

BILL ANALYSIS

C.S.S.B. 307
By: Huffman
Economic & Small Business Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Texas Education Agency (TEA) has primary responsibility for the administration of adult education programs in Texas that provide training in literacy and basic academic skills through the high school level. Recently, TEA went through a sunset review process, and the Sunset Advisory Commission recommended that the responsibility for adult education be transferred from TEA to the Texas Workforce Commission (TWC).

C.S.S.B. 307 seeks to implement the Sunset Advisory Commission recommendation to transfer the adult education program from TEA to TWC and create an Adult Education and Literacy Advisory Committee.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Workforce Commission in SECTIONS 1.01 and 3.01 and to the Texas Education Agency in SECTION 2.04 of this bill.

ANALYSIS

C.S.S.B. 307 amends the Labor Code and Education Code to transfer, not later than January 1, 2014, the administration of adult education and literacy programs from the Texas Education Agency (TEA) to the Texas Workforce Commission (TWC). The bill requires TEA and TWC, not later than the 60th day before the date of the transfer, to enter into a memorandum of understanding that includes a timetable and specific steps and methods for the transfer and measures to ensure against any unnecessary disruption to adult education and literacy services provided at the local level.

C.S.S.B. 307 sets out provisions relating to TWC's duties in administering the adult education and literacy programs and requires TWC, not later than December 1 of each even-numbered year, to report to the legislature regarding the educational and employment outcomes of students who participate in TWC's adult education and literacy programs. The bill authorizes TWC to adopt rules for the administration of the bill's provisions relating to the programs.

C.S.S.B. 307 requires adult education programs to be provided by public school districts, public junior colleges, regional education service centers, nonprofit agencies, and community-based organizations approved in accordance with state statutes and rules adopted by TWC. The bill sets out provisions relating to the design of adult education programs with respect to available resources and to the related standardized assessment mechanism required under the bill's provisions for those programs. The bill requires TWC to establish an adult education and literacy advisory committee, provides for the committee's composition and functions, and exempts the committee from state laws applicable to state agency advisory committees.

C.S.S.B. 307 sets out provisions relating to state funding to implement statewide adult basic education, adult bilingual education, high school equivalency, and high school credit programs.

The bill requires TWC by rule to develop and establish a performance-based process for annually awarding funds to entities that deliver adult education and literacy services under the bill's provisions. The bill requires the process to be designed to reward those entities demonstrating exemplary performance in the delivery of services and describes specified criteria and procedures TWC is required to prescribe in developing the process. The bill requires TWC to use a competitive procurement process to award a contract to a service provider of an adult education program.

C.S.S.B. 307 includes adult education and literacy services among the activities for which TWC is authorized to establish a need-based formula for the allocation of funds and includes achieving integrated education and training among the purposes of those activities. The bill specifies that the funds for those activities are available under the federal Workforce Investment Act of 1998, in addition to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The bill exempts the adult education and literacy programs from statutory provisions relating to block grants for local workforce development areas.

C.S.S.B. 307 clarifies TEA's continuing administrative role with respect to community education programs and services, as distinguished from adult education programs, and authorizes TEA to adopt rules for the administration of such programs.

C.S.S.B. 307 repeals statutory provisions relating to the Interagency Literacy Council, requiring the State Board of Education (SBOE) to adopt rules for approving adult education programs, and authorizing the SBOE to establish an adult education advisory committee.

C.S.S.B. 307 repeals Chapter 312, Labor Code, and the following provisions of the Education Code:

- Section 7.102(c)(16)
- Sections 29.251(1), (2), and (3)
- Section 29.253
- Section 29.2531
- Section 29.2535
- Section 29.254

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 307 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
ARTICLE 1. CHANGES TO LABOR CODE	Same as engrossed version.
SECTION 1.01. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 315 to read as follows: <u>CHAPTER 315. ADULT EDUCATION</u>	SECTION 1.01. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 315 to read as follows: <u>CHAPTER 315. ADULT EDUCATION</u>

AND LITERACY PROGRAMS

Sec. 315.001. DEFINITIONS.

Sec. 315.002. COMMISSION DUTIES. (a)

The commission 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 entities, including public agencies and private organizations, in planning, developing, and implementing related programs;

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

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

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

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

(7) 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; and

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

(b) The assessment mechanism prescribed by Subsection (a)(7) 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.

(c) Not later than December 1 of each even-numbered year, the commission shall report to the legislature regarding the educational and employment outcomes of students who participate in the commission's adult education and literacy

AND LITERACY PROGRAMS

Sec. 315.001. DEFINITIONS.

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The commission shall:

(1) provide adequate staffing, including by hiring a director, 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 entities, including public agencies and private organizations, in planning, developing, and implementing related programs;

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

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

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

Sec. 315.003. PROVISION OF ADULT EDUCATION PROGRAMS.

Sec. 315.004. ADULT EDUCATION ASSESSMENT.

Sec. 315.005. ADULT EDUCATION AND LITERACY ADVISORY COMMITTEE. (a) In this section, "advisory committee" means the adult education and literacy advisory committee created under this section.

