

BILL ANALYSIS

C.S.H.B. 2058
By: Allen
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, high school equivalency testing allows an adult lacking a high school diploma to earn a certificate of high school equivalency. Recent legislation prohibits a person under 18 years of age from taking the high school equivalency examination online. Interested parties note that county juvenile probation departments administer high school equivalency examinations to students at risk of dropping out, many of whom are 16 or 17 years of age, but who are now prohibited from taking the examination in a manner in which it is commonly administered. C.S.H.B. 2058 seeks to address this and other related issues by clarifying the current exceptions for the high school equivalency examination and allowing certain individuals under 18 years of age in the custody of a state agency under court order to take the examination online.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2058 amends the Education Code to remove the administration of high school equivalency examinations by the adjutant general's department for students enrolled in the department's Seaborne Challenge Corps from the administration of examinations the State Board of Education (SBOE) is required to provide. The bill changes a condition under which a person lacking a high school diploma regardless of age may take a high school equivalency examination from the person being required to take the examination under a justice or municipal court order issued after a failure to attend school to the person being required to take the examination under any court order.

C.S.H.B. 2058 removes a requirement that the SBOE rules relating to the development, delivery, and online administration of high school equivalency examinations prohibit a person under 18 years of age from taking the examination online. The bill's provisions apply beginning with the 2013-2014 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2058 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 7.111, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) The board shall provide for the administration of high school equivalency examinations [~~including administration by the adjutant general's department for students described by Subdivision (2)(C)~~].

(a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:

(1) over 17 years of age;

(2) 16 years of age or older and:

(A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;

(B) is in the custody of a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or

(C) is enrolled in the adjutant general's department's Seaborne ChalleNGe Corps; or
(3) required to take the examination under a [justice or municipal] court order [issued under Article 45.054(a)(1)(C), Code of Criminal Procedure].

(c) The board by rule shall develop and deliver high school equivalency examinations and provide for the administration of the examinations online. The rules must [:

~~(1)]~~ provide a procedure for verifying the identity of the person taking the examination [~~;~~ and

~~(2)]~~ prohibit a person under 18 years of age from taking the examination online].

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 7.111, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

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(a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:

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(A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;

(B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or

(C) is enrolled in the adjutant general's department's Seaborne ChalleNGe Corps; or
(3) required to take the examination under a [justice or municipal] court order [issued under Article 45.054(a)(1)(C), Code of Criminal Procedure].

(c) The board by rule shall develop and deliver high school equivalency examinations and provide for the administration of the examinations online. The rules must [:

~~(1)]~~ provide a procedure for verifying the identity of the person taking the examination [~~;~~ and

~~(2)]~~ prohibit a person under 18 years of age from taking the examination online].

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.