

By: Murphy, Oliverson

H.B. No. 3767

Substitute the following for H.B. No. 3767:

By: Button

C.S.H.B. No. 3767

A BILL TO BE ENTITLED

1 AN ACT

2 relating to measures to support the alignment of education and
3 workforce development in the state with state workforce needs,
4 including the establishment of the Tri-Agency Workforce
5 Initiative.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. This Act shall be known as the Texas Education
8 and Workforce Alignment Act.

9 SECTION 2. Subtitle G, Title 10, Government Code, is
10 amended by adding Chapter 2308A to read as follows:

11 CHAPTER 2308A. TRI-AGENCY WORKFORCE INITIATIVE

12 Sec. 2308A.001. DEFINITIONS. In this chapter:

13 (1) "Agency," unless the context requires otherwise,
14 means the Texas Education Agency.

15 (2) "Career education and training program" means:

16 (A) a career and technology education program
17 offered by a public school;

18 (B) a career technical or workforce education
19 program, as defined by the coordinating board, offered by an
20 institution of higher education;

21 (C) a program administered by the commission
22 relating to jobs training, skills development, or adult education
23 and literacy; and

24 (D) a work-based learning program, such as an

1 apprenticeship or internship program, that receives state funding
2 or is administered by the commission.

3 (3) "Commission" means the Texas Workforce
4 Commission.

5 (4) "Coordinating board" means the Texas Higher
6 Education Coordinating Board.

7 (5) "Initiative" means the Tri-Agency Workforce
8 Initiative.

9 (6) "Institution of higher education" has the meaning
10 assigned by Section 61.003, Education Code.

11 (7) "State workforce development goals" means the
12 state workforce development goals developed under Section
13 2308A.006.

14 Sec. 2308A.002. PURPOSE. The Tri-Agency Workforce
15 Initiative is established to coordinate and optimize information
16 and other resources as necessary to:

17 (1) align career education and training programs to
18 workforce demands;

19 (2) provide residents of the state with timely and
20 accurate information needed to plan education and workforce
21 pathways; and

22 (3) enable local and state policy makers to evaluate
23 the effectiveness of career education and training programs and
24 progress toward the state workforce development goals.

25 Sec. 2308A.003. INTERAGENCY AGREEMENTS AND STAFFING. (a)
26 The agency, coordinating board, and commission shall enter into one
27 or more interagency agreements establishing policies and processes

1 for:

2 (1) sharing and matching relevant data and
3 cooperatively managing education and workforce information
4 collected by each respective agency; and

5 (2) coordinating the assignment of staff and other
6 resources to the initiative as necessary to effectuate the state
7 workforce development goals and the strategies for achieving those
8 goals developed under Section 2308A.006.

9 (b) The time spent by an employee of the agency,
10 coordinating board, or commission in supporting the work of the
11 initiative is not included in calculating the number of full-time
12 equivalent employees allotted to the respective agency under other
13 law.

14 Sec. 2308A.004. QUARTERLY DISCUSSIONS. The commissioner of
15 education, commissioner of higher education, and chair of the
16 commission shall discuss the work of the initiative at least once
17 per quarter.

18 Sec. 2308A.005. UNIFIED WORKFORCE DATA REPOSITORY. (a) The
19 agency, coordinating board, and commission shall use the
20 P-20/Workforce Data Repository established under Section
21 1.005(j-1), Education Code, as the central repository of career and
22 education data. The agency, coordinating board, and commission
23 shall regularly review the data collected by the respective agency
24 and incorporate into the repository data determined by the
25 executive officer of that agency to be integral to the state
26 workforce development goals and the strategies for achieving those
27 goals developed under Section 2308A.006.

1 (b) Any data or reports made accessible to the public under
2 the initiative must comply with applicable state and federal laws
3 governing use of and access to the data.

4 (c) Where applicable, the agency, coordinating board, and
5 commission shall ensure that records deposited in the repository
6 are automatically matched at the student level on a timely basis to
7 ensure that the agency, coordinating board, and commission and
8 other entities authorized to access the repository have timely
9 information to support higher education and workforce application,
10 entry, and success.

11 Sec. 2308A.006. STATE WORKFORCE DEVELOPMENT GOALS AND
12 STRATEGIES. (a) The commissioner of education, commissioner of
13 higher education, and chair of the commission jointly shall develop
14 and post in a prominent location on the initiative's and each
15 respective agency's Internet website state workforce development
16 goals and coordinated interagency strategies for achieving those
17 goals.

