

By: Guillen

H.B. No. 362

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. CHANGES TO LABOR CODE

SECTION 1.01. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 315 to read as follows:

CHAPTER 315. ADULT EDUCATION AND LITERACY PROGRAMS

Sec. 315.001. DEFINITIONS. In this chapter:

(1) "Adult" means any individual who is over the age of compulsory school attendance prescribed by Section 25.085, Education Code.

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

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

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;

1 (2) develop the mechanism and guidelines for the
2 coordination of comprehensive adult education and related skill
3 training services for adults with other entities, including public
4 agencies and private organizations, in planning, developing, and
5 implementing related programs;

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

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

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

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

16 (7) adopt or develop and administer a standardized
17 assessment mechanism for assessing all adult education program
18 participants who need literacy instruction, adult basic education,
19 or secondary education leading to an adult high school diploma or
20 the equivalent; and

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

24 (b) The assessment mechanism prescribed by Subsection
25 (a)(7) must include an initial basic skills screening instrument
26 and must provide comprehensive information concerning baseline
27 student skills before and student progress after participation in

1 an adult education program.

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

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

8 Sec. 315.003. PROVISION OF ADULT EDUCATION PROGRAMS. Adult
9 education programs must be provided by public school districts,
10 public junior colleges, public universities, public nonprofit
11 agencies, and community-based organizations approved in accordance
12 with state statutes and rules adopted by the commission. The
13 programs must be designed to meet the education and training needs
14 of adults to the extent possible using available public and private
15 resources. Bilingual education may be used to instruct students
16 who do not function satisfactorily in English whenever it is
17 appropriate for those students' optimum development.

18 Sec. 315.004. ADULT EDUCATION ASSESSMENT. The commission
19 shall, in consultation with the Texas Higher Education Coordinating
20 Board and the Texas Education Agency, review the standardized
21 assessment mechanism required under Section 315.002(a)(7) and
22 recommend any changes necessary to align the assessment with the
23 assessments designated under Section 51.3062 to allow for the
24 proper placement of a student in an adult basic education course or
25 to provide the student with the proper developmental or English as a
26 second language coursework, as appropriate.

27 Sec. 315.005. ADULT EDUCATION AND LITERACY ADVISORY

1 COMMITTEE. (a) In this section, "advisory committee" means the
2 adult education and literacy advisory committee created under this
3 section.

4 (b) The commission shall establish an adult education and
5 literacy advisory committee composed of not more than nine members
6 appointed by the commission. Members of the advisory committee
7 must have expertise in the field of adult education and literacy and
8 may include adult educators, providers, advocates, and current or
9 former adult education and literacy program students.

10 (c) The advisory committee shall:

11 (1) meet at least quarterly;

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

13 (3) advise the commission on:

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

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

21 (C) any other issue the commission considers
22 appropriate.

23 (d) Chapter 2110, Government Code, does not apply to the
24 size, composition, or duration of the advisory committee.

25 Sec. 315.006. STATE FUNDING. (a) Funds shall be
26 appropriated to implement statewide adult basic education, adult
27 bilingual education, high school equivalency, and high school

1 credit programs to eliminate illiteracy in this state and to
2 implement and support a statewide program to meet the total range of
3 adult needs for adult education and related skill training. The
4 commission shall ensure that public local education agencies,
5 public nonprofit agencies, and community-based organizations have
6 direct and equitable access to those funds.

7 (b) In addition to any amount appropriated under Subsection
8 (a), the legislature may appropriate an additional amount to the
9 commission for the purpose of skill training in direct support of
10 industrial expansion and new business development in locations,
11 industries, and occupations designated by the commission, if the
12 training supports the basic purposes of this chapter. To support
13 the basic purposes of this chapter, the legislature may also
14 appropriate an additional amount to the commission for skill
15 training that is conducted to support the expansion of civilian
16 employment opportunities on United States military reservations.

17 Sec. 315.007. SERVICE PROVIDER CONTRACTS: COMPETITIVE
18 PROCUREMENT REQUIREMENT. The commission shall use a competitive
19 procurement process to award a contract to a service provider of an
20 adult education program.

