

By: Chavez

H.B. No. 1629

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.

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

ARTICLE 1. CHANGES TO LABOR CODE

SECTION 1.01. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 312 to read as follows:

CHAPTER 312. ADULT EDUCATION AND LITERACY PROGRAMS

Sec. 312.001. DEFINITIONS. In this chapter:

(1) "Adult" means any individual who is over the age of compulsory school attendance prescribed by Section 25.085, Education Code.

(2) "Adult education" means services and instruction provided below the college level for adults by public local education agencies, public nonprofit agencies, or community-based organizations.

Sec. 312.002. COMMISSION DUTIES. (a) The commission shall:

(1) provide adequate staffing to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs for the education and training of adults;

(2) develop the mechanism and guidelines for the coordination of comprehensive adult education and related skill

1 training services for adults with other agencies, both public and  
2 private, in planning, developing, and implementing related  
3 programs;

4 (3) administer all state and federal funds for adult  
5 education and related skill training services in this state, other  
6 than funds that another entity is specifically authorized to  
7 administer under other law;

8 (4) prescribe and administer standards and  
9 accrediting policies for adult education;

10 (5) prescribe and administer rules for teacher  
11 certification for adult education;

12 (6) accept and administer grants, gifts, services, and  
13 funds from available sources for use in adult education;

14 (7) adopt or develop and administer a standardized  
15 assessment mechanism for assessing all adult education program  
16 participants who need literacy instruction, adult basic education,  
17 or secondary education leading to an adult high school diploma or  
18 the equivalent; and

19 (8) monitor and evaluate educational and employment  
20 outcomes of students who participate in the commission's adult  
21 education and literacy programs.

22 (b) The assessment mechanism prescribed by Subsection  
23 (a)(7) must include an initial basic skills screening instrument  
24 and must provide comprehensive information concerning baseline  
25 student skills before and student progress after participation in  
26 an adult education program.

27 (c) Not later than December 1 of each even-numbered year,

1 the commission shall report to the legislature regarding the  
2 educational and employment outcomes of students who participate in  
3 the commission's adult education and literacy programs.

4 (d) The commission may adopt rules for the administration of  
5 this chapter.

6 Sec. 312.003. PROVISION OF ADULT EDUCATION PROGRAMS. Adult  
7 education programs must be provided by public school districts,  
8 public junior colleges, public universities, public nonprofit  
9 agencies, and community-based organizations approved in accordance  
10 with state statutes and rules adopted by the commission. The  
11 programs must be designed to meet the education and training needs  
12 of adults to the extent possible using available public and private  
13 resources. Bilingual education may be used to instruct students  
14 who do not function satisfactorily in English whenever it is  
15 appropriate for those students' optimum development.

16 Sec. 312.004. ADULT EDUCATION AND LITERACY ADVISORY  
17 COMMITTEE. (a) In this section, "advisory committee" means the  
18 adult education and literacy advisory committee created under this  
19 section.

20 (b) The commission shall establish an adult education and  
21 literacy advisory committee composed of not more than nine members  
22 appointed by the commission. Members of the advisory committee  
23 must have expertise in the field of adult education and literacy and  
24 may include adult educators, providers, advocates, and current or  
25 former adult education and literacy program students.

26 (c) The advisory committee shall:

27 (1) meet at least quarterly;

1           (2) report to the commission at least annually; and

2           (3) advise the commission on:

3                   (A) the development of policies and program  
4 priorities that support the development of an educated and skilled  
5 workforce in this state;

6                   (B) the development of statewide curriculum  
7 guidelines and standards for adult education and literacy services  
8 that ensure a balance of education and workplace skill development;  
9 and

10                   (C) any other issue the commission considers  
11 appropriate.

12           (d) Chapter 2110, Government Code, does not apply to the  
13 size, composition, or duration of the advisory committee.

14           Sec. 312.005. STATE FUNDING. (a) Funds shall be  
15 appropriated to implement statewide adult basic education, adult  
16 bilingual education, high school equivalency, and high school  
17 credit programs to eliminate illiteracy in this state and to  
18 implement and support a statewide program to meet the total range of  
19 adult needs for adult education and related skill training. The  
20 commission shall ensure that public local education agencies,  
21 public nonprofit agencies, and community-based organizations have  
22 direct and equitable access to those funds.

23           (b) In addition to any amount appropriated under Subsection  
24 (a), the legislature may appropriate an additional amount to the  
25 commission for the purpose of skill training in direct support of  
26 industrial expansion and start-up, and those locations,  
27 industries, and occupations designated by the commission, if the

1 training supports the basic purposes of this chapter. To support  
2 the basic purposes of this chapter, the legislature may also  
3 appropriate an additional amount to the commission for skill  
4 training that is conducted to support the expansion of civilian  
5 employment opportunities on United States military reservations.

