

BILL ANALYSIS

C.S.H.B. 1956
By: Davis, John
Economic & Small Business Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Dropout recovery, particularly for individuals over 25 years of age, is a critical issue for Texas because it directly influences the creation of an educated and viable workforce. Texans understand the tremendous impact that a quality education and marketable skills have on an individual's potential for success and that a lack of education can damage a person's ability to earn a living wage. Interested parties contend that education levels have impacted earnings over the last 40 years more than any other demographic factor, including race or gender. These parties assert that education is directly linked to lower unemployment rates and higher pay. Individuals without a high school diploma may only be able to work the lowest paying positions available, yet it has been reported that almost 20 percent of adult Texans lack such a diploma.

In addition, it is reported that, over an individual's lifetime, the expense of a high school dropout to the government is more than \$300,000, whereas a graduate contributes, on average, more than \$250,000 to society through taxes. There also is concern that limited educational options can cause difficulties for high school dropouts when attempting to continue their education and that, after the age of 26, their only available option is to obtain a GED. C.S.H.B. 1956 seeks to significantly increase the high school enrollment and graduation rate of high school dropouts by creating the adult high school diploma and industry certification program, which will help meet industry needs for a sufficiently trained workforce and enhance economic opportunities for adults eligible for such a program.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 6 of this bill.

ANALYSIS

C.S.H.B. 1956 amends the Education Code to require the commissioner of education to establish an adult high school diploma and industry certification pilot program to enhance economic opportunities for eligible adults 19 to 50 years of age. The bill authorizes the commissioner to designate a single nonprofit entity to provide such an adult education pilot program for not more than 150 eligible adults to successfully complete high school curriculum requirements to receive a high school diploma and career and technology education courses that can lead to industry certification.

C.S.H.B. 1956 authorizes a pilot program to be provided by a nonprofit entity that meets certain requirements, requires the commissioner by rule to establish minimum standards for a pilot program, and sets out requirements relating to the curriculum and the award of a diploma to certain program participants. The bill requires a nonprofit entity, in order to be designated to provide the adult education program, to submit an application to the commissioner in the time and manner prescribed by commissioner rule that describes the following: the adult education program to be offered, including the required curriculum as provided by applicable statutory provisions; the governing structure for providing the adult education program to be offered; the

process through which the nonprofit entity will adopt an annual budget for providing the adult education program to be offered; and the facilities to be used for the adult education program to be offered. The bill authorizes a nonprofit entity designated to provide such an adult education program to partner with a public junior college to provide career and technology education courses that can lead to industry certification. The bill requires such a nonprofit to enter into a memorandum of understanding with one or more school districts or open-enrollment charter schools that will award high school diplomas to adult education program participants who successfully complete curriculum requirements for high school graduation.

C.S.H.B. 1956 makes a person who is at least 19 years of age and not more than 50 years of age eligible to enroll in the pilot program if the person has not earned a high school equivalency certificate and has failed to complete the curriculum requirements for high school graduation or has failed to perform satisfactorily on a test required for high school graduation. The bill requires the commissioner to adopt rules as necessary to authorize school districts and open-enrollment charter schools to issue diplomas to eligible participants. The bill excludes a participant issued a diploma from a school district or open-enrollment charter school under such a pilot program from being considered a student enrolled in the district or school for the purposes of public school system accountability. The bill sets out the manner in which funding for the adult education program is provided.

C.S.H.B. 1956 requires the Texas Education Agency (TEA), not later than December 1 of each even-numbered year, beginning December 1, 2016, to prepare and deliver to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing legislative committee with primary jurisdiction over public education a report that evaluates any such adult high school diploma and industry certification pilot program and makes recommendations regarding the abolition, continuation, or expansion of the pilot program. The bill requires the commissioner to adopt rules necessary to administer the pilot program.

C.S.H.B. 1956 requires TEA to adopt and administer a standardized secondary exit-level test appropriate for assessing adult education program participants who successfully complete high school curriculum requirements under an adult high school diploma and industry certification pilot program. The bill requires the commissioner to determine the level of performance considered to be satisfactory on such a test for receipt of a high school diploma by an adult education program participant in such a pilot program.

C.S.H.B. 1956 requires TEA to ensure that nonprofit entities providing an adult high school diploma and industry certification pilot program have direct and equitable access to specified funds appropriated to implement certain statewide adult and community education programs, in addition to other agencies and organizations.

C.S.H.B. 1956 entitles a student to the benefits of the Foundation School Program if, on September 1 of the school year, the student is at least 19 years of age and under 26 years of age and is enrolled in an adult high school diploma and industry certification pilot program.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1956 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 29.251(1), Education Code, is amended.

SECTION 2. Section 29.252, Education Code, is amended to read as follows:

Sec. 29.252. STATE ROLE IN ADULT AND COMMUNITY EDUCATION.

