By: Shapiro, et al. S.B. No. 1313

A BILL TO BE ENTITLED

AN ACT

relating to the quality and accessibility of public school career and technical education programs and to assistance to students concerning postsecondary education and training.

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

SECTION 1. Section 7.009, Education Code, is amended to read as follows:

Sec. 7.009. BEST PRACTICES; CLEARINGHOUSE. (a) In coordination with the Legislative Budget Board, the agency shall establish an online clearinghouse of information relating to best practices of campuses, [~~and~~] school districts, and open-enrollment charter schools. In addition to information required under Subsection (e), the agency shall determine the appropriate topic categories for which a campus, district, or charter school may submit best [~~regarding instruction, dropout prevention, public school finance, resource allocation, and business~~] practices. To the extent practicable, the agency shall ensure that information provided through the online clearinghouse is specific, actionable information relating to the best practices of high-performing and highly efficient campuses, [~~and school~~] districts, and open-enrollment charter schools and of academically acceptable campuses, districts, and open-enrollment charter schools that have demonstrated significant improvement in student achievement rather than general guidelines relating to campus, [~~and school~~] district,

and open-enrollment charter school operation. The information must be accessible by campuses, school districts, open-enrollment charter schools, and interested members of the public.

(b) The agency shall solicit and collect from the Legislative Budget Board, centers for education research established under Section 1.005, and [~~exemplary or recognized~~] school districts, campuses, and open-enrollment charter schools[~~,~~ ~~as rated under Section 39.072,~~] examples of best practices as determined by the agency under Subsection (a) and as required under Subsection (e) [~~relating to instruction, dropout prevention, public school finance, resource allocation, and business practices, including best practices relating to curriculum, scope and sequence, compensation and incentive systems, bilingual education and special language programs, compensatory education programs, and the effective use of instructional technology, including online courses~~].

(c) The agency may [~~shall~~] contract for the services of one or more third-party contractors to [~~develop, implement, and~~] maintain a system of collecting and evaluating the best practices of campuses, [~~and~~] school districts, and open-enrollment charter schools as provided by this section. In addition to any other considerations required by law, the agency must consider an applicant's demonstrated competence and qualifications in analyzing campus, [~~and~~] school district, and open-enrollment charter school practices in awarding a contract under this subsection.

(d) The commissioner may purchase from available funds

curriculum and other instructional tools identified under this section to provide for use by school districts and open-enrollment charter schools.

(e) The clearinghouse shall collect and provide information relating to best practices in career and technology education, including:

(1) model programs that connect kindergarten through grade 12 to postsecondary employment or higher education in a seamless system that includes the use of quality internship programs;

(2) courses that teach, in an applied manner, the required curriculum under Section 28.002;

(3) models of course scheduling that allow students to participate in a coherent sequence of career and technology courses while meeting the requirement adopted under Section 28.025 that students complete four courses in each subject of the foundation curriculum under Section 28.002(a)(1);

(4) counseling that:

(A) assists students in identifying current or emerging high-demand, high-wage occupations appropriate for the student or other occupations appropriate for and of interest to the student;

(B) assists students in determining the skills needed for the occupations identified under Paragraph (A);

(C) assists students in planning courses and schedules to acquire the needed skills;

(D) connects students to employment

opportunities and to institutions of higher education;

(E) provides a method to assess students' aptitudes or interests; and

(F) informs students about career options and levels of education and training needed to obtain entry and advanced levels of employment in current and emerging occupations regionally and statewide; and

(5) the integration into and use for the career and technology education course sequences of:

(A) Internet courses;

(B) interactive television; and

(C) other innovative methods of providing instruction.

(f) This subsection expires January 31, 2011. Not later than January 1, 2011, the agency shall report to the governor, lieutenant governor, speaker of the house of representatives, and chair of each standing committee of the legislature with primary jurisdiction over public education recommendations regarding how to use the clearinghouse established under this section as a dynamic technical assistance and support tool. The recommendations must include recommendations regarding:

(1) using the clearinghouse to provide classroom teachers, school districts, and open-enrollment charter schools with statewide access to high-quality curricula;

(2) consolidating access to similar state Internet web portals from a single Internet website; and

(3) providing students access to Internet-based

academic and career counseling that includes cooperation among the relevant state agencies for the purpose of transitioning students, including students enrolled in a special education program under Subchapter A, Chapter 29, from kindergarten through grade 12 to higher education and postsecondary employment.

SECTION 2. Section 28.002, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).