6 SECTION 1.02. Section 302.062(g), Labor Code, is amended to  
7 read as follows:

8 (g) Block grant funding under this section does not apply  
9 to:

10 (1) the work and family policies program under Chapter  
11 81;

12 (2) a program under the skills development fund  
13 created under Chapter 303;

14 (3) the job counseling program for displaced  
15 homemakers under Chapter 304;

16 (4) the Communities In Schools program under  
17 Subchapter E, Chapter 33, Education Code, to the extent that funds  
18 are available to the commission for that program;

19 (5) the reintegration of offenders program under  
20 Chapter 306;

21 (6) apprenticeship programs under Chapter 133,  
22 Education Code;

23 (7) the continuity of care program under Section  
24 501.095, Government Code;

25 (8) employment programs under Chapter 31, Human  
26 Resources Code;

27 (9) the senior citizens employment program under

1 Chapter 101, Human Resources Code;

2 (10) the programs described by Section 302.021(b)(2);

3 (11) the community service program under the National  
4 and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);

5 (12) the trade adjustment assistance program under  
6 Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et  
7 seq.);

8 (13) the programs to enhance the employment  
9 opportunities of veterans; ~~and~~

10 (14) the functions of the State Occupational  
11 Information Coordinating Committee; and

12 (15) the adult education and literacy program under  
13 Chapter 312.

14 ARTICLE 2. CHANGES TO EDUCATION CODE

15 SECTION 2.01. Section 7.021(b)(8), Education Code, is  
16 amended to read as follows:

17 (8) The agency shall carry out powers and duties  
18 relating to ~~[adult and]~~ community education as required under  
19 Subchapter H, Chapter 29.

20 SECTION 2.02. The heading to Subchapter H, Chapter 29,  
21 Education Code, is amended to read as follows:

22 SUBCHAPTER H. ~~[ADULT AND]~~ COMMUNITY

23 EDUCATION PROGRAMS

24 SECTION 2.03. Section 29.251(4), Education Code, is amended  
25 to read as follows:

26 (4) "Community education" means the process by which  
27 the citizens in a school district, using the resources and

1 facilities of the district, organize to support each other and to  
2 solve their mutual educational problems and meet their mutual  
3 lifelong needs. Community education may include:

4 (A) educational programs, including programs  
5 relating to [~~for occupational and technological skills training,~~  
6 ~~retraining of displaced workers,~~] cultural awareness, parenting  
7 skills education and parental involvement in school programs, and  
8 multilevel adult education and personal growth;

9 (B) community involvement programs, including  
10 programs for community economic development, school volunteers,  
11 partnerships between schools and businesses, coordination with  
12 community agencies, school-age child care, family [~~and workplace~~]  
13 literacy, and community use of facilities; and

14 (C) programs for youth enrolled in schools,  
15 including programs for dropout prevention and recovery programs,  
16 drug-free school programs, school-age parenting programs, and  
17 academic enhancement.

18 SECTION 2.04. Section 29.252, Education Code, is amended to  
19 read as follows:

20 Sec. 29.252. AGENCY [~~STATE~~] ROLE IN [~~ADULT AND~~] COMMUNITY  
21 EDUCATION. (a) The agency shall:

22 (1) [~~provide adequate staffing to develop,~~  
23 ~~administer, and support a comprehensive statewide adult education~~  
24 ~~program and coordinate related federal and state programs for~~  
25 ~~education and training of adults,~~

26 [(2)] develop, implement, and regulate a comprehensive  
27 statewide program for community [~~level~~] education services [~~to meet~~

1 ~~the special needs of adults];~~

2 ~~(2) [(3) develop the mechanism and guidelines for~~  
3 ~~coordination of comprehensive adult education and related skill~~  
4 ~~training services for adults with other agencies, both public and~~  
5 ~~private, in planning, developing, and implementing related~~  
6 ~~programs, including community education programs;~~

7 ~~[(4)] administer all state and federal funds for~~  
8 ~~community [adult] education [and related skill training] in this~~  
9 ~~state, other than funds that [except in programs for which] another~~  
10 ~~entity is specifically authorized to administer [do so] under other~~  
11 ~~law; and~~

12 ~~(3) [(5) prescribe and administer standards and~~  
13 ~~accrediting policies for adult education;~~

14 ~~[(6) prescribe and administer rules for teacher~~  
15 ~~certification for adult education;~~

