in a program offered under this subchapter to earn high school course credits and receive a high school diploma if the student successfully completes the curriculum requirements described under Section 28.025 (High School Diploma and Certificate; Academic Achievement Record).

(b) Requires a school district or open-enrollment charter school that operates a program under this subchapter to establish the procedures and requirements to demonstrate satisfactory completion of the program, including successful completion of coursework to satisfy curriculum requirements under the program and successful performance on an examination under Section 28.023 (Credit by Examination) to demonstrate mastery of the curriculum.

**Sec. 12.205. PROGRAM CALENDAR AND CLASS SCHEDULE.** (a) Requires a school district or open-enrollment charter school that offers a program under this subchapter to create an educational calendar and class schedule for the program's operation that provides for flexibility in class scheduling and student attendance. Requires the commissioner to approve reasonable exceptions to accommodate program scheduling and achieve the program's purpose.

(b) Authorizes the commissioner to waive any requirement under the Education Code to facilitate the purposes of this subchapter.

**Sec. 12.206. ACCOUNTABILITY.** (a) Requires the commissioner, for purposes of accountability, to evaluate the performance of students enrolled in a program under Section 12.203(a) separately from the performance of students enrolled in a program under Section 12.203(b).

(b) Requires that the performance of students enrolled in a program under Section 12.203(a) be evaluated under Section 39.0548 (Evaluating Dropout Recovery Schools) and as provided by commissioner rule.

(c) Requires that the performance of students enrolled in a program under Section 12.203(b) be evaluated under the performance frameworks adopted under Section 29.259(o) (relating to performance frameworks adopted by the commissioner of education to measure the performance of an adult high school program). Prohibits the results of the evaluation from being considered in determining under Chapter 39 (Public School System Accountability) the accreditation status or overall or domain performance ratings of the school district or open-enrollment charter school that offers the program.

Sec. 12.207. FUNDING. (a) Provides that a school district or open-enrollment charter school that offers a program under this subchapter is entitled to receive funding for students enrolled in the program under Section 12.203(a) as provided by Chapter 48 (Foundation School Program) or Section 12.106 (State Funding), as applicable, except that, for purposes of this subchapter, the commissioner is required to calculate average daily attendance for the program as provided by commissioner rule based on:

(1) a student's successful completion of a number of courses as determined by commissioner rule; and

(2) a student's hours of contact time with the school.

(b) Requires that the method under Subsection (a) provide for a proportionate reduction in funding if a student fails to successfully complete the number of courses determined under Subsection (a)(1).

(c) Authorizes a school district or open-enrollment charter school that offers a program under this subchapter to use any available state or local funding, including funding received for a campus or campus program that has been granted a charter under Subchapter C or funding received under Section 12.106, as applicable, to provide the program to students described by Section 12.203(b).

(d) Authorizes a school district or open-enrollment charter school that offers a program under this subchapter to receive additional funds appropriated by the legislature for an intensive program of instruction to the same extent as a program under Section 28.0213 or accelerated instruction to the same extent as a program under Section 28.0217 (Accelerated Instruction for High School Students).

SECTION 2. Reenacts Section 29.081(d), Education Code, as amended by Chapters 403 (H.B. 1746), 597 (S.B. 668), and 1060 (H.B. 1051) Acts of the 86th Legislature, Regular Session, 2019, and amends it to provide that, for purposes of Section 29.081 (Compensatory, Intensive, and Accelerated Instruction), "student at risk of dropping out of school" includes each student who is under 26 years of age and who meets certain conditions, including is enrolled in a school district or open-enrollment charter school, or a campus of a school district or open-enrollment charter school, that is designated as a dropout recovery school under Section 39.0548 (Evaluating Dropout Recovery Schools). Makes nonsubstantive changes.

SECTION 3. (a) Provides that except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.

(b) Provides that Subchapter F, Chapter 12, Education Code, as added by this Act, applies beginning with the 2024-2025 school year.

SECTION 4. Provides that to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. Effective date: September 1, 2021.