SECTION 3. Subchapter F, Chapter 29, Education Code, is amended by adding Section 29.186 to read as follows:

Sec. 29.186. HIGH-DEMAND OCCUPATIONS LIST. (a) The Texas Workforce Commission shall develop, in consultation with the Texas Workforce Investment Council, a list of current or emerging high-demand, high-wage, high-skill occupations in this state that require licensure, certification, an associate degree, or a bachelor's degree. The Texas Workforce Commission shall provide the research and technical support for developing the list under this subsection.

(b) The Texas Workforce Investment Council shall consider the list developed under Subsection (a) and approve a list for submission to the commissioner. On approval of the list, the Texas Workforce Investment Council shall deliver the list to the

commissioner.

(c) The commissioner of education, after consultation with the commissioner of higher education, shall consider the list delivered under Subsection (b) and approve a final list of current or emerging high-demand, high-wage, high-skill occupations in this state that require licensure, certification, an associate degree, or a bachelor's degree.

(d) The list of current or emerging high-demand, high-wage, high-skill occupations in this state that require licensure, certification, an associate degree, or a bachelor's degree shall be reviewed and approved under the process provided by this section every four years.

SECTION 4. Subsections (a) and (c), Section 29.190, Education Code, are amended to read as follows:

(a) A student is entitled to a subsidy under this section if:

(1) the student:

(A) [~~(1)~~] successfully completes the career and technology program of a school district in which the student receives training and instruction for employment in a current or emerging high-demand, high-wage, high-skill [~~certain trade or~~] occupation, as determined under Section 29.186; or

(B) is enrolled in a special education program under Subchapter A;

(2) the student passes a certification examination to qualify for a license or certificate for the [~~trade or~~] occupation; and

(3) the student submits to the district a written application in the form, time, and manner required by the district for the district to subsidize the cost of an examination described by Subdivision (2) [~~demonstrates financial need~~].

(c) On approval by the commissioner, the agency shall pay each school district [~~eligible student~~] an amount equal to the cost paid by the district or student for the certification examination. To obtain reimbursement for a subsidy paid under this section, a district [~~student~~] must:

(1) pay the fee for the examination or pay the student the amount of the fee paid by the student for the examination; and

(2) submit to the commissioner a written application on a form prescribed by the commissioner stating [~~demonstrating financial need and~~] the amount of the fee paid under Subdivision (1) [~~by the student~~] for the certification examination.

SECTION 5. Subchapter A, Chapter 33, Education Code, is amended by adding Section 33.008 to read as follows:

Sec. 33.008. COUNSELING REGARDING COLLEGE AND CAREER READINESS AND POSTSECONDARY SUCCESS. (a) Each counselor at an elementary or middle or junior high school, including an open-enrollment charter school offering those grades, shall advise students and their parents or guardians regarding:

(1) the importance of higher education;

(2) coursework designed to prepare students for postsecondary education and training, including career and technology education;

(3) the opportunity while in high school to earn

college credit and industry certification; and

(4) financial aid availability and requirements.

(b) The information under Subsection (a) shall be provided in a manner that assists a student in establishing a personal graduation plan that leads to licensure, certification, an associate degree, or a bachelor's degree.

(c) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, a counselor shall provide to students and their parents or guardians information regarding higher education and coursework designed to prepare students for postsecondary education and training, including career and technology education, as part of any information provided to assist a student in establishing a personal graduation plan that leads to licensure, certification, an associate degree, or a bachelor's degree.

(d) The career and technology education information provided under this section must include information regarding:

(1) available course and career options, including projected future demand for particular careers;

(2) current or emerging high-demand, high-wage, high-skill occupations;

(3) information concerning career options and levels of education and training needed to obtain entry and advanced levels of employment;

(4) certification requirements, licensing requirements, and higher education and training requirements, including skills needed and coursework required to meet those

requirements;

(5) the opportunity while in high school to earn college credit and industry certification;

(6) obtaining an aptitude or interest assessment; and

(7) the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a).

SECTION 6. Subsection (a), Section 42.154, Education Code, is amended to read as follows:

(a) For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades nine through 12 or in career and technology education programs for students with disabilities in grades seven through 12, a district is entitled to:

(1) an annual allotment equal to the adjusted basic allotment multiplied by a weight of 1.35; and

(2) $50, if the student is enrolled in:

(A) two or more advanced career and technology education classes for a total of three or more credits; or

(B) an advanced course as part of a tech-prep program under Subchapter T, Chapter 61.

