

## **BILL ANALYSIS**

C.S.S.B. 1142  
By: Duncan  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties identify dropout recovery as a critical issue for Texas that directly influences the creation of an educated and productive workforce. The impact a quality education and marketable skills have on an individual's potential for success is evident, as is the damage wrought by an absence of education. The parties contend that education impacts earnings more than any other demographic factor and is linked to lower unemployment rates and higher pay. Despite this evidence, millions of adult Texans lack a high school diploma.

The interested parties contend that there are few affordable options for high school dropouts to continue their education, particularly after reaching a certain age, and that addressing the education and training of these adults who are still in their prime earning years could mitigate the staggering costs that high school dropouts create for individuals and society, which are estimated at more than \$300,000 for a dropout versus the net contributions of high school graduates.

C.S.S.B. 1142 seeks to increase the enrollment and graduation rates of high school dropouts and link students with resources that will help maximize their potential at the postsecondary level and beyond by creating an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

### **ANALYSIS**

C.S.S.B. 1142 amends the Education Code to require the commissioner of education to establish an adult high school diploma and industry certification charter school pilot program as a strategy for meeting industry needs for a sufficiently trained workforce within Texas. The bill requires the Texas Education Agency (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 the pilot program and requires the commissioner to determine the level of performance considered to be satisfactory on the test for receipt of a high school diploma by an adult education program participant.

C.S.S.B. 1142 authorizes a charter under the pilot program, on the basis of an application submitted, to be granted to a single nonprofit entity that meets certain conditions to provide an adult education program for not more than 150 individuals to successfully complete a high school program that can lead to a diploma and career and technology education courses that can lead to industry certification.

C.S.S.B. 1142 authorizes a nonprofit entity to be granted such a charter only if the entity has a successful history of providing education 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 and agrees to commit at least \$1 million to the adult education program offered. The bill authorizes a nonprofit entity granted such a charter to partner with a public junior college to provide career and technology courses that lead to industry certification. The bill establishes that 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 the bill's provisions 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 a charter application and a charter to include a description of the adult education program to be offered and to establish specific, objective standards for receiving a high school diploma.

C.S.S.B. 1142 establishes that funding for the adult education program is provided based on the following: for participants who are 26 years of age and older, an amount per participant from available general revenue funds appropriated for the pilot program 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 to an open-enrollment charter school were the student under 26 years of age; and 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 funding per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at a charter school. The bill establishes that statutory provisions relating to the status and use of state funds for charter schools and charter school property purchased or leased with state funds apply as though funds under the pilot program were funds under statutory provisions relating to charter schools.

C.S.S.B. 1142 requires TEA, beginning December 1, 2016, to prepare and deliver to certain recipients a biennial report, not later than December 1 of each even-numbered year, that evaluates any adult education program operated under a charter granted under the pilot program and makes recommendations regarding the program's abolition, continuation, or expansion. The bill requires the commissioner to adopt rules necessary to administer the pilot program and authorizes the commissioner, in adopting rules, to modify charter school requirements only to the extent necessary for the administration of a charter school that provides for adult education.

#### **EFFECTIVE DATE**

September 1, 2013.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 1142 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**

SECTION 1. Subdivision (1), Section 29.251, Education Code, is amended to read as follows:

(1) "Adult education" means services and instruction provided below the college level for adults by public local education agencies, public nonprofit agencies, nonprofit entities providing services and instruction as described by Section 29.259, or community-based organizations.

##### **HOUSE COMMITTEE SUBSTITUTE**

No equivalent provision, but see SECTION 1(a) below.

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 29.259;
- (9) 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.

No equivalent provision, but see SECTION 1(c) below.

(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 to read as follows:

Sec. 29.253. PROVISION OF ADULT EDUCATION PROGRAMS. Adult education programs shall be provided by public school districts, public junior colleges, public universities, public nonprofit agencies, and community-based organizations approved in accordance with state statutes and rules adopted by the State Board of Education. A nonprofit entity described by Section 29.259 may also provide an adult education program as provided by that section. The programs must be designed to meet the education and training needs of adults to the extent possible within available public and private resources. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development.

No equivalent provision.

SECTION 4. Section 29.2531, Education Code, is amended to read as follows:

Sec. 29.2531. ADULT EDUCATION ASSESSMENT. (a) The agency [~~Texas Education Agency~~] shall, in consultation with the Texas Higher Education Coordinating Board, review the standardized assessment mechanism required under Section 29.252(a)(8)(A) [~~29.252(a)(8)~~] and recommend any changes necessary to align the assessment with the assessments designated under Section 51.3062 to allow for the proper placement of a student in an adult basic education course or to provide the student with the proper developmental or English as a second language coursework, as appropriate.

