

By: Margo

H.B. No. 3461

A BILL TO BE ENTITLED

AN ACT

relating to transferring adult education and literacy programs to the Texas Higher Education Coordinating Board from the Texas Education Agency.

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

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

SECTION 1.01. Chapter 61, Education Code, is amended by adding Subchapter HH to read as follows:

SUBCHAPTER HH. ADULT EDUCATION AND LITERACY PROGRAMS

Sec. 61.9791. DEFINITIONS. In this subchapter:

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

(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.

(3) "Community-based organization" has the meaning assigned by 20 U.S.C. Section 7801.

Sec. 61.9792. BOARD DUTIES. (a) The board 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;

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

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

10          (4) prescribe and administer standards and  
11 accrediting policies for adult education;

12          (5) prescribe and administer rules for teacher  
13 certification for adult education;

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

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

21          (8) monitor and evaluate educational and employment  
22 outcomes of students who participate in the board's adult education  
23 and literacy programs.

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

1 an adult education program.

2 Sec. 61.9793. PROVISION OF ADULT EDUCATION PROGRAMS. Adult  
3 education programs must be provided by public school districts,  
4 public junior colleges, public technical institutes, public state  
5 colleges, general academic teaching institutions, public nonprofit  
6 agencies, and community-based organizations approved in accordance  
7 with state law and with rules adopted by the board. The programs  
8 must be designed to meet the education and training needs of adults  
9 to the extent possible using available public and private  
10 resources. Bilingual education may be used to instruct students  
11 who do not function satisfactorily in English whenever it is  
12 appropriate for those students' optimum development.

13 Sec. 61.9794. ADULT EDUCATION AND LITERACY ADVISORY  
14 COMMITTEE. (a) The board shall establish an adult education and  
15 literacy advisory committee composed of not more than nine members  
16 appointed by the board. Members of the advisory committee must have  
17 expertise in the field of adult education and literacy. The  
18 advisory committee must include three representatives from public  
19 junior or community colleges and may include adult educators,  
20 providers, advocates, and current or former adult education and  
21 literacy program students.

22 (b) The advisory committee shall:

23 (1) meet at least quarterly;

24 (2) report to the board at least annually; and

25 (3) advise the board on:

26 (A) the development of policies and program  
27 priorities that support the development of an educated and skilled

1 workforce in this state;

2 (B) the development of statewide curriculum  
3 guidelines and standards for adult education and literacy services  
4 that ensure a balance of education and workplace skill development;  
5 and

6 (C) any other issue the board considers  
7 appropriate.

8 (c) Chapter 2110, Government Code, does not apply to the  
9 size, composition, or duration of the advisory committee.

10 Sec. 61.9795. STATE FUNDING. (a) Funds shall be  
11 appropriated to implement statewide adult basic education, adult  
12 bilingual education, high school equivalency, and high school  
13 credit programs to eliminate illiteracy in this state and to  
14 implement and support a statewide program to meet the total range of  
15 adult needs for adult education and related skill training. The  
16 board shall ensure that public local education agencies, public  
17 nonprofit agencies, and community-based organizations have direct  
18 and equitable access to those funds.

19 (b) In addition to any amount appropriated under Subsection  
20 (a), the legislature may appropriate an additional amount to the  
21 board for the purpose of skill training in direct support of  
22 industrial expansion and new business development, and to those  
23 locations, industries, and occupations designated by the board, if  
24 the training supports the basic purposes of this subchapter. To  
25 support the basic purposes of this subchapter, the legislature may  
26 also appropriate an additional amount to the board for skill  
27 training that is conducted to support the expansion of civilian

1 employment opportunities on United States military reservations.

2 (c) Notwithstanding any other provision of this subchapter,  
3 the Texas Higher Education Coordinating Board shall allocate state  
4 and federal adult education program funds, other than federal funds  
5 set aside for state administration, special projects, and staff  
6 development, to each county based on need, performance, and  
7 efficiency.

8 Sec. 61.97951. SERVICE PROVIDER CONTRACTS: COMPETITIVE  
9 PROCUREMENT REQUIREMENT. (a) The Texas Higher Education  
10 Coordinating Board shall use a competitive procurement process to  
11 award a contract to a service provider of an adult education  
12 program.

13 (b) The board shall adopt rules to administer this section.

14 Sec. 61.9796. BIENNIAL REPORT TO THE LEGISLATURE. Not  
15 later than December 1 of each even-numbered year, the board shall  
16 report to the legislature regarding the educational and employment  
17 outcomes of students who participate in the adult education and  
18 literacy programs under this subchapter.

