

## **BILL ANALYSIS**

H.B. 2808  
By: Morrison  
Higher Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

HB 2808 would eliminate conflicting sections of the Education Code that relate to the P-16 Council, and would codify the Council in Section 61.076, Education Code. Additionally, HB 2808 would add a member from DARS to the Council, and allow the co-chairs to appoint up to three additional members.

Three sections in the Education Code presently address the functions of the P-16 Council: Section 61.076. Cooperation Between State Agencies of Education, Section 61.077. Joint Advisory Committee, and Section 61.077. P-16 Council. Duplicative section numbering and text, as well as reference to a disbanded committee (Joint Advisory Committee), creates confusion in interpretation and implementation of the statutes. As proposed, HB 2808 repeals Section 61.077 Joint Advisory Commission and Section 61.077 P-16 Council, moves appropriate language from those sections regarding the responsibilities of the council to Section 61.076, and renames Section 61.076 with the appropriate council name, P-16 Council.

As presently constituted, the P-16 Council has four members: the commissioner of education, the commissioner of higher education, the executive director of the Texas Workforce Commission, and the executive director of the State Board of Educator Certification. These members often are required to work together and to represent their respective agencies on matters outside of the P-16 Council and could be in violation of open meetings requirements if two or more of them meet in another venue. Therefore, expanding the membership of the P-16 Council will help avoid potential open meetings issues regarding a quorum. HB 2808 as proposed, adds the commissioner of assistive and rehabilitative services as a member of the P-16 Council and names the commissioner of education and the commissioner of higher education as co-chairs of the council. The bill also authorizes the co-chairs to appoint up to three public members as appropriate and needed to further reduce the possibility of open meeting issues regarding a quorum.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Provides for the codification of the P-16 Council in Section 61.076, Education Code. Provides that the P-16 Council is composed of the commissioner of education, the commissioner of higher education, the executive director of the Texas Workforce Commission, the executive director of the State Board for Educator Certification, and the commissioner of assistive and rehabilitative services. The commissioner of higher education and the commissioner of education shall serve as co-chairs of the council.

Provides that the co-chairs may appoint three additional members who are education professionals, business representatives, or other members of the community. Members appointed to the council under this subsection serve two-year terms expiring February 1 of each odd-numbered year.

Provides that the council shall meet at least once each calendar quarter and may hold other meetings as necessary at the call of the co-chairs. Each member of the council or the member's designee shall make a report of the council's activities at least twice annually to the governing

body of the member's agency, except that the commissioner of education or that commissioner's designee shall report to the State Board of Education and the commissioner of assistive and rehabilitative services or that commissioner's designee shall report to the executive commissioner of the Health and Human Services Commission.

Provides that the council shall coordinate plans and programs, including curricula, instructional programs, research, and other functions as appropriate. This coordination shall include the following areas:

- (1) equal educational opportunity for all Texans;
- (2) college recruitment, with special emphasis on the recruitment of historically underrepresented populations;
- (3) preparation of high school students for further study at colleges and universities;
- (4) reduction of the dropout rate and dropout prevention;
- (5) teacher education, recruitment, and retention;
- (6) testing and assessment; and
- (7) adult education programs.

Provides that the council shall examine and make recommendations regarding the alignment of secondary and postsecondary education curricula and testing and assessment. This subsection does not require the council to establish curriculum or testing or assessment standards.

Provides that the council shall advise the board and the State Board of Education on the coordination of postsecondary career and technology activities, career and technology teacher education programs offered or proposed to be offered in the colleges and universities of this state, and other relevant matters, including:

- (1) coordinating postsecondary career and technology education and the articulation between postsecondary career and technology education and secondary career and technology education;
- (2) facilitating the transfer of responsibilities for the administration of postsecondary career and technology education from the State Board of Education to the board in accordance with Section 111(a)(I) of the Carl D. Perkins Vocational Education Act (Pub. L. No. 98-524);
- (3) advising the State Board of Education, when it acts as the State Board for Career and Technology Education, on the following:

- (A) the transfer of federal funds to the board for allotment to eligible public postsecondary institutions of higher education;
- (B) the career and technology education funding for projects and institutions as determined by the board when the State Board for Career and Technology Education is required by federal law to endorse those determinations;
- (C) the development and updating of the state plan for career and technology education and the evaluation of programs, services, and activities of postsecondary career and technology education and amendments to the state plan for career and technology education as may relate to postsecondary education;
- (D) other matters related to postsecondary career and technology education; and
- (E) the coordination of curricula, instructional programs, research, and other functions as appropriate, including school-to-work and school-to-college transition programs and professional development activities; and

- (4) advising the Texas Workforce Investment Council on educational policy issues related to workforce preparation.

SECTION 2. Provides that Section 61.077, Education Code, as amended by Chapters 61, 818, and 820, Acts of the 78th Legislature, Regular Session, 2003, is repealed. Provides that to the extent of any conflict, this Act prevails over another Act of the 79th Legislature, Regular Session, 2005, relating to non-substantive additions to and corrections in enacted codes.

SECTION 3. Effective Date

H.B. 2808 79(R)

**EFFECTIVE DATE**

This Act takes effect September 1, 2005.