16 ~~[(7)] accept and administer grants, gifts, services,~~  
17 ~~and funds from available sources for use in community [adult]~~  
18 ~~education[+;~~

19 ~~[(8) adopt or develop and administer a standardized~~  
20 ~~assessment mechanism for assessing all adult education program~~  
21 ~~participants who need literacy instruction, adult basic education,~~  
22 ~~or secondary education leading to an adult high school diploma or~~  
23 ~~the equivalent;~~

24 ~~[(9) collaborate with the Texas Workforce Commission~~  
25 ~~to improve the coordination and implementation of adult education~~  
26 ~~and literacy services in this state; and~~

27 ~~[(10) monitor and evaluate educational and employment~~

1 ~~outcomes of students who participate in the agency's adult~~  
2 ~~education and literacy programs].~~

3 (b) The agency may adopt rules for the administration of  
4 this subchapter [~~assessment mechanism prescribed under Subsection~~  
5 ~~(a)(8) must include an initial basic skills screening instrument~~  
6 ~~and must provide comprehensive information concerning baseline~~  
7 ~~student skills before and student progress after participation in~~  
8 ~~an adult education program].~~

9 SECTION 2.05. Section 29.255, Education Code, is amended to  
10 read as follows:

11 Sec. 29.255. STATE FUNDING. [~~(a)~~] Funds shall be  
12 appropriated to implement statewide community [~~adult basic~~  
13 ~~education [, adult bilingual education, high school equivalency,~~  
14 ~~and high school credit]~~ programs, including [~~to eliminate~~  
15 ~~illiteracy in this state and to implement and support a statewide~~  
16 ~~program to meet the total range of adult needs for adult education,~~  
17 ~~related skill training, and]~~ pilot programs to demonstrate the  
18 effectiveness of the community education concept. The agency shall  
19 ensure that public local education agencies, public nonprofit  
20 agencies, and community-based organizations have direct and  
21 equitable access to those funds. [~~An additional sum of money may be~~  
22 ~~appropriated to the Texas Department of Commerce for the purpose of~~  
23 ~~skill training in direct support of industrial expansion and~~  
24 ~~start-up, and those locations, industries, and occupations~~  
25 ~~designated by the Texas Department of Commerce, when such training~~  
26 ~~is also in support of the basic purposes of this subchapter. To~~  
27 ~~fulfill the basic purposes of this subchapter, an additional sum of~~

1 ~~money may be appropriated for skill training that is conducted to~~  
2 ~~support the expansion of civilian employment opportunities on~~  
3 ~~United States military reservations.~~

4 ~~[(b) The agency, in conjunction with the Texas Department of~~  
5 ~~Commerce, may adopt rules to administer skill training programs for~~  
6 ~~which the agency is responsible, and the Texas Department of~~  
7 ~~Commerce may adopt rules to administer skill training programs for~~  
8 ~~which it is responsible.]~~

9 SECTION 2.06. Sections 29.251(1), (2), and (3), 29.253, and  
10 29.254, Education Code, are repealed.

11 ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

12 SECTION 3.01. (a) On January 1, 2008:

13 (1) the administration of adult education and literacy  
14 programs shall be transferred from the Texas Education Agency to  
15 the Texas Workforce Commission;

16 (2) all rules, policies, procedures, and decisions of  
17 the Texas Education Agency relating to the administration of adult  
18 education and literacy programs are continued in effect as rules,  
19 policies, procedures, and decisions of the Texas Workforce  
20 Commission until superseded by a rule or other appropriate action  
21 by the Texas Workforce Commission; and

22 (3) a reference in law or administrative rule to the  
23 Texas Education Agency relating to the administration of adult  
24 education and literacy programs means the Texas Workforce  
25 Commission.

26 (b) Not later than October 1, 2007, the Texas Education  
27 Agency and the Texas Workforce Commission shall enter into a

1 memorandum of understanding relating to the transfer of the  
2 administration of adult education and literacy programs from the  
3 Texas Education Agency to the Texas Workforce Commission as  
4 provided by this Act. The memorandum must include:

5           (1) a timetable and specific steps and methods for the  
6 transfer on January 1, 2008, of all powers, duties, obligations,  
7 rights, contracts, leases, records, real or personal property, and  
8 unspent and unobligated appropriations and other funds relating to  
9 the administration of adult education and literacy programs from  
10 the Texas Education Agency to the Texas Workforce Commission; and

11           (2) measures to ensure against any unnecessary  
12 disruption to adult education and literacy services provided at the  
13 local level.

14           SECTION 3.02. This Act takes effect September 1, 2007.