

1-1 By: Rodriguez S.B. No. 1763
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read
1-3 first time and referred to Committee on Higher Education;
1-4 May 5, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; May 5, 2011, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1763 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to transferring adult education and literacy programs to
1-11 the Texas Higher Education Coordinating Board from the Texas
1-12 Education Agency.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 ARTICLE 1. HIGHER EDUCATION COORDINATING BOARD RESPONSIBILITY FOR
1-15 ADULT EDUCATION AND LITERACY PROGRAMS

1-16 SECTION 1.01. Chapter 61, Education Code, is amended by
1-17 adding Subchapter HH to read as follows:

1-18 SUBCHAPTER HH. ADULT EDUCATION AND LITERACY PROGRAMS

1-19 Sec. 61.9791. DEFINITIONS. In this subchapter:

1-20 (1) "Adult" means any individual who is over the age of
1-21 compulsory school attendance prescribed by Section 25.085.

1-22 (2) "Adult education" means services and instruction
1-23 provided below the college level for adults by public local
1-24 education agencies, public nonprofit agencies, or community-based
1-25 organizations.

1-26 (3) "Community-based organization" has the meaning
1-27 assigned by 20 U.S.C. Section 7801.

1-28 Sec. 61.9792. BOARD DUTIES. (a) The board shall:

1-29 (1) provide adequate staffing to develop, administer,
1-30 and support a comprehensive statewide adult education program and
1-31 coordinate related federal and state programs for the education and
1-32 training of adults;

1-33 (2) develop the mechanism and guidelines for the
1-34 coordination of comprehensive adult education and related skill
1-35 training services for adults with other organizations, including
1-36 public agencies and private organizations, in planning,
1-37 developing, and implementing related programs;

1-38 (3) administer all state and federal funds for adult
1-39 education and related skill training services in this state, other
1-40 than funds that another entity is specifically authorized to
1-41 administer under other law;

1-42 (4) prescribe and administer standards and
1-43 accrediting policies for adult education;

1-44 (5) prescribe and administer rules for teacher
1-45 certification for adult education;

1-46 (6) accept and administer grants, gifts, services, and
1-47 funds from available sources for use in adult education;

1-48 (7) adopt or develop and administer a standardized
1-49 assessment mechanism for assessing all adult education program
1-50 participants who need literacy instruction, adult basic education,
1-51 or secondary education leading to an adult high school diploma or
1-52 the equivalent; and

1-53 (8) monitor and evaluate educational and employment
1-54 outcomes of students who participate in the board's adult education
1-55 and literacy programs.

1-56 (b) The assessment mechanism prescribed by Subsection
1-57 (a)(7) must include an initial basic skills screening instrument
1-58 and must provide comprehensive information concerning baseline
1-59 student skills before and student progress after participation in
1-60 an adult education program.

1-61 Sec. 61.9793. PROVISION OF ADULT EDUCATION PROGRAMS. Adult
1-62 education programs must be provided by public school districts,
1-63 public junior colleges, public technical institutes, public state

2-1 colleges, general academic teaching institutions, public nonprofit
2-2 agencies, and community-based organizations approved in accordance
2-3 with state law and with rules adopted by the board. The programs
2-4 must be designed to meet the education and training needs of adults
2-5 to the extent possible using available public and private
2-6 resources. Bilingual education may be used to instruct students
2-7 who do not function satisfactorily in English whenever it is
2-8 appropriate for those students' optimum development.

2-9 Sec. 61.9794. ADULT EDUCATION AND LITERACY ADVISORY
2-10 COMMITTEE. (a) The board shall establish an adult education and
2-11 literacy advisory committee composed of not more than nine members
2-12 appointed by the board. Members of the advisory committee must have
2-13 expertise in the field of adult education and literacy. The
2-14 advisory committee must include three representatives from public
2-15 junior or community colleges and may include adult educators,
2-16 providers, advocates, and current or former adult education and
2-17 literacy program students.

2-18 (b) The advisory committee shall:
2-19 (1) meet at least quarterly;
2-20 (2) report to the board at least annually; and
2-21 (3) advise the board on:

2-22 (A) the development of policies and program
2-23 priorities that support the development of an educated and skilled
2-24 workforce in this state;

2-25 (B) the development of statewide curriculum
2-26 guidelines and standards for adult education and literacy services
2-27 that ensure a balance of education and workplace skill development;
2-28 and

2-29 (C) any other issue the board considers
2-30 appropriate.

2-31 (c) Chapter 2110, Government Code, does not apply to the
2-32 size, composition, or duration of the advisory committee.

