

By: Margo

H.B. No. 3461

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Higher Education Coordinating Board

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

ARTICLE 1. CHANGES TO Education Code 61

by adding Subchapter EE. to read as follows:

Sec. 61.9801. ADULT EDUCATION AND LITERACY PROGRAMS

DEFINITIONS. In this chapter:

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

(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.

Sec. 61.9802. 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;

(2) develop the mechanism and guidelines for the coordination of comprehensive adult education and related skill training services for adults with other agencies, both public and

1 private, in planning, developing, and implementing related
2 programs;

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

7 (4) prescribe and administer standards and accrediting
8 policies for adult education;

9 (5) prescribe and administer rules for teacher
10 certification for adult education;

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

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

18 (8) monitor and evaluate educational and employment
19 outcomes of students who participate in the board's adult education
20 and literacy programs.

21 (b) The assessment mechanism prescribed by Subsection
22 (a)(7) 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 (c) Not later than December 1 of each even-numbered year,
27 the commission shall report to the legislature regarding the

1 educational and employment outcomes of students who participate in
2 the commission's adult education and literacy programs.

3 (d) The commission may adopt rules for the administration of
4 this chapter.

5 Sec. 61.9803. PROVISION OF ADULT EDUCATION PROGRAMS. Adult
6 education programs must be provided by public school districts,
7 public junior colleges, public universities, public nonprofit
8 agencies, and community-based organizations approved in accordance
9 with state statutes and rules adopted by the board. The programs
10 must be designed to meet the education and training needs of adults
11 to the extent possible using available public and private
12 resources. Bilingual education may be used to instruct students
13 who do not function satisfactorily in English whenever it is
14 appropriate for those students' optimum development.

15 Sec. 61.9804. ADULT EDUCATION AND LITERACY ADVISORY
16 COMMITTEE. (a) In this section, "advisory committee" means the
17 adult education and literacy advisory committee created under this
18 section.

19 (b) The board shall establish an adult education and
20 literacy advisory committee composed of not more than nine members
21 appointed by the board. Members of the advisory committee must have
22 expertise in the field of adult education and literacy. The
23 advisory must include three representatives from public junior or
24 community colleges and may include adult educators, providers,
25 advocates, and current or former adult education and literacy
26 program students.

27 (c) The advisory committee shall:

1 (1) meet at least quarterly;

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

3 (3) advise the board on:

4 (A) the development of policies and program
5 priorities that support the development of an educated and skilled
6 workforce in this state;

7 (B) the development of statewide curriculum
8 guidelines and standards for adult education and literacy services
9 that ensure a balance of education and workplace skill development;
10 and

11 (C) any other issue the board considers
12 appropriate.

13 (d) Chapter 2110, Government Code, does not apply to the
14 size, composition, or duration of the advisory committee.

15 Sec. 61.9805. STATE FUNDING. (a) Funds shall be
16 appropriated to implement statewide adult basic education, adult
17 bilingual education, high school equivalency, and high school
18 credit programs to eliminate illiteracy in this state and to
19 implement and support a statewide program to meet the total range of
20 adult needs for adult education and related skill training. The
21 board shall ensure that public local education agencies, public
22 nonprofit agencies, and community-based organizations have direct
23 and equitable access to those funds.

24 (b) In addition to any amount appropriated under Subsection
25 (a), the legislature may appropriate an additional amount to the
26 board for the purpose of skill training in direct support of
27 industrial expansion and start-up, and those locations,

1 industries, and occupations designated by the board, if the
2 training supports the basic purposes of this chapter. To support
3 the basic purposes of this chapter, the legislature may also
4 appropriate an additional amount to the board for skill training
5 that is conducted to support the expansion of civilian employment
6 opportunities on United States military reservations.

7 ARTICLE 2. CHANGES TO EDUCATION CODE

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

10 SUBCHAPTER H. [~~ADULT AND~~] COMMUNITY

11 EDUCATION PROGRAMS

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

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

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

24 (B) community involvement programs, including
25 programs for community economic development, school volunteers,
26 partnerships between schools and businesses, coordination with
27 community agencies, school-age child care, family [~~and workplace~~]

1 literacy, and community use of facilities; and

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

6 SECTION 2.03. Section 29.252, Education Code, is amended to
7 read as follows:

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

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

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

17 (2) [~~(3)~~] develop the mechanism and guidelines for
18 ~~coordination of comprehensive adult education and related skill~~
19 ~~training services for adults with other agencies, both public and~~
20 ~~private, in planning, developing, and implementing related~~
21 ~~programs, including community education programs,~~

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

27 (3) [~~(5)~~] prescribe and administer standards and

1 ~~accrediting policies for adult education;~~

2 ~~[(6) prescribe and administer rules for teacher~~
3 ~~certification for adult education];~~

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

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

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

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

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

24 SECTION 2.04. Section 29.255, Education Code, is amended to
25 read as follows:

26 Sec. 29.255. STATE FUNDING. ~~[(a)]~~ Funds shall be
27 appropriated to implement statewide community ~~[adult basic]~~

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

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

24 SECTION 2.05. Sections 29.251(1), (2), and (3), 29.253, and
25 29.254, Education Code, are repealed.

26 ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

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

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

4 (2) all rules, policies, procedures, and decisions of
5 the Texas Education Agency relating to the administration of adult
6 education and literacy programs are continued in effect as rules,
7 policies, procedures, and decisions of the Texas Higher Education
8 Coordinating Board until superseded by a rule or other appropriate
9 action by the Texas Higher Education Coordinating Board; and

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

14 (b) Not later than October 1, 2011, the Texas Education
15 Agency and the Texas Higher Education Coordinating Board shall
16 enter into a memorandum of understanding relating to the transfer
17 of the administration of adult education and literacy programs from
18 the Texas Education Agency to the Texas Higher Education
19 Coordinating Board as provided by this Act. The memorandum must
20 include:

21 (1) a timetable and specific steps and methods for the
22 transfer on January 1, 2012, of all powers, duties, obligations,
23 rights, contracts, leases, records, real or personal property, and
24 unspent and unobligated appropriations and other funds relating to
25 the administration of adult education and literacy programs from
26 the Texas Education Agency to the Texas Higher Education
27 Coordinating Board; and

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

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