

By: Margo

H.B. No. 3461

Substitute the following for H.B. No. 3461:

By: Branch

C.S.H.B. No. 3461

A BILL TO BE ENTITLED

1 AN ACT
2 relating to transferring adult education and literacy programs to
3 the Texas Higher Education Coordinating Board from the Texas
4 Education Agency.

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

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

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

10 SUBCHAPTER HH. ADULT EDUCATION AND LITERACY PROGRAMS

11 Sec. 61.9791. DEFINITIONS. In this subchapter:

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

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

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

20 Sec. 61.9792. BOARD DUTIES. (a) The board shall:

21 (1) provide adequate staffing to develop, administer,
22 and support a comprehensive statewide adult education program and
23 coordinate related federal and state programs for the education and
24 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 Sec. 61.9796. BIENNIAL REPORT TO THE LEGISLATURE. Not
3 later than December 1 of each even-numbered year, the board shall
4 report to the legislature regarding the educational and employment
5 outcomes of students who participate in the adult education and
6 literacy programs under this subchapter.

7 Sec. 61.9797. RULES. The board may adopt rules as necessary
8 to administer this subchapter.

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

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

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

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

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

21 (A) educational programs, including programs
22 relating to [~~for occupational and technological skills training,~~
23 ~~retraining of displaced workers,~~] cultural awareness, parenting
24 skills education and parental involvement in school programs, and
25 multilevel [~~adult education and~~] personal growth;

26 (B) community involvement programs, including
27 programs for community economic development, school volunteers,

1 partnerships between schools and businesses, coordination with
2 community agencies, school-age child care, family [~~and workplace~~]
3 literacy, and community use of facilities; and

4 (C) programs for youth enrolled in schools,
5 including programs for dropout prevention and recovery programs,
6 drug-free school programs, school-age parenting programs, and
7 academic enhancement.

8 SECTION 2.03. Section 29.252, Education Code, is amended to
9 read as follows:

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

12 (1) [~~provide adequate staffing to develop,~~
13 ~~administer, and support a comprehensive statewide adult education~~
14 ~~program and coordinate related federal and state programs for~~
15 ~~education and training of adults,~~

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

19 (2) [~~(3)~~] develop the mechanism and guidelines for
20 coordination of comprehensive adult education and related skill
21 training services for adults with other agencies, both public and
22 private, in planning, developing, and implementing related
23 programs, including community education programs;

24 [~~(4)~~] administer all state and federal funds for
25 community [~~adult~~] education [~~and related skill training~~] in this
26 state, other than funds that [~~except in programs for which~~] another
27 entity is specifically authorized to administer [~~do so~~] under other

1 law; and

2 (3) [~~(5)~~ ~~prescribe and administer standards and~~
3 ~~accrediting policies for adult education,~~

4 [~~(6)~~ ~~prescribe and administer rules for teacher~~
5 ~~certification for adult education,~~

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

9 [~~(8)~~ ~~adopt or develop and administer a standardized~~
10 ~~assessment mechanism for assessing all adult education program~~
11 ~~participants who need literacy instruction, adult basic education,~~
12 ~~or secondary education leading to an adult high school diploma or~~
13 ~~the equivalent,~~

14 [~~(9)~~ ~~collaborate with the Texas Workforce Commission~~
15 ~~to improve the coordination and implementation of adult education~~
16 ~~and literacy services in this state,~~ and

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

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

26 SECTION 2.04. Section 29.255, Education Code, is amended to
27 read as follows:

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

21 ~~[(b) The agency, in conjunction with the Texas Department of~~
22 ~~Commerce, may adopt rules to administer skill training programs for~~
23 ~~which the agency is responsible, and the Texas Department of~~
24 ~~Commerce may adopt rules to administer skill training programs for~~
25 ~~which it is responsible.]~~

26 SECTION 2.05. The following provisions of the Education
27 Code are repealed:

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

5 ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

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

7 (1) the administration of adult education and literacy
8 programs shall be transferred from the Texas Education Agency to
9 the Texas Higher Education Coordinating Board;

10 (2) all rules, policies, procedures, and decisions of
11 the Texas Education Agency relating to the administration of adult
12 education and literacy programs are continued in effect as rules,
13 policies, procedures, and decisions of the Texas Higher Education
14 Coordinating Board until superseded by a rule or other appropriate
15 action by the Texas Higher Education Coordinating Board; and

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

20 (b) Not later than October 1, 2011, the Texas Education
21 Agency and the Texas Higher Education Coordinating Board shall
22 enter into a memorandum of understanding relating to the transfer
23 of the administration of adult education and literacy programs from
24 the Texas Education Agency to the Texas Higher Education
25 Coordinating Board as provided by this Act. The memorandum must
26 include:

- 27 (1) a timetable and specific steps and methods for the

1 transfer on January 1, 2012, of all powers, duties, obligations,
2 rights, contracts, leases, records, real or personal property, and
3 unspent and unobligated appropriations and other funds relating to
4 the administration of adult education and literacy programs from
5 the Texas Education Agency to the Texas Higher Education
6 Coordinating Board; and

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

10 SECTION 3.02. This Act takes effect September 1, 2011.