2-33 Sec. 61.9795. STATE FUNDING. (a) Funds shall be
2-34 appropriated to implement statewide adult basic education, adult
2-35 bilingual education, high school equivalency, and high school
2-36 credit programs to eliminate illiteracy in this state and to
2-37 implement and support a statewide program to meet the total range of
2-38 adult needs for adult education and related skill training. The
2-39 board shall ensure that public local education agencies, public
2-40 nonprofit agencies, and community-based organizations have direct
2-41 and equitable access to those funds.

2-42 (b) In addition to any amount appropriated under Subsection
2-43 (a), the legislature may appropriate an additional amount to the
2-44 board for the purpose of skill training in direct support of
2-45 industrial expansion and new business development, and to those
2-46 locations, industries, and occupations designated by the board, if
2-47 the training supports the basic purposes of this subchapter. To
2-48 support the basic purposes of this subchapter, the legislature may
2-49 also appropriate an additional amount to the board for skill
2-50 training that is conducted to support the expansion of civilian
2-51 employment opportunities on United States military reservations.

2-52 Sec. 61.9796. BIENNIAL REPORT TO THE LEGISLATURE. Not
2-53 later than December 1 of each even-numbered year, the board shall
2-54 report to the legislature regarding the educational and employment
2-55 outcomes of students who participate in the adult education and
2-56 literacy programs under this subchapter.

2-57 Sec. 61.9797. RULES. The board may adopt rules as necessary
2-58 to administer this subchapter.

2-59 ARTICLE 2. TEXAS EDUCATION AGENCY RESPONSIBILITY FOR COMMUNITY
2-60 EDUCATION PROGRAMS; CONFORMING CHANGES

2-61 SECTION 2.01. The heading to Subchapter H, Chapter 29,
2-62 Education Code, is amended to read as follows:

2-63 SUBCHAPTER H. [~~ADULT AND~~] COMMUNITY EDUCATION PROGRAMS

2-64 SECTION 2.02. Subdivision (4), Section 29.251, Education
2-65 Code, is amended to read as follows:

2-66 (4) "Community education" means the process by which
2-67 the citizens in a school district, using the resources and
2-68 facilities of the district, organize to support each other and to
2-69 solve their mutual educational problems and meet their mutual

3-1 lifelong needs. Community education may include:

3-2 (A) educational programs, including programs
3-3 ~~relating to [for occupational and technological skills training,~~
3-4 ~~retraining of displaced workers,]~~ cultural awareness, parenting
3-5 skills education and parental involvement in school programs, and
3-6 multilevel ~~[adult education and]~~ personal growth;

3-7 (B) community involvement programs, including
3-8 programs for community economic development, school volunteers,
3-9 partnerships between schools and businesses, coordination with
3-10 community agencies, school-age child care, family ~~[and workplace]~~
3-11 literacy, and community use of facilities; and

3-12 (C) programs for youth enrolled in schools,
3-13 including programs for dropout prevention and recovery programs,
3-14 drug-free school programs, school-age parenting programs, and
3-15 academic enhancement.

3-16 SECTION 2.03. Section 29.252, Education Code, is amended to
3-17 read as follows:

3-18 Sec. 29.252. AGENCY ~~[STATE]~~ ROLE IN ~~[ADULT AND]~~ COMMUNITY
3-19 EDUCATION. (a) The agency shall:

3-20 (1) ~~[provide adequate staffing to develop,~~
3-21 ~~administer, and support a comprehensive statewide adult education~~
3-22 ~~program and coordinate related federal and state programs for~~
3-23 ~~education and training of adults,~~

3-24 ~~[(2)]~~ develop, implement, and regulate a
3-25 comprehensive statewide program for community ~~[level]~~ education
3-26 services ~~[to meet the special needs of adults];~~

3-27 (2) ~~[(3)]~~ ~~develop the mechanism and guidelines for~~
3-28 ~~coordination of comprehensive adult education and related skill~~
3-29 ~~training services for adults with other agencies, both public and~~
3-30 ~~private, in planning, developing, and implementing related~~
3-31 ~~programs, including community education programs,~~

3-32 ~~[(4)]~~ administer all state and federal funds for
3-33 community ~~[adult]~~ education ~~[and related skill training]~~ in this
3-34 state, other than funds that ~~[except in programs for which]~~ another
3-35 entity is specifically authorized to administer ~~[do so]~~ under other
3-36 law; and

3-37 (3) ~~[(5)]~~ ~~prescribe and administer standards and~~
3-38 ~~accrediting policies for adult education,~~

3-39 ~~[(6)]~~ ~~prescribe and administer rules for teacher~~
3-40 ~~certification for adult education,~~

3-41 ~~[(7)]~~ accept and administer grants, gifts, services,
3-42 and funds from available sources for use in community ~~[adult]~~
3-43 education[+]

