

BILL ANALYSIS

Senate Research Center

H.B. 3461
By: Margo (Rodriguez)
Higher Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Education Agency (TEA) is charged with regulating adult and community education in Texas. Adult education programs are provided by public school districts, public junior colleges, public universities, public nonprofit agencies, and community-based organizations. Adult basic education services currently fall under the responsibility of TEA within the Division of Discretionary Grants, a fiscal unit of TEA. Grant management functions, program assistance, and other statewide support services are contracted out to Texas LEARNS, a component within the Harris County Department of Education. TEA and Texas LEARNS meet on a monthly basis to discuss areas of concern, including compliance issues and program implementation. Texas LEARNS also coordinates with the Texas Workforce Investment Council to plan and evaluate the Texas workforce development system, promote quality services, and advocate for an integrated workforce development system.

This bill transfers certain literacy programs from TEA to the Texas Higher Education Coordinating Board.

H.B. 3461 amends current law relating to transferring adult education and literacy programs to the Texas Higher Education Coordinating Board from the Texas Education Agency.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1.01 (Sections 61.9792, 61.9793, 61.97951, and 61.9797, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Education Agency (TEA) in SECTION 2.03 (Section 29.252, Education Code) of this bill.

Rulemaking authority previously granted to TEA is rescinded in SECTION 2.03 (Section 29.252, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Commerce and TEA is rescinded in SECTION 2.04 (Section 29.255, Education Code) of this bill.

Rulemaking authority previously granted to the State Board of Education is rescinded in SECTION 2.05 of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. HIGHER EDUCATION COORDINATING BOARD RESPONSIBILITY FOR ADULT EDUCATION AND LITERACY PROGRAMS

SECTION 1.01. Amends Chapter 61, Education Code, by adding Subchapter HH, as follows:

SUBCHAPTER HH. ADULT EDUCATION AND LITERACY PROGRAMS

Sec. 61.9791. DEFINITIONS. Defines, in this subchapter, "adult," "adult education," and "community-based organization."

Sec. 61.9792. BOARD DUTIES. (a) Requires the Texas Higher Education Coordinating Board (THECB) to:

- (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 training services for adults with other organizations, including public agencies and private organizations, in planning, developing, and implementing related programs;
- (3) administer all state and federal funds for adult education and related skill training services in this state, other than funds that another entity is specifically authorized to administer under other law;
- (4) prescribe and administer standards and accrediting policies for adult education;
- (5) prescribe and administer rules for teacher certification for adult education;
- (6) accept and administer grants, gifts, services, and funds from available sources for use in adult education;
- (7) adopt or develop and administer a standardized assessment mechanism for assessing all adult education program participants who need literacy instruction, adult basic education, or secondary education leading to an adult high school diploma or the equivalent; and
- (8) monitor and evaluate educational and employment outcomes of students who participate in THECB's adult education and literacy programs.

(b) Requires that the assessment mechanism prescribed by Subsection (a)(7) include an initial basic skills screening instrument and provide comprehensive information concerning baseline student skills before and student progress after participation in an adult education program.

Sec. 61.9793. PROVISION OF ADULT EDUCATION PROGRAMS. Requires that adult education programs be provided by public school districts, public junior colleges, public technical institutes, public state colleges, general academic teaching institutions, public nonprofit agencies, and community-based organizations approved in accordance with state law and rules adopted by THECB. Requires that the programs be designed to meet the education and training needs of adults to the extent possible using available public and private resources. Authorizes bilingual education to be used to instruct students who do not function satisfactorily in English whenever it is appropriate for those students' optimum development.

Sec. 61.9794. ADULT EDUCATION AND LITERACY ADVISORY COMMITTEE. (a) Requires THECB to establish an adult education and literacy advisory committee (advisory committee) composed of not more than nine members appointed by THECB. Requires members of the advisory committee to have expertise in the field of adult education and literacy. Requires the advisory committee to include three representatives from public junior or community colleges and authorizes it to include adult educators, providers, advocates, and current or former adult education and literacy program students.