(a) The agency shall:

- (1) provide adequate staffing to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs for education and training of adults;
- (2) develop, implement, and regulate a comprehensive statewide program for community level education services to meet the special needs of adults;
- (3) develop the mechanism and guidelines for coordination of comprehensive adult education and related skill training services for adults with other agencies, both public and private, in planning, developing, and implementing related programs, including community education programs;
- (4) administer all state and federal funds for adult education and related skill training in this state, except in programs for which another entity is specifically authorized to do so under other law;
- (5) prescribe and administer standards and accrediting policies for adult education;
- (6) prescribe and administer rules for teacher certification for adult education;
- (7) accept and administer grants, gifts, services, and funds from available sources for use in adult education;
- (8) adopt or develop and administer:
 - (A) 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
 - (B) a standardized secondary exit-level assessment instrument appropriate for assessing adult education program participants who successfully complete high school curriculum requirements under a program provided under Section 29.258;
- (9) collaborate with the Texas Workforce

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 29.252(a), Education Code, is amended to read as follows:

(a) The agency shall:

- (1) provide adequate staffing to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs for education and training of adults;
- (2) develop, implement, and regulate a comprehensive statewide program for community level education services to meet the special needs of adults;
- (3) develop the mechanism and guidelines for coordination of comprehensive adult education and related skill training services for adults with other agencies, both public and private, in planning, developing, and implementing related programs, including community education programs;
- (4) administer all state and federal funds for adult education and related skill training in this state, except in programs for which another entity is specifically authorized to do so under other law;
- (5) prescribe and administer standards and accrediting policies for adult education;
- (6) prescribe and administer rules for teacher certification for adult education;
- (7) accept and administer grants, gifts, services, and funds from available sources for use in adult education;
- (8) 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;
- (9) adopt and administer a standardized secondary exit-level assessment instrument appropriate for assessing adult education program participants who successfully complete high school curriculum requirements under a program provided under Section 29.258;
- (10) collaborate with the Texas Workforce

Commission to improve the coordination and implementation of adult education and literacy services in this state; and

(10) monitor and evaluate educational and employment outcomes of students who participate in the agency's adult education and literacy programs.

(b) The assessment mechanism prescribed under Subsection (a)(8)(A) [~~(a)(8)~~] must include an initial basic skills screening instrument and must provide comprehensive information concerning baseline student skills before and student progress after participation in an adult education program.

SECTION 3. Section 29.253, Education Code, is amended.

SECTION 4. Section 29.2531, Education Code, is amended.

SECTION 5. Section 29.255, Education Code, is amended.

SECTION 6. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.258 to read as follows:

Sec. 29.258. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION PILOT PROGRAM. (a) The commissioner shall establish an adult high school diploma and industry certification pilot program as provided by this section to enhance economic opportunities for eligible adults 19 to 50 years of age.

(b) Notwithstanding Section 29.2535, the commissioner may designate a single nonprofit entity described by Subsection (c) to provide an adult education program for individuals described by Subsection (g) to successfully complete:

(1) high school curriculum requirements to receive a high school diploma; and

(2) career and technology education courses that can lead to industry certification.

(c) An adult high school diploma and industry certification program may be provided by a nonprofit entity under this section that:

Commission to improve the coordination and implementation of adult education and literacy services in this state; and

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

SECTION 3. Same as introduced version.

SECTION 4. Substantially the same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.258 to read as follows:

Sec. 29.258. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION PILOT PROGRAM. (a) The commissioner shall establish an adult high school diploma and industry certification pilot program as provided by this section to enhance economic opportunities for eligible adults 19 to 50 years of age.

(b) Notwithstanding Section 29.2535, the commissioner may designate a single nonprofit entity described by Subsection (c) to provide an adult education program for not more than 150 individuals described by Subsection (g) to successfully complete:

(1) high school curriculum requirements to receive a high school diploma; and

(2) career and technology education courses that can lead to industry certification.

(c) An adult high school diploma and industry certification program may be provided by a nonprofit entity under this section that:

(1) has a successful history of providing education services, including industry certifications and job placement services, to adults 18 years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances;

(2) develops an adult education program specifically designed for individuals described by Subsection (g);

(3) agrees to commit at least \$1 million to the adult education program offered; and

(4) applies as provided by Subsection (e).

(d) The commissioner by rule shall establish minimum standards for an adult education program under this section. The program must:

(1) provide a dropout recovery curriculum that:

(A) offers courses to complete high school curriculum requirements; and

(B) includes career and technology education courses that can lead to industry certification; and

(2) offer a high school diploma to a participant who:

(A) completes all high school curriculum requirements in compliance with Section 28.025; and

(B) performs satisfactorily on a secondary exit-level assessment instrument described by Section 29.252(a)(8)(B).

(e) To be designated to provide an adult education program under this section, a nonprofit entity described by Subsection (c) must submit an application to the commissioner in the time and manner prescribed by commissioner rule that describes:

(1) the adult education program to be offered, including the required curriculum as provided by Section 28.002;

(2) the governing structure for providing the adult education program to be offered;

(3) the process through which the nonprofit entity will adopt an annual budget for providing the adult education program to be offered; and

(4) the facilities to be used for the adult education program to be offered.