3-44 ~~[(8)]~~ ~~adopt or develop and administer a standardized~~
3-45 ~~assessment mechanism for assessing all adult education program~~
3-46 ~~participants who need literacy instruction, adult basic education,~~
3-47 ~~or secondary education leading to an adult high school diploma or~~
3-48 ~~the equivalent,~~

3-49 ~~[(9)]~~ ~~collaborate with the Texas Workforce Commission~~
3-50 ~~to improve the coordination and implementation of adult education~~
3-51 ~~and literacy services in this state, and~~

3-52 ~~[(10)]~~ ~~monitor and evaluate educational and employment~~
3-53 ~~outcomes of students who participate in the agency's adult~~
3-54 ~~education and literacy programs].~~

3-55 (b) The agency may adopt rules for the administration of
3-56 this subchapter ~~[assessment mechanism prescribed under Subsection~~
3-57 ~~(a)(8) must include an initial basic skills screening instrument~~
3-58 ~~and must provide comprehensive information concerning baseline~~
3-59 ~~student skills before and student progress after participation in~~
3-60 ~~an adult education program].~~

3-61 SECTION 2.04. Section 29.255, Education Code, is amended to
3-62 read as follows:

3-63 Sec. 29.255. STATE FUNDING. ~~[(a)]~~ Funds shall be
3-64 appropriated to implement statewide community ~~[adult basic]~~
3-65 education~~[, adult bilingual education, high school equivalency,~~
3-66 ~~and high school credit]~~ programs, including ~~[to eliminate~~
3-67 ~~illiteracy in this state and to implement and support a statewide~~
3-68 ~~program to meet the total range of adult needs for adult education,~~
3-69 ~~related skill training, and]~~ pilot programs to demonstrate the

4-1 effectiveness of the community education concept. The agency shall
4-2 ensure that public local education agencies, public nonprofit
4-3 agencies, and community-based organizations have direct and
4-4 equitable access to those funds. ~~[An additional sum of money may be
4-5 appropriated to the Texas Department of Commerce for the purpose of
4-6 skill training in direct support of industrial expansion and
4-7 start-up, and those locations, industries, and occupations
4-8 designated by the Texas Department of Commerce, when such training
4-9 is also in support of the basic purposes of this subchapter. To
4-10 fulfill the basic purposes of this subchapter, an additional sum of
4-11 money may be appropriated for skill training that is conducted to
4-12 support the expansion of civilian employment opportunities on
4-13 United States military reservations.]~~

4-14 ~~[(b) The agency, in conjunction with the Texas Department of
4-15 Commerce, may adopt rules to administer skill training programs for
4-16 which the agency is responsible, and the Texas Department of
4-17 Commerce may adopt rules to administer skill training programs for
4-18 which it is responsible.]~~

4-19 SECTION 2.05. The following provisions of the Education
4-20 Code are repealed:

- 4-21 (1) Subdivision (16), Subsection (c), Section 7.102;
- 4-22 (2) Subsections (1), (2), and (3), Section 29.251;
- 4-23 (3) Section 29.253; and
- 4-24 (4) Section 29.254.

4-25 ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

4-26 SECTION 3.01. (a) On January 1, 2012:

4-27 (1) the administration of adult education and literacy
4-28 programs shall be transferred from the Texas Education Agency to
4-29 the Texas Higher Education Coordinating Board;

4-30 (2) all rules, policies, procedures, and decisions of
4-31 the Texas Education Agency relating to the administration of adult
4-32 education and literacy programs are continued in effect as rules,
4-33 policies, procedures, and decisions of the Texas Higher Education
4-34 Coordinating Board until superseded by a rule or other appropriate
4-35 action by the Texas Higher Education Coordinating Board; and

4-36 (3) a reference in law or administrative rule to the
4-37 Texas Education Agency relating to the administration of adult
4-38 education and literacy programs means the Texas Higher Education
4-39 Coordinating Board.

4-40 (b) Not later than October 1, 2011, the Texas Education
4-41 Agency and the Texas Higher Education Coordinating Board shall
4-42 enter into a memorandum of understanding relating to the transfer
4-43 of the administration of adult education and literacy programs from
4-44 the Texas Education Agency to the Texas Higher Education
4-45 Coordinating Board as provided by this Act. The memorandum must
4-46 include:

4-47 (1) a timetable and specific steps and methods for the
4-48 transfer on January 1, 2012, of all powers, duties, obligations,
4-49 rights, contracts, leases, records, real or personal property, and
4-50 unspent and unobligated appropriations and other funds relating to
4-51 the administration of adult education and literacy programs from
4-52 the Texas Education Agency to the Texas Higher Education
4-53 Coordinating Board; and

4-54 (2) measures to ensure against any unnecessary
4-55 disruption to adult education and literacy services provided at the
4-56 local level.

4-57 SECTION 3.02. This Act takes effect September 1, 2011.

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