(b) The commission shall establish an adult education and literacy advisory committee composed of not more than nine members appointed by the commission. Members of the advisory committee must have expertise in the field of adult education and literacy and may include adult educators, providers, advocates, current or former adult education and literacy program students, and leaders in the nonprofit community engaged in literacy promotion efforts. The advisory committee's membership must include at least one representative of the business community and at least one representative of a local workforce development board.

(c) The advisory committee shall:

(1) meet at least quarterly;

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

(3) advise the commission on:

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

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

(C) the exploration of potential

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(A) the development of:

(i) policies and program priorities that support the development of an educated and skilled workforce in this state;

(ii) statewide curriculum guidelines and standards for adult education and literacy services that ensure a balance of education and workplace skill development;

(iii) a statewide strategy for improving student transitions to postsecondary education and career and technical education training; and

(iv) a centralized system for collecting and tracking comprehensive data on adult basic education and literacy program performance outcomes;

(B) the exploration of potential partnerships with entities in the nonprofit community

partnerships with entities in the nonprofit community engaged in literacy promotion efforts, entities in the business community, and other appropriate entities to improve statewide literacy programs; and
(D) any other issue the commission considers appropriate.
(d) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee.

Sec. 315.006. STATE FUNDING.

Sec. 315.007. PERFORMANCE INCENTIVE FUNDING.

Sec. 315.008. SERVICE PROVIDER CONTRACTS: COMPETITIVE PROCUREMENT REQUIREMENT.

SECTION 1.02. Section 302.004, Labor Code, is amended.

SECTION 1.03. Subsection (g), Section 302.062, Labor Code, is amended.

ARTICLE 2. TEXAS EDUCATION AGENCY RESPONSIBILITY FOR COMMUNITY EDUCATION PROGRAMS; CONFORMING CHANGES TO EDUCATION CODE

SECTION 2.01. Subdivision (8), Subsection (b), Section 7.021, Education Code, is amended.

SECTION 2.02. The heading to Subchapter H, Chapter 29, Education Code, is amended to read as follows:
SUBCHAPTER H. [~~ADULT AND~~]
COMMUNITY
EDUCATION PROGRAMS

SECTION 2.03. Subdivision (4), Section 29.251, Education Code, is amended.

SECTION 2.04. Section 29.252, Education Code, is amended.

SECTION 2.05. Section 29.255, Education Code, is amended.

SECTION 2.06. (a) The following provisions of the Education Code are repealed:

engaged in literacy promotion efforts, entities in the business community, and other appropriate entities to improve statewide literacy programs; and
(C) any other issue the commission considers appropriate.
(d) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee.

Sec. 315.006. STATE FUNDING.

Sec. 315.007. PERFORMANCE INCENTIVE FUNDING.

Sec. 315.008. SERVICE PROVIDER CONTRACTS: COMPETITIVE PROCUREMENT REQUIREMENT.

SECTION 1.02. Same as engrossed version.

SECTION 1.03. Substantially the same as engrossed version.

Same as engrossed version.

SECTION 2.01. Same as engrossed version except for recitation.

SECTION 2.02. Same as engrossed version.

SECTION 2.03. Same as engrossed version except for recitation.

SECTION 2.04. Same as engrossed version.

SECTION 2.05. Same as engrossed version.

SECTION 2.06. Same as engrossed version.

- (1) Subdivision (16), Subsection (c), Section 7.102;
 - (2) Subdivisions (1), (2), and (3), Section 29.251;
 - (3) Section 29.253;
 - (4) Section 29.2531;
 - (5) Section 29.2535; and
 - (6) Section 29.254.
- (b) Chapter 312, Labor Code, is repealed.

ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

SECTION 3.01. (a) Not later than January 1, 2014:

- (1) the administration of adult education and literacy programs shall be transferred from the Texas Education Agency to the Texas Workforce Commission;
 - (2) all rules, policies, procedures, and decisions of the Texas Education Agency relating to the administration of adult education and literacy programs are continued in effect as rules, policies, procedures, and decisions of the Texas Workforce Commission until superseded by a rule or other appropriate action by the Texas Workforce Commission; and
 - (3) a reference in law or administrative rule to the Texas Education Agency relating to the administration of adult education and literacy programs means the Texas Workforce Commission.
- (b) Not later than the 60th day before the date of the transfer of the administration of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission under Subsection (a) of this section, the Texas Education Agency and the Texas Workforce Commission shall enter into a memorandum of understanding relating to that transfer. The memorandum must include:
- (1) a timetable and specific steps and methods for the transfer of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds relating to the administration of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission on the date of the transfer; and
 - (2) measures to ensure against any

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- (1) a timetable and specific steps and methods for the transfer of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds relating to the administration of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission on the date of the transfer; and
 - (2) measures to ensure against any unnecessary disruption to adult education and

unnecessary disruption to adult education and literacy services provided at the local level.

(c) The Texas Workforce Commission shall complete the initial competitive procurement process required under Section 315.008, Labor Code, as added by this Act, to award contracts to service providers of adult education programs that are effective not later than October 1, 2014.

SECTION 3.02. This Act takes effect September 1, 2013.

literacy services provided at the local level.

SECTION 3.02. Same as engrossed version.