SECTION 7. Subsection (a), Section 54.0065, Education Code, is amended to read as follows:

(a) A qualified student is eligible for a rebate of a portion of the undergraduate tuition the student has paid if the student:

(1) is awarded a baccalaureate degree from a general academic teaching institution within the period prescribed by

Section 56.462(1)(A) or (B), as applicable, to qualify for forgiveness of a Texas B-On-time loan; and

(2) has attempted no more than three hours in excess of the minimum number of semester credit hours required to complete the degree program:

(A) including:

(i) transfer credits; and

(ii) course credit earned exclusively by examination, except that, for purposes of this subsection, only the number of semester credit hours earned exclusively by examination in excess of nine semester credit hours is treated as hours attempted; and

(B) excluding course credit that is earned to satisfy requirements for a Reserve Officers' Training Corps (ROTC) program or from an articulated or dual credit course for which the student received credit toward a high school diploma but that is not required to complete the degree program.

SECTION 8. Subsection (d), Section 61.0595, Education Code, is amended to read as follows:

(d) The following are not counted for purposes of determining whether the student has previously earned the number of semester credit hours specified by Subsection (a):

(1) semester credit hours earned by the student before receiving a baccalaureate degree that has previously been awarded to the student;

(2) semester credit hours earned by the student by examination or under any other procedure by which credit is earned

without registering for a course for which tuition is charged;

(3) credit for a remedial education course, a technical course, a workforce education course funded according to contact hours, an articulated or dual credit course for which the student received credit toward a high school diploma, or another course that does not count toward the student's specific [~~a~~] degree program [~~at the institution~~]; and

(4) semester credit hours earned by the student at a private institution or an out-of-state institution.

SECTION 9. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0663 to read as follows:

Sec. 61.0663. ECONOMIC IMPACT STUDY. (a) To assess the economic benefits and preparation for employment provided by public primary and secondary schools and institutions of higher education, the board shall identify students enrolled in the public education system and collect data on which postsecondary program, if any, the students enroll in and the type of employment the students obtain following completion of high school or the program, as applicable.

(b) The board, in consultation with the Texas Education Agency, the Texas Workforce Commission, and the comptroller, shall use the education and employment data collected under Subsection (a), and any additional relevant data, to assess the economic impact of secondary and postsecondary training and education. The information must be produced in a manner that:

(1) demonstrates patterns of postsecondary enrollment and employment placement;

(2) provides an assessment of the economic benefits of

institutions of higher education and programs at those institutions to students and the state; and

(3) provides an assessment of the economic benefit of public education programs that prepare students who transition directly to postsecondary employment.

(c) The information produced under this section must be capable of electronic dissemination and made available to the public in a format that assists students in making decisions regarding education and career choices.

(d) This section does not authorize the disclosure of student information that may not be disclosed under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). The board, in conjunction with the commissioner of education, the comptroller, and the Texas Workforce Commission, shall adopt rules to protect the confidentiality of student information.

SECTION 10. Section 61.0762, Education Code, is amended to read as follows:

Sec. 61.0762. PROGRAMS TO ENHANCE STUDENT SUCCESS. (a) To implement the college readiness and success strategic action plan adopted under Section 61.0761 and to enhance the success of students at institutions of higher education, the board by rule shall develop:

(1) summer higher education bridge programs in the subject areas of mathematics, science, and English language arts;

(2) incentive programs for institutions of higher education that implement research-based, innovative developmental

education initiatives;

(3) financial assistance programs for educationally disadvantaged students, as defined by Section 5.001, who take college entrance and college readiness assessment instruments;

(4) professional development programs for faculty of institutions of higher education on college readiness standards and the implications of such standards on instruction; and

(5) other programs as determined by the board that support the participation and success goals in "Closing the Gaps," the state's master plan for higher education.

(b) As one of the programs adopted under Subsection (a)(5), the board, in coordination with the commissioner of education, shall establish education resource centers to create within school communities interest in and information concerning attendance at institutions of higher education. Each center must attempt to coordinate among students, parents, school counselors, and institutions of higher education in providing access to resources helpful in preparation for attendance at and admission to institutions of higher education. One or more persons associated with each center shall be trained and able to assist the families of high school students to complete the Free Application for Federal Student Aid (FAFSA) form. Each center shall provide information concerning career and technical education, including certification and licensing requirements and available course and career options and degree programs. A center under this subsection may be located on a high school or middle school campus or at a site within a community that is conveniently located to many students, such as a

public library or local workforce or community center, or may be a mobile center that visits schools or other places where students are likely to gather.