18 (b) The goals developed under Subsection (a) must:
19 (1) be developed in consultation with employers;
20 (2) include goals for the attainment of employment in
21 jobs that pay a living wage for all career education and training
22 programs in the state;

23 (3) be disaggregated by race, ethnicity, and gender
24 for each workforce development region; and

25 (4) provide for:
26 (A) locally determined priorities consistent
27 with state goals; and

1 (B) collaborative planning and coordination with
2 local employers, public schools, institutions of higher education,
3 and local workforce development boards.

4 (c) The strategies developed under Subsection (a) must:

5 (1) include strategies for expanding work-based
6 learning;

7 (2) articulate the ways in which the state can best
8 leverage state and federal funding for career education and
9 training programs; and

10 (3) be demonstrably guided by:

11 (A) education and workforce data;

12 (B) evidence of success and considerations of
13 cost-effectiveness; and

14 (C) prioritized occupational classifications,
15 including all target occupations and critical career pathways
16 designated under Subsection (e).

17 (d) In consultation with employers, the commissioner of
18 education, commissioner of higher education, and chair of the
19 commission jointly shall update the state workforce development
20 goals and strategies developed under Subsection (a) at least every
21 four years, or more frequently if needed to reflect available data
22 and circumstances.

23 (e) In consultation with employers, the commissioner of
24 education, commissioner of higher education, and chair of the
25 commission shall designate and update every two years a list of
26 career pathways that includes the following two priority
27 categories:

1 (1) target occupations, which include current needs
2 that exist in one or more regions of the state as reflected in
3 regional workforce assessments that:

4 (A) use the best available data and local
5 employer requests; and

6 (B) satisfy minimum federal standards for
7 designations, such as a foundation for qualified use of federal
8 workforce funding; and

9 (2) critical career pathways that reflect the best
10 statewide data and forecasts of skills and careers for which demand
11 in the state is expected to grow that may:

12 (A) be associated with new emerging industries or
13 new specialty occupations within an industry; or

14 (B) reflect pathways to better wages for workers
15 with documented skills that provide promotional opportunities
16 within or across occupations with targeted upskill training.

17 (f) Not later than June 1, 2022, the commissioner of
18 education, commissioner of higher education, and chair of the
19 commission jointly shall make recommendations regarding the
20 development of a modern and publicly accessible job skills
21 inventory for public and private sector jobs in the state,
22 including recommendations on:

23 (1) cataloging worker skills and matching those skills
24 to public and private sector jobs in the state;

25 (2) creating skills profiles for all jobs and career
26 pathways designated under Subsection (e) that are vital to the
27 state; and

1 (3) identifying skills and competencies offered by
2 each career education and training program in the state.

3 (g) Subsection (f) and this subsection expire September 1,
4 2023.

5 Sec. 2308A.007. CREDENTIAL LIBRARY. (a) The agency,
6 coordinating board, and commission jointly shall establish a
7 publicly accessible web-based library of credentials, such as
8 diplomas, certificates, certifications, digital badges,
9 apprenticeships, licenses, or degrees, that are:

10 (1) delivered, issued, funded, or governed by the
11 state;

12 (2) aligned with recognized skills and industry
13 standards;

14 (3) available to residents of the state; and

15 (4) used by employers in the state.

16 (b) The agency, coordinating board, and commission jointly
17 shall designate a host agency or operating entity for the
18 credential library.

19 (c) The credential library must be updated at least once per
20 year.

21 Sec. 2308A.008. INTERNET-BASED RESOURCES. (a) The agency,
22 coordinating board, and commission shall cooperatively establish
23 Internet-based resources for the initiative. The resources must
24 include:

25 (1) a central Internet website for the initiative that
26 contains information on the state workforce development goals and
27 the strategies for achieving those goals developed under Section

1 2308A.006;

2 (2) a unified dashboard, updated on an annual or more
3 frequent basis, that reports progress toward accomplishment of the
4 state workforce development goals, both statewide and
5 disaggregated by public school and public school campus,
6 institution of higher education campus, workforce region, and
7 county;

8 (3) data on the outcomes of students who participate
9 in career education and training programs, disaggregated to the
10 extent practicable by income, race, ethnicity, and gender,
11 including data regarding degree and credential completion,
12 employment status and industry of employment, and earnings over
13 time;

14 (4) guidance supporting the use of data on the
15 dashboard described by Subdivision (2) for greater accessibility
16 for a wide range of public, practitioner, and legislative users;

17 (5) tools enabling residents of the state to:

18 (A) explore careers that match the resident's
19 education and skills and lead to a living wage;

20 (B) identify and evaluate education and training
21 opportunities related to the resident's career interests; and

22 (C) connect to available jobs through existing
23 job matching websites; and

24 (6) tools to support joint program planning,
25 budgeting, and performance evaluation among:

26 (A) the agency, coordinating board, and
27 commission; and

1 (B) public schools, institutions of higher
2 education, local workforce development boards, and partnering
3 entities.