19 Sec. 61.9797. RULES. The board may adopt rules as necessary  
20 to administer this subchapter.

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

23 SECTION 2.01. The heading to Subchapter H, Chapter 29,  
24 Education Code, is amended to read as follows:

25 SUBCHAPTER H. [~~ADULT AND~~] COMMUNITY EDUCATION PROGRAMS

26 SECTION 2.02. Section 29.251(4), Education Code, is amended  
27 to read as follows:

1           (4) "Community education" means the process by which  
2 the citizens in a school district, using the resources and  
3 facilities of the district, organize to support each other and to  
4 solve their mutual educational problems and meet their mutual  
5 lifelong needs. Community education may include:

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

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

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

20           SECTION 2.03. Section 29.252, Education Code, is amended to  
21 read as follows:

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

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

1           ~~[(2)]~~ develop, implement, and regulate a  
2 comprehensive statewide program for community [~~level~~] education  
3 services [~~to meet the special needs of adults~~];

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

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

14           ~~(3)~~ [~~(5)~~ ~~prescribe and administer standards and~~  
15 ~~accrediting policies for adult education;~~

16           ~~[(6)~~ ~~prescribe and administer rules for teacher~~  
17 ~~certification for adult education;~~

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

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

26           ~~[(9)~~ ~~collaborate with the Texas Workforce Commission~~  
27 ~~to improve the coordination and implementation of adult education~~

1 ~~and literacy services in this state, and~~

2 ~~[(10) monitor and evaluate educational and employment~~  
3 ~~outcomes of students who participate in the agency's adult~~  
4 ~~education and literacy programs].~~

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

11 SECTION 2.04. Section 29.255, Education Code, is amended to  
12 read as follows:

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



1 ~~is also in support of the basic purposes of this subchapter. To~~  
2 ~~fulfill the basic purposes of this subchapter, an additional sum of~~  
3 ~~money may be appropriated for skill training that is conducted to~~  
4 ~~support the expansion of civilian employment opportunities on~~  
5 ~~United States military reservations.~~

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

11 SECTION 2.05. The following provisions of the Education  
12 Code are repealed:

- 13 (1) Section 7.102(16);
- 14 (2) Sections 29.251(1), (2), and (3);
- 15 (3) Section 29.253; and
- 16 (4) Section 29.254.

17 ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

18 SECTION 3.01. (a) On January 1, 2012:

19 (1) the administration of adult education and literacy  
20 programs shall be transferred from the Texas Education Agency to  
21 the Texas Higher Education Coordinating Board;

22 (2) all rules, policies, procedures, and decisions of  
23 the Texas Education Agency relating to the administration of adult  
24 education and literacy programs are continued in effect as rules,  
25 policies, procedures, and decisions of the Texas Higher Education  
26 Coordinating Board until superseded by a rule or other appropriate  
27 action by the Texas Higher Education Coordinating Board; and

1           (3) a reference in law or administrative rule to the  
2 Texas Education Agency relating to the administration of adult  
3 education and literacy programs means the Texas Higher Education  
4 Coordinating Board.

5           (b) Not later than October 1, 2011, the Texas Education  
6 Agency and the Texas Higher Education Coordinating Board shall  
7 enter into a memorandum of understanding relating to the transfer  
8 of the administration of adult education and literacy programs from  
9 the Texas Education Agency to the Texas Higher Education  
10 Coordinating Board as provided by this Act. The memorandum must  
11 include:

12           (1) a timetable and specific steps and methods for the  
13 transfer on January 1, 2012, of all powers, duties, obligations,  
14 rights, contracts, leases, records, real or personal property, and  
15 unspent and unobligated appropriations and other funds relating to  
16 the administration of adult education and literacy programs from  
17 the Texas Education Agency to the Texas Higher Education  
18 Coordinating Board; and

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

22           SECTION 3.02. (a) The change in law made by Section  
23 61.97951(a), Education Code, as added by this Act, applies only to a  
24 contract entered into on or after September 1, 2012.

25           (b) Not later than August 31, 2012, the Texas Higher  
26 Education Coordinating Board shall adopt rules to provide for a  
27 competitive procurement process to award contracts to service

1 providers of adult education programs as provided by Section  
2 61.97951, Education Code, as added by this Act.

3 SECTION 3.03. (a) Except as provided by Subsection (b) of  
4 this section, this Act takes effect September 1, 2011.

5 (b) Sections 61.9795(c) and 61.97951(a), Education Code, as  
6 added by this Act, take effect September 1, 2012.