(c) The board shall conduct ongoing evaluations of programs developed under Subsection (a) and any other programs developed to provide information concerning postsecondary educational or employment opportunities to determine the effectiveness of the programs in meeting the goals of "Closing the Gaps," the state's master plan for higher education.

(d) In conjunction with the comptroller and the Texas Workforce Commission, the board shall develop an Internet website for the purpose of providing information to the public about postsecondary educational and employment opportunities. The website shall provide information in English and Spanish concerning:

(1) career and technical education programs that integrate academic, technical, and career skills that lead to a license, certificate, or postsecondary degree;

(2) available employment opportunities and the educational requirements needed for employment at entry and advanced levels;

(3) which occupations are considered high-demand or emerging under Section 29.186;

(4) the skills needed and the available avenues for obtaining employment in a high-demand or emerging occupation; and

(5) how to obtain financial aid and what forms of financial aid are available to students entering certain

occupations.

(e) For the purpose of developing the Internet website under Subsection (d), the board may require the Texas Education Agency to provide information on educational programs and outcomes and the Texas Workforce Commission to provide information on workforce programs and outcomes.

(f) As one of the programs adopted under Subsection (a)(5), the board, in conjunction with the comptroller and the Texas Workforce Commission, shall establish mobile career centers that visit schools or other places where students are likely to gather. The mobile career centers shall provide students information on various occupations, including:

(1) the potential future employment demand for the occupation;

(2) the earning potential for a person employed in the occupation;

(3) the skills and training needed for employment in the occupation;

(4) a list of courses applicable to the occupation, including courses offered in high school, for dual credit, on the Internet, and at institutions of higher education, and the extent to which those courses are available to the student; and

(5) information concerning post-entry-level employment opportunities in the occupation and, to the extent feasible, information concerning the education required to access those future opportunities.

(g) The mobile career centers established under Subsection

(f):

(1) shall be operated, to the extent practicable, in coordination with one or more other governmental entities providing mobile programs; and

(2) may be funded only with private gifts, grants, or donations.

SECTION 11. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0764 to read as follows:

Sec. 61.0764. ADULT BASIC EDUCATION PILOT PROGRAM. (a) In this section, "pilot program" means the adult basic education pilot program established under this section.

(b) Using funds appropriated for the purpose, the board by rule shall establish a pilot program under which participating junior college districts and public technical institutes receive funding to establish adult education programs that focus on:

(1) the provision of developmental education to support the transition from high school to college or a career; and

(2) dropout recovery.

(c) To participate in the pilot program, a junior college district or public technical institute must apply to the board in the manner prescribed by the board. The application must include a detailed plan developed by the junior college district or public technical institute for the district's or institute's adult education program. The board may select for participation in the pilot program those junior college districts and public technical institutes whose plans serve the purposes of the pilot program as determined by the board.

(d) The board may adopt rules necessary to administer this section.

SECTION 12. Subtitle G, Title 3, Education Code, is amended by adding Chapter 134 to read as follows:

CHAPTER 134. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM

Sec. 134.001. DEFINITIONS. In this subchapter, "public junior college" and "public technical institute" have the meanings assigned by Section 61.003.

Sec. 134.002. JOBS AND EDUCATION FOR TEXANS (JET) FUND. (a) The comptroller shall establish and administer the Jobs and Education for Texans (JET) fund as a dedicated account in the general revenue fund.

(b) The following amounts shall be deposited in the fund:

(1) any amounts appropriated by the legislature for the fund for purposes of this subchapter;

(2) interest earned on the investment of money in the fund; and

(3) gifts, grants, and other donations received for the fund.

Sec. 134.003. ADVISORY BOARD. (a) An advisory board of education and workforce stakeholders is created to assist the comptroller in administering this chapter.

(b) The advisory board is composed of seven members who serve two-year terms and are appointed as follows:

(1) one member appointed by the governor;

(2) one member appointed by the lieutenant governor;

(3) one member appointed by the speaker of the house of

representatives;

(4) one member appointed by the Texas Higher Education Coordinating Board;

(5) one member appointed by the Texas Workforce Commission;

(6) one member of the public appointed by the comptroller; and

(7) the comptroller, who serves as the chairperson.

(c) The advisory board shall meet at least once each quarter to review received applications and recommend awarding grants under this subchapter.