4 (b) The agency, coordinating board, and commission jointly
5 shall:

6 (1) solicit public comment on the usefulness of the
7 initiative's Internet-based resources; and

8 (2) in January of each even-numbered year, publish a
9 summary of the initiative's Internet-based resources, including
10 actions taken to increase the usefulness of those resources or
11 address comments received under Subdivision (1).

12 Sec. 2308A.009. STUDENT SUCCESS REPORTING. (a) The agency,
13 coordinating board, and commission shall coordinate data
14 collection and matching necessary to provide information to each
15 public school and institution of higher education regarding the
16 success of students previously enrolled in a career education and
17 training program offered by the school or institution with respect
18 to critical student outcomes, such as degree and credential
19 completion, employment status and industry of employment, and
20 earnings over time.

21 (b) The commissioner of education, commissioner of higher
22 education, and chair of the commission shall ensure that the
23 information provided under Subsection (a) is provided in a manner
24 that complies with applicable state or federal law regarding the
25 privacy and confidentiality of student information.

26 (c) In January of each even-numbered year, the commissioner
27 of education, commissioner of higher education, and chair of the

1 commission jointly shall prepare, submit to the legislature, and
2 post on the initiative's and each respective agency's Internet
3 website a report on the impact of career and education training
4 programs on student success and the state workforce development
5 goals.

6 Sec. 2308A.010. OPPORTUNITY FOR COMMENT. At least 30 days
7 before finalizing state workforce development goals, strategies
8 for achieving those goals developed under Section 2308A.006, or a
9 report under Section 2308A.009, the agency, coordinating board, and
10 commission jointly shall post on the initiative's and each
11 respective agency's Internet website the proposed goals,
12 strategies, or report and instructions for submitting comment on
13 those items to the agencies.

14 Sec. 2308A.011. SECURE PORTAL. (a) For purposes of state
15 and local planning, program evaluation, and continuous improvement
16 of local and regional education and workforce practices, the
17 agency, coordinating board, and commission jointly shall establish
18 and support a secure portal through which authorized personnel of
19 approved entities can view and analyze comprehensive longitudinal
20 and the most currently available matched data related to the
21 progress toward meeting state workforce needs.

22 (b) The agency, coordinating board, and commission jointly
23 shall develop role-based security protocols that ensure the privacy
24 and confidentiality of information made accessible through the
25 secure portal in a manner that complies with any applicable state or
26 federal law.

27 Sec. 2308A.012. EMPLOYER RECOGNITION. (a) The governor may

1 award a Talent for Texas Champions Governor's Award to recognize
2 leading employers in the state who are contributing to workforce
3 improvement by supporting priority job training, reskilling, and
4 upskilling programs and whose contributions align with strategic
5 priorities for the state, including helping to meet regional
6 workforce demands and enabling more residents of the state to
7 attain jobs that pay a living wage.

8 (b) The agency, coordinating board, and commission jointly
9 shall nominate employers for the award under this section.

10 Sec. 2308A.013. TARGETED FUNDING TO ADDRESS STATE GOALS.

11 (a) A state agency that receives funding through the Carl D. Perkins
12 Career and Technical Education Act of 2006 (20 U.S.C. Section 2301
13 et seq.) or the Workforce Innovation and Opportunity Act (Pub. L.
14 No. 113-128) or any other federal funding for career education and
15 training may, to the extent permissible under federal law, combine
16 with, transfer to, or delegate to another state agency that
17 receives such funding the agency's management of workforce-related
18 funding as necessary to implement the state workforce development
19 goals.

20 (b) The agency, coordinating board, and commission jointly
21 shall submit to the governor and the standing legislative
22 committees with jurisdiction over state financial alignment
23 efforts a biennial report on how federal and state funding for
24 career education and training programs are being spent in
25 accordance with the state workforce development goals.

26 (c) A state agency that receives federal or state funding
27 for career education and training programs shall include in the

1 agency's legislative appropriations request a description of how
2 the agency's career education and training programs and
3 expenditures align with the state workforce development goals.

4 Sec. 2308A.014. LIVING WAGE. The agency, coordinating
5 board, and commission jointly shall determine for each county the
6 wage that constitutes a living wage for purposes of this chapter.
7 The determination must be based on a common standard that reflects
8 the regionally adjusted minimum employment earnings necessary to
9 meet a family's basic needs while also maintaining
10 self-sufficiency.

