

AN ACT

relating to the establishment of high school diploma programs by Job Corps training programs under the United States Department of Labor.

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

SECTION 1. Subtitle C, Title 2, Education Code, is amended by adding Chapter 18 to read as follows:

CHAPTER 18. JOB CORPS DIPLOMA PROGRAMS

Sec. 18.001. DEFINITIONS. In this chapter:

(1) "Job Corps diploma program" or "diploma program" means a public school high school diploma program established and operated under this chapter.

(2) "Job Corps training program" means any corporate entity authorized to do business in the state and currently under contract with the United States Department of Labor to operate a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.).

Sec. 18.002. ESTABLISHMENT. (a) A Job Corps training program may establish a high school diploma program to operate public secondary schools at Job Corps facilities throughout the state.

(b) A Job Corps diploma program established under this chapter is separate and distinct from the United States Department of Labor.

1 Sec. 18.003. AUTHORITY. A Job Corps diploma program may
2 offer a secondary school curriculum, a high school diploma program,
3 and a General Educational Development program.

4 Sec. 18.004. GOALS. The goals of a Job Corps diploma
5 program are to:

6 (1) serve at-risk students who have not been
7 successful in a traditional school setting;

8 (2) increase student success rates in obtaining and
9 maintaining employment; and

10 (3) decrease future societal costs by offering a high
11 school diploma program to students who would benefit from Job Corps
12 academic and vocational programs.

13 Sec. 18.005. GOVERNANCE; LIMITATION ON POWERS; DUTIES.

14 (a) A Job Corps diploma program shall be governed as provided by
15 this chapter and policies established by the Job Corps training
16 program operating the diploma program. Unless otherwise provided
17 by this chapter, a provision of this code applicable to a school
18 district does not apply to a Job Corps diploma program.

19 (b) A Job Corps diploma program may not impose a tax.

20 (c) A Job Corps diploma program shall:

21 (1) develop educational programs specifically
22 designed for persons eligible for enrollment in a Job Corps
23 training program established by the United States Department of
24 Labor;

25 (2) coordinate educational programs and services in
26 the diploma program with programs and services provided by the
27 United States Department of Labor and other federal and state

1 agencies and local political subdivisions and by persons who
2 provide programs and services under contract with the United States
3 Department of Labor;

4 (3) provide a course of instruction that includes the
5 required curriculum under Subchapter A, Chapter 28;

6 (4) require that students enrolled in the diploma
7 program satisfy the requirements of Section 39.025 before receiving
8 a diploma under this chapter; and

9 (5) comply with a requirement imposed under this title
10 or a rule adopted under this title relating to the Public Education
11 Information Management System (PEIMS) to the extent necessary to
12 determine compliance with this chapter, as determined by the
13 commissioner.

14 Sec. 18.006. ACCOUNTABILITY. (a) The commissioner shall
15 develop and implement a system of accountability consistent with
16 Chapter 39, where appropriate, to be used in assigning an annual
17 performance rating to Job Corps diploma programs comparable to the
18 ratings assigned to school districts under Section 39.072.

19 (b) In addition to other factors determined to be
20 appropriate by the commissioner, the accountability system must
21 include consideration of:

22 (1) student performance on the secondary exit-level
23 assessment instruments required by Section 39.023(c); and

24 (2) dropout rates, including dropout rates and diploma
25 program completion rates for the grade levels served by the diploma
26 program.

27 Sec. 18.007. ELIGIBILITY FOR CERTAIN PROGRAMS AND SERVICES.

1 (a) Any person enrolled in good standing in a Job Corps diploma
2 program who is not a high school graduate is eligible for programs
3 or services under this chapter.

4 (b) A person's eligibility for programs and services under
5 this chapter does not exclude the person from being eligible for an
6 educational program or service under any other chapter of this
7 code.

8 Sec. 18.008. GRANTS AND FEDERAL FUNDS. (a) A Job Corps
9 diploma program may accept a grant from a public or private
10 organization and may spend those funds to supplement programs and
11 provide student services.