(b) Requires the advisory committee to:

- (1) meet at least quarterly;
 - (2) report to THECB at least annually; and
 - (3) advise THECB on:
 - (A) the development of policies and program priorities that support the development of an educated and skilled workforce in this state;
 - (B) the development of statewide curriculum guidelines and standards for adult education and literacy services that ensure a balance of education and workplace skill development; and
 - (C) any other issue THECB considers appropriate.
- (c) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the size, composition, or duration of the advisory committee.

Sec. 61.9795. STATE FUNDING. (a) Requires that funds be appropriated to implement statewide adult basic education, adult bilingual education, high school equivalency, and high school credit programs to eliminate illiteracy in this state and to implement and support a statewide program to meet the total range of adult needs for adult education and related skill training. Requires THECB to ensure that public local education agencies, public nonprofit agencies, and community-based organizations have direct and equitable access to those funds.

(b) Authorizes the legislature, in addition to any amount appropriated under Subsection (a), to appropriate an additional amount to THECB for the purpose of skill training in direct support of industrial expansion and new business development, and to those locations, industries, and occupations designated by THECB, if the training supports the basic purposes of this subchapter. Authorizes the legislature, to support the basic purposes of this subchapter, to also appropriate an additional amount to THECB for skill training that is conducted to support the expansion of civilian employment opportunities on United States military reservations.

(c) Requires THECB, notwithstanding any other provision of this subchapter, to allocate state and federal adult education program funds, other than federal funds set aside for state administration, special projects, and staff development, to each county based on need, performance, and efficiency.

Sec. 61.97951. SERVICE PROVIDER CONTRACTS: COMPETITIVE PROCUREMENT REQUIREMENT. (a) Requires THECB to use a competitive procurement process to award a contract to a service provider of an adult education program.

(b) Requires THECB to adopt rules to administer this section.

Sec. 61.9796. BIENNIAL REPORT TO THE LEGISLATURE. Requires THECB, not later than December 1 of each even-numbered year, to report to the legislature regarding the educational and employment outcomes of students who participate in the adult education and literacy programs under this subchapter.

Sec. 61.9797. RULES. Authorizes THECB to adopt rules as necessary to administer this subchapter.

ARTICLE 2. TEXAS EDUCATION AGENCY RESPONSIBILITY FOR COMMUNITY EDUCATION PROGRAMS; CONFORMING CHANGES

SECTION 2.01. Amends the heading to Subchapter H, Chapter 29, Education Code, to read as follows:

SUBCHAPTER H. COMMUNITY EDUCATION PROGRAMS

SECTION 2.02. Amends Section 29.251(4), Education Code, to redefine "community education."

SECTION 2.03. Amends Section 29.252, Education Code, as follows:

Sec. 29.252. New heading: AGENCY ROLE IN COMMUNITY EDUCATION. (a) Requires the Texas Education Agency (TEA) to develop, implement, and regulate a comprehensive statewide program for community education services, rather than community level education services to meet the special needs of adults; administer all state and federal funds for community education in this state, other than funds that another entity is specifically authorized to administer under other law, rather than administer all state and federal funds for adult education and related skill training in this state, except in programs for which another entity is specifically authorized to do so under other law; and accept and administer grants, gifts, services, and funds from available sources for use in community education, rather than adult education. Deletes existing Subdivision (1) requiring TEA to provide adequate staffing to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs for education and training of adults. Deletes existing Subdivision (3) requiring TEA to develop the mechanism and guidelines for coordination of comprehensive adult education and related skill training services for adults with other agencies, both public and private, in planning, developing, and implementing related programs, including community education programs. Deletes existing Subdivision (5) requiring TEA to prescribe and administer standards and accrediting policies for adult education. Deletes existing Subdivision (6) requiring TEA to prescribe and administer rules for teacher certification for adult education. Deletes existing Subdivision (8) requiring TEA to adopt or develop and administer a standardized assessment mechanism for assessing all adult education program participants who need literacy instruction, adult basic education, or secondary education leading to an adult high school diploma or the equivalent. Deletes existing Subdivision (9) requiring TEA to collaborate with the Texas Workforce Commission to improve the coordination and implementation of adult education and literacy services in this state. Deletes existing Subdivision (10) requiring TEA to monitor and evaluate educational and employment outcomes of students who participate in TEA's adult education and literacy programs.

(b) Authorizes TEA to adopt rules for the administration of this subchapter. Deletes existing text requiring that the assessment mechanism prescribed under Subsection (a)(8) include an initial basic skills screening instrument and provide comprehensive information concerning baseline student skills before and student progress after participation in an adult education program.

SECTION 2.04. Amends Section 29.255, Education Code, as follows:

Sec. 29.255. New heading: STATE FUNDING. Deletes existing Subsection (a) designation. Requires that funds be appropriated to implement statewide community education programs, including pilot programs to demonstrate the effectiveness of the community education concept, rather than requiring that funds be appropriated to implement statewide adult basic education, adult bilingual education, high school equivalency, and high school credit programs to eliminate illiteracy in this state and to implement and support a statewide program to meet the total range of adult needs for adult education, related skills training, and pilot programs to demonstrate the effectiveness of the community education concept. Requires TEA to ensure that public local education agencies, public nonprofit agencies, and community-based organizations

have direct and equitable access to those funds. Deletes existing text authorizing an additional sum of money to be appropriated to the Texas Department of Commerce for the purpose of skill training in direct support of industrial expansion and start-up, and those locations, industries, and occupations designated by the Texas Department of Commerce, when such training is also in support of the basic purposes of this subchapter. Deletes existing text authorizing an additional sum of money, to fulfill the basic purposes of this subchapter, to be appropriated for skill training that is conducted to support the expansion of civilian employment opportunities on United States military reservations.

Deletes existing Subdivision (b) authorizing TEA, in conjunction with the Texas Department of Commerce, to adopt rules to administer skill training programs for which the agency is responsible, and authorizing the Texas Department of Commerce to adopt rules to administer skill training programs for which it is responsible.

SECTION 2.05. Repealer: Section 7.102(16) (requiring the State Board of Education (SBOE) to adopt rules for approving adult education programs as required under Section 29.253, and authorizing SBOE to establish an adult education advisory committee under Section 29.254);

Repealers: Sections 29.251(1) (defining, in this subchapter, "adult education"), (2) (defining, in this subchapter "adult"), and (3) (defining, in this subchapter, "community-based organization"), Education Code;

Repealer: Section 29.253 (Provision of Adult Education Programs), Education Code; and

Repealer: Section 29.254 (Adult Education Advisory Committee), Education Code.

ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

SECTION 3.01. (a) Provides that on January 1, 2012:

(1) the administration of adult education and literacy programs shall be transferred from TEA to the THECB;

(2) all rules, policies, procedures, and decisions of TEA relating to the administration of adult education and literacy programs are continued in effect as rules, policies, procedures, and decisions of THECB until superseded by a rule or other appropriate action by THECB; and

(3) a reference in law or administrative rule to TEA relating to the administration of adult education and literacy programs means THECB.

(b) Requires TEA and THECB, not later than October 1, 2011, to enter into a memorandum of understanding relating to the transfer of the administration of adult education and literacy programs from TEA to THECB as provided by this Act. Requires that the memorandum include:

(1) a timetable and specific steps and methods for the transfer on January 1, 2012, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds relating to the administration of adult education and literacy programs from TEA to THECB; and

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

SECTION 3.02. (a) Provides that the change in law made by Section 61.97951(a), Education Code, as added by this Act, applies only to a contract entered into on or after September 1, 2012.

(b) Requires THECB, not later than August 31, 2012, to adopt rules to provide for competitive procurement process to award contracts to service providers of adult

education programs as provided by Section 61.97951, Education Code, as added by this Act.

SECTION 3.03. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2011.

(b) Effective date, Sections 61.9795(c) and 61.97951(a), Education Code, as added by this Act: September 1, 2012.