11 Sec. 2308A.015. GIFTS, GRANTS, AND DONATIONS. (a) The
12 agency, coordinating board, and commission may accept gifts,
13 grants, and donations from any public or private source for
14 purposes of the initiative.

15 (b) The agency, coordinating board, and commission shall
16 investigate potential sources of funding from federal grants or
17 programs that may be used for purposes of the initiative.

18 SECTION 3. Subchapter A, Chapter 204, Labor Code, is
19 amended by adding Section 204.0025 to read as follows:

20 Sec. 204.0025. ADDITIONAL WORKFORCE DATA REPORTING. (a)
21 The commission shall work in consultation with employers as
22 provided by this section to enhance and improve the reporting of
23 employment and earnings data by employers to the commission as part
24 of an employer's routine wage filings under this subtitle or
25 commission rule and consistent with federal law and regulations.
26 The enhanced wage filings must include information related to
27 occupation and other important employment information that would

1 improve the state's labor market information.

2 (b) The commission, in consultation with employers and
3 human resource technology providers, shall develop viable data
4 priorities and standards for reporting and collecting enhanced wage
5 filings described by Subsection (a).

6 (c) Not later than September 1 of each even-numbered year,
7 the commission shall prepare and submit to the legislature and post
8 on the commission's Internet website a report on employer
9 participation in the enhanced wage filings described by Subsection
10 (a), a cost-benefit analysis on the enhanced wage filings to the
11 workforce planning process in the state, and any recommendations
12 for legislative or other action to improve the enhanced wage
13 filings.

14 (d) Not later than January 1, 2022, the commission shall
15 design and implement a voluntary pilot program for the reporting
16 and collection of enhanced wage filings described by Subsection
17 (a). To the greatest extent possible, the commission shall include
18 a representative sample of employers in the pilot program.

19 (e) Not later than September 1, 2022, the commission shall
20 submit to the legislature a report on the results of the pilot
21 program and any recommendations for legislative or other action.

22 (f) Subsections (d) and (e) and this subsection expire
23 September 1, 2023.

24 SECTION 4. Not later than October 1, 2021, the Texas
25 Education Agency, Texas Higher Education Coordinating Board, and
26 Texas Workforce Commission shall hold the initial discussion
27 required under Section 2308A.004, Government Code, as added by this

1 Act.

2 SECTION 5. (a) Not later than January 31, 2022, the Texas
3 Education Agency, Texas Higher Education Coordinating Board, and
4 Texas Workforce Commission shall develop the initial state
5 workforce development goals required under Section 2308A.006,
6 Government Code, as added by this Act.

7 (b) Not later than April 30, 2022, the Texas Education
8 Agency, Texas Higher Education Coordinating Board, and Texas
9 Workforce Commission shall develop the initial strategies required
10 under Section 2308A.006, Government Code, as added by this Act.

11 SECTION 6. Not later than January 1, 2024, the Texas
12 Education Agency, Texas Higher Education Coordinating Board, and
13 Texas Workforce Commission shall establish the credential library
14 required under Section 2308A.007, Government Code, as added by this
15 Act.

16 SECTION 7. (a) Not later than September 1, 2022, the Texas
17 Workforce Commission shall develop the data priorities and
18 standards for reporting and collecting enhanced wage filings as
19 required under Section 204.0025(b), Labor Code, as added by this
20 Act.

21 (b) Not later than September 1, 2024, the Texas Workforce
22 Commission shall submit the commission's initial report required
23 under Section 204.0025(c), Labor Code, as added by this Act.

24 SECTION 8. (a) The Texas Education Agency, Texas Higher
25 Education Coordinating Board, and Texas Workforce Commission are
26 required to implement Sections 2308A.005, 2308A.007, and
27 2308A.008, Government Code, as added by this Act, only if:

1 (1) the legislature appropriates funds for that
2 purpose;

3 (2) federal funding is provided to the agencies for
4 that purpose as part of any federal coronavirus disease (COVID-19)
5 relief spending; or

6 (3) the agencies receive gifts, grants, or donations
7 for that purpose under Section 2308A.015, Government Code, as added
8 by this Act.

9 (b) If funding described by Subsection (a) of this section
10 is not appropriated or otherwise made available for the purpose
11 described by that subsection, the Texas Education Agency, Texas
12 Higher Education Coordinating Board, and Texas Workforce
13 Commission may, but are not required to, implement Sections
14 2308A.005, 2308A.007, and 2308A.008, Government Code, as added by
15 this Act, using other money available to the agencies for that
16 purpose.

17 SECTION 9. This Act takes effect September 1, 2021.