12 (b) A diploma program may accept federal funds and shall use
13 those funds in compliance with applicable federal law, regulations,
14 and guidelines.

15 Sec. 18.009. COSTS. (a) A Job Corps training program
16 shall pay the cost of operating its diploma program.

17 (b) The operating costs of a program may not be charged to a
18 school district.

19 Sec. 18.010. PROGRAM EMPLOYEES. (a) Job Corps diploma
20 program employees are not considered employees of the state.

21 (b) A diploma program may establish personnel policies as
22 necessary to ensure its effective and efficient operation under
23 this chapter.

24 (c) A diploma program employee required under Chapter 21 to
25 hold a certificate if employed by a school district must be
26 certified in accordance with that chapter.

27 SECTION 2. Subsection (b), Section 1.001, Education Code,

1 is amended to read as follows:

2 (b) Except as provided by Chapter 18, Chapter 19, Subchapter
3 A, Chapter 29, or Subchapter E, Chapter 30, this code does not apply
4 to students, facilities, or programs under the jurisdiction of the
5 ~~[Texas]~~ Department of Aging ~~[Mental Health]~~ and Disability
6 Services, the Department of State Health Services, the Health and
7 Human Services Commission ~~[Mental Retardation]~~, the Texas Youth
8 Commission, ~~[the Texas Department of Human Services]~~, the Texas
9 Department of Criminal Justice, a Job Corps program operated by or
10 under contract with the United States Department of Labor, or any
11 juvenile probation agency.

12 SECTION 3. Subsection (a), Section 25.086, Education Code,
13 is amended to read as follows:

14 (a) A child is exempt from the requirements of compulsory
15 school attendance if the child:

16 (1) attends a private or parochial school that
17 includes in its course a study of good citizenship;

18 (2) is eligible to participate in a school district's
19 special education program under Section 29.003 and cannot be
20 appropriately served by the resident district;

21 (3) has a physical or mental condition of a temporary
22 and remediable nature that makes the child's attendance infeasible
23 and holds a certificate from a qualified physician specifying the
24 temporary condition, indicating the treatment prescribed to remedy
25 the temporary condition, and covering the anticipated period of the
26 child's absence from school for the purpose of receiving and
27 recuperating from that remedial treatment;

1 (4) is expelled in accordance with the requirements of
2 law in a school district that does not participate in a mandatory
3 juvenile justice alternative education program under Section
4 37.011;

5 (5) is at least 17 years of age and:

6 (A) is attending a course of instruction to
7 prepare for the high school equivalency examination, and:

8 (i) has the permission of the child's parent
9 or guardian to attend the course;

10 (ii) is required by court order to attend
11 the course;

12 (iii) has established a residence separate
13 and apart from the child's parent, guardian, or other person having
14 lawful control of the child; or

15 (iv) is homeless as defined by 42 U.S.C.
16 Section 11302; or

17 (B) has received a high school diploma or high
18 school equivalency certificate;

19 (6) is at least 16 years of age and is attending a
20 course of instruction to prepare for the high school equivalency
21 examination, if:

22 (A) the child is recommended to take the course
23 of instruction by a public agency that has supervision or custody of
24 the child under a court order; or

25 (B) the child is enrolled in a Job Corps training
26 program under the Workforce Investment Act of 1998 (29 U.S.C.
27 Section 2801 et seq.) [~~Job Training Partnership Act (29 U.S.C.~~

1 ~~Section 1501 et seq.), and its subsequent amendments];~~

2 (7) is at least 16 years of age and is enrolled in a
3 high school diploma program under Chapter 18;

4 (8) is enrolled in the Texas Academy of Mathematics
5 and Science;

6 (9) ~~[(8)]~~ is enrolled in the Texas Academy of
7 Leadership in the Humanities; or

8 (10) ~~[(9)]~~ is specifically exempted under another
9 law.

10 SECTION 4. This Act applies beginning with the 2005-2006
11 school year.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1395 passed the Senate on April 28, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1395 passed the House on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor