

BILL ANALYSIS

C.S.H.B. 3461
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Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Adult basic education services are currently the responsibility of the Texas Education Agency (TEA). The TEA is required to regulate adult and community education in the state by providing technical assistance and by monitoring adult basic education programs to ensure compliance with federal and state laws and rules. C.S.H.B. 3461 seeks to transfer the administration of adult education and literacy programs from the TEA to the Texas Higher Education Coordinating Board.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in ARTICLE 1 of this bill and to the Texas Education Agency in SECTION 2.03 of this bill. It is the committee's opinion that rulemaking authority previously granted to the Texas Education Agency is transferred to the Texas Higher Education Coordinating Board in SECTION 3.01 of this bill.

ANALYSIS

C.S.H.B. 3461 amends the Education Code to repeal certain provisions relating to adult education and transfer the administration of adult education and literacy programs from the Texas Education Agency (TEA) to the Texas Higher Education Coordinating Board, effective January 1, 2012. The bill establishes that all rules, policies, procedures, and decisions of the TEA relating to the administration of adult education and literacy programs are continued in effect as rules, policies, procedures, and decisions of the coordinating board until superseded by a rule or other appropriate action by the coordinating board and that a reference in law or administrative rule to the TEA relating to the administration of adult education and literacy programs means the coordinating board.

C.S.H.B. 3461 requires the TEA and the coordinating board, not later than October 1, 2011, to enter into a memorandum of understanding relating to the transfer that includes a timetable and specific steps and methods for the transfer 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 the TEA to the coordinating board and measures to ensure against any unnecessary disruption to adult education and literacy services provided at the local level.

C.S.H.B. 3461 requires the coordinating board to do the following:

- 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;
- 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;

- administer all state and federal funds for adult education and related skill training services in Texas, other than funds that another entity is specifically authorized to administer under other law;
- prescribe and administer standards and accrediting policies for adult education;
- prescribe and administer rules for teacher certification for adult education;
- accept and administer grants, gifts, services, and funds from available sources for use in adult education;
- 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
- monitor and evaluate educational and employment outcomes of students who participate in the coordinating board's adult education and literacy programs.

C.S.H.B. 3461 requires the standardized assessment mechanism for assessing certain adult education program participants to include an initial basic skills screening instrument and to provide comprehensive information concerning baseline student skills before and student progress after participation in an adult education program. The bill requires adult education programs to 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 with rules adopted by the coordinating board. The bill requires the programs to be designed to meet the education and training needs of adults to the extent possible using available public and private resources. The bill 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.

C.S.H.B. 3461 requires the coordinating board to establish an adult education and literacy advisory committee composed of not more than nine members appointed by the coordinating board. The bill requires members of the advisory committee to have expertise in the field of adult education and literacy. The bill requires the advisory committee to include three representatives from public junior or community colleges and authorizes the committee to include adult educators, providers, advocates, and current or former adult education and literacy program students. The bill requires the advisory committee to meet at least quarterly; to report to the coordinating board at least annually; and to advise the coordinating board on the development of policies and program priorities that support the development of an educated and skilled workforce in Texas, on 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 on any other issue the coordinating board considers appropriate. The bill makes provisions of law relating to state agency advisory committees inapplicable to the size, composition, or duration of the adult education and literacy advisory committee.

C.S.H.B. 3461 requires funds to be appropriated to implement statewide adult basic education, adult bilingual education, high school equivalency, and high school credit programs to eliminate illiteracy in Texas and to implement and support a statewide program to meet the total range of adult needs for adult education and related skill training. The bill requires the coordinating board to ensure that public local education agencies, public nonprofit agencies, and community-based organizations have direct and equitable access to those funds. The bill authorizes the legislature, in addition to any such funding, to appropriate an additional amount to the coordinating board 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 the coordinating board, if the training supports the basic purposes of the bill's provisions relating to adult education and literacy programs. The bill authorizes the legislature, in order to support the basic

purposes of those provisions of the bill, to appropriate an additional amount to the coordinating board for skill training that is conducted to support the expansion of civilian employment opportunities on United States military reservations.

C.S.H.B. 3461 requires the coordinating board, 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 and authorizes the coordinating board to adopt rules as necessary to administer provisions of the bill relating to adult education and literacy programs.

C.S.H.B. 3461 makes conforming changes in provisions relating to the state's role in adult and community education and the funding of such education to reflect the transfer of the administration of adult education and literacy programs from the Texas Education Agency to the Texas Higher Education Coordinating Board. The bill changes the requirement that the administration of all state and federal funds be for adult education and related skill training in Texas to a requirement that such funds be for community education in Texas and changes the requirement that the acceptance and administration of grants, gifts, services, and funds from available sources be for use in adult education to a requirement that they be for use in community education. The bill authorizes the TEA to adopt rules for the administration of provisions of law relating to community education programs.

C.S.H.B. 3461 defines "adult" and "adult education," provides for the meaning of "community-based organization" by reference to federal law, and redefines "community education." The bill makes conforming and nonsubstantive changes.

C.S.H.B. 3461 repeals the following provisions of the Education Code:

- Section 7.102(16)
- Sections 29.251(1), (2), and (3)
- Section 29.253
- Section 29.254

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3461 contains a provision not included in the original providing for the meaning of "community-based organization." The substitute differs from the original by requiring the Texas Higher Education Coordinating Board to 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, whereas the original requires the coordinating board to develop the mechanism and guidelines for such coordination with other agencies, both public and private.

C.S.H.B. 3461 differs from the original in the provision requiring adult education programs to be provided by certain approved entities in accordance with state law and coordinating board rules by including public technical institutes, public state colleges, and general academic teaching institutions among such entities, whereas the original includes public universities. The substitute omits a provision included in the original defining "advisory committee."

C.S.H.B. 3461 differs from the original by authorizing the legislature to appropriate an amount to the coordinating board for the purpose of skill training in direct support of industrial expansion and new business development, rather than in direct support of industrial expansion

and start-up, as in the original, if the training meets certain conditions.

C.S.H.B. 3461 differs from the original by requiring the coordinating board to report to the legislature regarding the educational and employment outcomes of students who participate in the adult education and literacy programs under provisions of the bill relating to adult education and literacy programs, whereas the original requires an unspecified commission to make such a report. The substitute differs from the original by authorizing the coordinating board to adopt rules as necessary to administer applicable provisions of the bill, whereas the original authorizes that unspecified commission to adopt rules for the administration of the Higher Education Coordinating Act of 1965.

C.S.H.B. 3461 differs from the original, in the provision redefining "community education," by changing a reference to an educational program included in the meaning of the term from such a program relating to multilevel adult education and personal growth to an educational program relating to multilevel personal growth, whereas the original does not make that change. The substitute contains a provision not included in the original repealing Section 7.102(16), Education Code. The substitute differs from the original in nonsubstantive ways and to reflect certain bill drafting conventions.