(f) A nonprofit entity designated to provide an adult education program under this section:

(1) may partner with a public junior college

(1) has a successful history of providing education services, including industry certifications and job placement services, to adults 18 years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances;

(2) develops an adult education program specifically designed for individuals described by Subsection (g);

(3) agrees to commit at least \$1 million to the adult education program offered; and

(4) applies as provided by Subsection (e).

(d) The commissioner by rule shall establish minimum standards for an adult education program under this section. The program must:

(1) provide a dropout recovery curriculum that:

(A) offers courses to complete high school curriculum requirements; and

(B) includes career and technology education courses that can lead to industry certification; and

(2) offer a high school diploma to a participant who:

(A) completes all high school curriculum requirements in compliance with Section 28.025; and

(B) performs satisfactorily on a secondary exit-level assessment instrument described by Section 29.252(a)(9).

(e) To be designated to provide an adult education program under this section, a nonprofit entity described by Subsection (c) must submit an application to the commissioner in the time and manner prescribed by commissioner rule that describes:

(1) the adult education program to be offered, including the required curriculum as provided by Section 28.002;

(2) the governing structure for providing the adult education program to be offered;

(3) the process through which the nonprofit entity will adopt an annual budget for providing the adult education program to be offered; and

(4) the facilities to be used for the adult education program to be offered.

(f) A nonprofit entity designated to provide an adult education program under this section:

(1) may partner with a public junior college

to provide career and technology education courses that can lead to industry certification; and

(2) must enter into a memorandum of understanding with one or more school districts or open-enrollment charter schools that will award high school diplomas to adult education program participants who successfully complete curriculum requirements for high school graduation.

(g) A person who is at least 19 years of age and not more than 50 years of age is eligible to enroll in the adult education program under this section if the person has not earned a high school equivalency certificate and:

(1) has failed to complete the curriculum requirements for high school graduation; or

(2) has failed to perform satisfactorily on an assessment instrument required for high school graduation.

(h) The commissioner shall adopt rules as necessary to authorize school districts and open-enrollment charter schools to issue diplomas to eligible participants under this section. A participant issued a diploma from a school district or open-enrollment charter school under this section is not considered a student enrolled in the district or school for accountability purposes under Chapter 39.

(i) Funding for an adult education program under this section is provided as follows:

(1) for participants who are 26 years of age and older, an amount per participant from available funds appropriated for adult basic education equal to the statewide average amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at schools in the school district in which the participant resides were the student under 26 years of age; and

(2) for participants who are at least 19 years of age and under 26 years of age, an amount per participant through the Foundation School Program equal to the amount of state funds per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at schools in the school district in which the participant resides.

(j) Not later than December 1 of each even-numbered year, beginning December 1,

to provide career and technology education courses that can lead to industry certification; and

(2) must enter into a memorandum of understanding with one or more school districts or open-enrollment charter schools that will award high school diplomas to adult education program participants who successfully complete curriculum requirements for high school graduation.

(g) A person who is at least 19 years of age and not more than 50 years of age is eligible to enroll in the adult education program under this section if the person has not earned a high school equivalency certificate and:

(1) has failed to complete the curriculum requirements for high school graduation; or

(2) has failed to perform satisfactorily on an assessment instrument required for high school graduation.

(h) The commissioner shall adopt rules as necessary to authorize school districts and open-enrollment charter schools to issue diplomas to eligible participants under this section. A participant issued a diploma from a school district or open-enrollment charter school under this section is not considered a student enrolled in the district or school for accountability purposes under Chapter 39.

(i) Funding for an adult education program under this section is provided as follows:

(1) for participants who are 26 years of age and older, from funds appropriated for that purpose; and

(2) for participants who are at least 19 years of age and under 26 years of age, an amount per participant through the Foundation School Program equal to the amount of state funds per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at schools in the school district in which the participant resides.

(j) Not later than December 1 of each even-numbered year, beginning December 1,

2016, the agency shall prepare and deliver to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing legislative committee with primary jurisdiction over public education a report that:

(1) evaluates any adult education program operated under this section; and

(2) makes recommendations regarding the abolition, continuation, or expansion of the pilot program.

(k) The commissioner shall adopt rules necessary to administer the pilot program under this section.

SECTION 7. Section 42.003(a), Education Code, is amended.

SECTION 8. This Act takes effect September 1, 2013.

2016, the agency shall prepare and deliver to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing legislative committee with primary jurisdiction over public education a report that:

(1) evaluates any adult education program operated under this section; and

(2) makes recommendations regarding the abolition, continuation, or expansion of the pilot program.

(k) The commissioner shall adopt rules necessary to administer the pilot program under this section.

SECTION 7. Substantially the same as introduced version.

SECTION 8. Same as introduced version.