Sec. 134.004. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM. The comptroller shall establish and administer the Jobs and Education for Texans (JET) Grant Program to provide grants to public junior colleges, public technical institutes, and eligible nonprofit organizations that apply to the advisory board in the manner prescribed by the advisory board. The comptroller shall award the grants on the advice and recommendations of the advisory board. Grants may be awarded under this subchapter from the JET fund for the following purposes:

(1) to expand and support programs that meet the requirements of Section 134.005 and that prepare low-income students for careers in high-demand occupations;

(2) to defray the startup costs associated with the development of new career and technical education programs that meet the requirements of Section 134.006; and

(3) to provide scholarships for students in career and

technical education programs who meet the requirements of Section 134.007.

Sec. 134.005. GRANTS TO NONPROFIT ORGANIZATIONS FOR INNOVATIVE AND SUCCESSFUL PROGRAMS. (a) The comptroller may award a grant to a nonprofit organization eligible under Subsection (b) for the development, support, or expansion of programs to prepare low-income students for careers in high-demand occupations.

(b) To be eligible to receive a grant under this section, a nonprofit organization must:

(1) provide a program to offer assistance to low-income students in preparing for, applying to, and enrolling in a public junior college or public technical institute;

(2) be governed by a board or other governing structure that includes recognized leaders of broad-based community organizations and members of the local business community;

(3) demonstrate to the satisfaction of the advisory board that the organization's program has achieved or will achieve the following measures of success among program participants, to the extent applicable to the type of program the organization provides:

(A) above average completion of developmental education among participating public junior college or public technical institute students;

(B) above average persistence rates among participating public junior college or public technical institute students;

(C) above average certificate or degree completion rates by participating students within a three-year period compared to demographically comparable public junior college and public technical institute students; and

(D) employment of participating students at an average full-time starting wage that is equal to or greater than the prevailing wage for the occupation entered; and

(4) provide matching funds in accordance with rules adopted under Section 134.008.

(c) The matching funds required under Subsection (b)(4) may be obtained from any source available to the nonprofit organization, including in-kind contributions, community or foundation grants, individual contributions, and local governmental agency operating funds.

(d) Grants awarded under this section must be awarded in a manner that takes a balanced geographical distribution into consideration.

Sec. 134.006. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS. (a) The comptroller may award a grant for the development of new career and technical education courses or programs at public junior colleges and public technical institutes.

(b) A grant received under this section may be used only:

(1) to support courses or programs that prepare students for career employment in occupations that are identified by local businesses as being in high demand;

(2) to finance initial costs of career and technical

education course or program development, including the costs of constructing or renovating facilities, purchasing equipment, and other expenses associated with the development of a new course; and

(3) to finance a career and technical education course or program that leads to a license, certificate, or postsecondary degree.

(c) In awarding a grant under this section, the comptroller shall primarily consider the potential economic returns to the state from the development of the career and technical education course or program, and may consider whether the course or program is part of a new, emerging industry or high-demand occupation.

(d) To be eligible to receive a grant under this section, a public junior college or public technical institute must provide matching funds in accordance with rules adopted under Section 134.008. The matching funds may be obtained from any source available to the college, including in-kind contributions, industry consortia, community or foundation grants, individual contributions, and local governmental agency operating funds.

Sec. 134.007. SCHOLARSHIPS. (a) The comptroller may award a scholarship to a public junior college or public technical institute student.

(b) To be eligible to receive a scholarship under this section, a student must:

(1) demonstrate financial need; and

(2) be enrolled in a training program for a high-demand occupation, as determined by the comptroller on the recommendation of the advisory board.

Sec. 134.008. RULES. The comptroller shall adopt rules as necessary for the administration of this chapter.

SECTION 13. Subsection (b), Section 29.190, Education Code, is repealed.

SECTION 14. The change in law made by this Act to Subsection (a), Section 54.0065, Education Code, applies to a tuition rebate regardless of the date a student enters a general academic teaching institution as a first-time freshman.

SECTION 15. The change in law made by this Act to Subsection (d), Section 61.0595, Education Code, applies beginning with the funding recommendations made under Section 61.059, Education Code, for the 2011-2012 academic year.

SECTION 16. The Texas Higher Education Coordinating Board shall adopt the rules required by Section 61.0764, Education Code, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the coordinating board may adopt the initial rules in the manner provided by law for emergency rules.

SECTION 17. Sections 4, 5, and 6 of this Act apply beginning with the 2009-2010 school year.

SECTION 18. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

SECTION 19. Except as provided by Section 18 of this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not

receive the vote necessary for immediate effect, this Act takes effect September 1, 2009, except as provided by Section 18 of this Act.