(b) The commissioner shall determine the level of performance considered to be satisfactory on a secondary exit-level assessment instrument described by Section 29.252(a)(8)(B) for receipt of a high school diploma by an adult education program

No equivalent provision, but see SECTION 1(c) below.

participant in a program provided under Section 29.259.

SECTION 5. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.259 to read as follows:

Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION CHARTER SCHOOL PILOT PROGRAM.

*(See SECTION 1 above.)*

(a) The commissioner shall establish an adult high school diploma and industry certification charter school pilot program as provided by this section as a strategy for meeting industry needs for a sufficiently trained workforce within the state.

*(See SECTION 2 above.)*

*(See SECTION 3 above.)*

(b) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, the State Board of Education may grant, on the basis of an application submitted to the board, a charter under the pilot program to a single nonprofit entity described by Subsection (c) to provide an adult education program for not more than 150 individuals described by Subsection (e) to successfully complete:

(1) a high school program that can lead to a diploma; and

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

(c) A nonprofit entity may be granted a charter under this section only if the entity:

(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

SECTION 1. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.259 to read as follows:

Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION CHARTER SCHOOL PILOT PROGRAM. (a) In this section, "adult education" means services and instruction provided below the college level for adults by a nonprofit entity described by Subsection (e).

(b) The commissioner shall establish an adult high school diploma and industry certification charter school pilot program as provided by this section as a strategy for meeting industry needs for a sufficiently trained workforce within the state.

(c) The agency shall 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 this section. The commissioner shall determine the level of performance considered to be satisfactory on the secondary exit-level assessment instrument for receipt of a high school diploma by an adult education program participant in a program provided under this section.

(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, a charter under the pilot program may, on the basis of an application submitted, be granted to a single nonprofit entity described by Subsection (e) to provide an adult education program for not more than 150 individuals described by Subsection (g) to successfully complete:

(1) a high school program that can lead to a diploma; and

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

(e) A nonprofit entity may be granted a charter under this section only if the entity:

(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; and

(2) agrees to commit at least \$1 million to the adult education program offered.

(d) A nonprofit entity granted a charter under this section may partner with a public junior college to provide career and technology courses that lead to industry certification.

(e) 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.

(f) The nonprofit entity must include in its charter application the information required by Subsection (g).

(g) A charter granted under this section must:

(1) include a description of the adult education program to be offered under this section; and

(2) establish specific, objective standards for receiving a high school diploma, including satisfactory performance on the standardized secondary exit-level assessment instrument described by Section 29.252(a)(8)(B) as provided under Section 29.2531.

(h) Funding for an adult education program under this section is provided based on the following:

(1) for participants who are 26 years of age and older, an amount per participant from available general revenue funds appropriated for the pilot program 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 to an open-enrollment charter school under Section 12.106 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

educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances; and

(2) agrees to commit at least \$1 million to the adult education program offered.

(f) A nonprofit entity granted a charter under this section may partner with a public junior college to provide career and technology courses that lead to industry certification.

(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 nonprofit entity must include in its charter application the information required by Subsection (i).

(i) A charter granted under this section must:

(1) include a description of the adult education program to be offered under this section; and

(2) establish specific, objective standards for receiving a high school diploma, including satisfactory performance on the standardized secondary exit-level assessment instrument described by Subsection (c).

(j) Funding for an adult education program under this section is provided based on the following:

(1) for participants who are 26 years of age and older, an amount per participant from available general revenue funds appropriated for the pilot program 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 to an open-enrollment charter school under Section 12.106 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

funding per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at an open-enrollment charter school in accordance with Section 12.106.

(i) Sections 12.107 and 12.128 apply as though funds under this section were funds under Subchapter D, Chapter 12.

(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 or economic development a report that:

(1) evaluates any adult education program operated under a charter granted 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. In adopting rules, the commissioner may modify charter school requirements only to the extent necessary for the administration of a charter school under this section that provides for adult education.

SECTION 6. Subsection (a), Section 42.003, Education Code, is amended.

SECTION 7. This Act takes effect September 1, 2013.

funding per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at an open-enrollment charter school in accordance with Section 12.106.

(k) Sections 12.107 and 12.128 apply as though funds under this section were funds under Subchapter D, Chapter 12.

(l) 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 or economic development a report that:

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

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

(m) The commissioner shall adopt rules necessary to administer the pilot program under this section. In adopting rules, the commissioner may modify charter school requirements only to the extent necessary for the administration of a charter school under this section that provides for adult education.

SECTION 2. Same as engrossed version except for recitation.

SECTION 3. Same as engrossed version.