

By: Shapiro

S.B. No. 1395

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of high school diploma programs by  
Job Corps 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 PROGRAM

Sec. 18.001. DEFINITIONS. In this chapter:

(1) "Job Corps" 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.).

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

Sec. 18.002. ESTABLISHMENT. A Job Corps diploma program  
may establish a limited-purpose high school diploma program to  
operate public secondary schools at Job Corps facilities throughout  
the state. A high school diploma program established by a Job Corps  
diploma program shall be an entity that is separate and distinct  
from the United States Department of Labor. A Job Corps diploma  
program may offer a secondary school curriculum, a Texas high  
school diploma program, and a General Educational Development

1 program.

2 Sec. 18.003. GOALS OF JOB CORPS DIPLOMA PROGRAMS. The goals  
3 of a Job Corps diploma program are to:

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

6 (2) increase student success rates in obtaining and  
7 maintaining employment; and

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

11 Sec. 18.004. GOVERNANCE; LIMITATION ON POWERS; DUTIES.

12 (a) A Job Corps diploma program shall be governed as provided by  
13 this chapter and policies established by the Job Corps. Unless  
14 otherwise provided by this chapter, a provision of this code  
15 applying to school districts does not apply to a Job Corps diploma  
16 program.

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

18 (c) A Job Corps diploma program shall:

19 (1) develop educational programs specifically  
20 designed for persons eligible for enrollment in a Job Corps diploma  
21 program established by the United States Department of Labor;

22 (2) coordinate educational programs and services in  
23 the program with those provided by the United States Department of  
24 Labor and other federal and state agencies and local political  
25 subdivisions and by persons who provide programs and services under  
26 contract with the United States Department of Labor;

27 (3) provide a course of instruction under Subchapter

1 A, Chapter 28; and

2 (4) require that students enrolled in the program  
3 satisfy the requirements of Section 39.025 before receiving a  
4 diploma under this chapter.

5 Sec. 18.005. ELIGIBILITY FOR CERTAIN PROGRAMS AND SERVICES.

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

9 (b) Only students between the ages of 16 and 21 who are not  
10 high school graduates may participate in programs or receive  
11 services under this chapter that are paid for with money from the  
12 foundation school fund as provided under Section 18.007.

13 (c) Eligibility for programs and services under this  
14 chapter does not exclude a person from being eligible for an  
15 educational program or service under any other chapter of this  
16 code.

17 Sec. 18.006. GRANTS AND FEDERAL FUNDS. (a) A Job Corps  
18 diploma program may accept a grant from a public or private  
19 organization and may spend those funds to supplement programs and  
20 provide student services.

21 (b) A program may accept federal funds and shall use those  
22 funds in compliance with applicable federal law, regulations, and  
23 guidelines.

24 Sec. 18.007. ALLOCATION OF COSTS. (a) Except as  
25 authorized by Section 18.005 and this section, a Job Corps diploma  
26 program shall pay the cost of operating its high school diploma  
27 program.

1        (b) The educational program costs for persons eligible  
2 under Section 18.005 shall be paid in part from the foundation  
3 school fund. For this purpose, a Job Corps diploma program is  
4 entitled to receive school funding under Chapter 42 as if the  
5 program were a school district without a tier one local share and  
6 without any local revenue. The amount to be paid from the  
7 foundation school fund shall be limited to the state accreditation  
8 allotment per average daily attendance. No other state education  
9 funds shall be allocated to a program.

10       (c) In addition to money from the foundation school fund, a  
11 Job Corps diploma program may receive appropriated money from other  
12 state and federal sources to supplement its educational programs.

13       (d) The operating costs of a program may not be charged to  
14 another school district.

15       (e) A program may participate in the textbook program under  
16 Chapter 31.

17       Sec. 18.008. PROGRAM EMPLOYEES. (a) Job Corps diploma  
18 program employees are not considered employees of the state except  
19 as provided by this section. A program may establish personnel  
20 policies as necessary to ensure its effective and efficient  
21 operation under this chapter.

22       (b) A program employee required under Subchapter B, Chapter  
23 21, to hold a certificate must be certified in accordance with that  
24 chapter.

25       SECTION 2. Subsection (b), Section 1.001, Education Code,  
26 is amended to read as follows:

27       (b) Except as provided by Chapter 18, Chapter 19, Subchapter

1 A, Chapter 29, or Subchapter E, Chapter 30, this code does not apply  
2 to students, facilities, or programs under the jurisdiction of the  
3 ~~[Texas]~~ Department of Aging ~~[Mental Health]~~ and Disability Services  
4 ~~[Mental Retardation]~~, the Texas Youth Commission, ~~[the Texas~~  
5 ~~Department of Human Services,~~] the Texas Department of Criminal  
6 Justice, a Job Corps program operated by the United States  
7 Department of Labor, or any juvenile probation agency.

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

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

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

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

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

24 (4) is expelled in accordance with the requirements of  
25 law in a school district that does not participate in a mandatory  
26 juvenile justice alternative education program under Section  
27 37.011;

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

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

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

6                           (ii) is required by court order to attend  
7 the course;

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

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

13                   (B) has received a high school diploma or high  
14 school equivalency certificate;

15           (6) is at least 16 years of age and is attending a  
16 course of instruction to prepare for the high school equivalency  
17 examination or is enrolled in a high school diploma program under  
18 Chapter 18, if:

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

22                           (B) the child is enrolled in a Job Corps training  
23 program under the Job Training Partnership Act (29 U.S.C. Section  
24 1501 et seq.), and its subsequent amendments;

25           (7) is enrolled in the Texas Academy of Mathematics  
26 and Science;

27           (8) is enrolled in the Texas Academy of Leadership in

1 the Humanities; or

2 (9) is specifically exempted under another law.

3 SECTION 4. Chapter 18, Education Code, as added by this Act,  
4 applies beginning with the 2005-2006 school year.

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