21 SECTION 1.02. Section 302.062(g), Labor Code, is amended to
22 read as follows:

23 (g) Block grant funding under this section does not apply
24 to:

25 (1) the work and family policies program under Chapter
26 81;

27 (2) a program under the skills development fund

1 created under Chapter 303;

2 (3) the job counseling program for displaced
3 homemakers under Chapter 304;

4 (4) the Communities In Schools program under
5 Subchapter E, Chapter 33, Education Code, to the extent that funds
6 are available to the commission for that program;

7 (5) the reintegration of offenders program under
8 Chapter 306;

9 (6) apprenticeship programs under Chapter 133,
10 Education Code;

11 (7) the continuity of care program under Section
12 501.095, Government Code;

13 (8) employment programs under Chapter 31, Human
14 Resources Code;

15 (9) the senior citizens employment program under
16 Chapter 101, Human Resources Code;

17 (10) the programs described by Section 302.021(b)(2);

18 (11) the community service program under the National
19 and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);

20 (12) the trade adjustment assistance program under
21 Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et
22 seq.);

23 (13) the programs to enhance the employment
24 opportunities of veterans; ~~and~~

25 (14) the functions of the State Occupational
26 Information Coordinating Committee; and

27 (15) the adult education and literacy program under

1 Chapter 315.

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

4 SECTION 2.01. Section 7.021(b)(8), Education Code, is
5 amended to read as follows:

6 (8) The agency shall carry out powers and duties
7 relating to [~~adult and~~] community education as required under
8 Subchapter H, Chapter 29.

9 SECTION 2.02. The heading to Subchapter H, Chapter 29,
10 Education Code, is amended to read as follows:

11 SUBCHAPTER H. [~~ADULT AND~~] COMMUNITY
12 EDUCATION PROGRAMS

13 SECTION 2.03. Section 29.251(4), Education Code, is amended
14 to read as follows:

15 (4) "Community education" means the process by which
16 the citizens in a school district, using the resources and
17 facilities of the district, organize to support each other and to
18 solve their mutual educational problems and meet their mutual
19 lifelong needs. Community education may include:

20 (A) educational programs, including programs
21 relating to [~~for occupational and technological skills training,~~
22 ~~retraining of displaced workers,~~] cultural awareness, parenting
23 skills education and parental involvement in school programs, and
24 multilevel adult education and personal growth;

25 (B) community involvement programs, including
26 programs for community economic development, school volunteers,
27 partnerships between schools and businesses, coordination with

1 community agencies, school-age child care, family [~~and workplace~~]
2 literacy, and community use of facilities; and

3 (C) programs for youth enrolled in schools,
4 including programs for dropout prevention and recovery programs,
5 drug-free school programs, school-age parenting programs, and
6 academic enhancement.

7 SECTION 2.04. Section 29.252, Education Code, is amended to
8 read as follows:

9 Sec. 29.252. AGENCY [~~STATE~~] ROLE IN [~~ADULT AND~~] COMMUNITY
10 EDUCATION. (a) The agency shall:

11 (1) [~~provide adequate staffing to develop,~~
12 ~~administer, and support a comprehensive statewide adult education~~
13 ~~program and coordinate related federal and state programs for~~
14 ~~education and training of adults,~~

15 [~~(2)~~] develop, implement, and regulate a comprehensive
16 statewide program for community [~~level~~] education services [~~to meet~~
17 ~~the special needs of adults~~];

18 (2) [~~(3)~~] develop the mechanism and guidelines for
19 coordination of comprehensive adult education and related skill
20 training services for adults with other agencies, both public and
21 private, in planning, developing, and implementing related
22 programs, including community education programs,

23 [~~(4)~~] administer all state and federal funds for
24 community [~~adult~~] education [~~and related skill training~~] in this
25 state, other than funds that [~~except in programs for which~~] another
26 entity is specifically authorized to administer [~~do so~~] under other
27 law; and

1 (3) [~~(5)~~ prescribe and administer standards and
2 accrediting policies for adult education;

3 [~~(6)~~ prescribe and administer rules for teacher
4 certification for adult education;

5 [~~(7)~~] accept and administer grants, gifts, services,
6 and funds from available sources for use in community [~~adult~~]
7 education[+]

8 [~~(8)~~ adopt or develop and administer a standardized
9 assessment mechanism for assessing all adult education program
10 participants who need literacy instruction, adult basic education,
11 or secondary education leading to an adult high school diploma or
12 the equivalent;

13 [~~(9)~~ collaborate with the Texas Workforce Commission
14 to improve the coordination and implementation of adult education
15 and literacy services in this state; and

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

19 (b) The agency may adopt rules for the administration of
20 this subchapter [~~assessment mechanism prescribed under Subsection~~
21 ~~(a)(8) must include an initial basic skills screening instrument~~
22 ~~and must provide comprehensive information concerning baseline~~
23 ~~student skills before and student progress after participation in~~
24 ~~an adult education program].~~

25 SECTION 2.05. Section 29.255, Education Code, is amended to
26 read as follows:

27 Sec. 29.255. STATE FUNDING. [~~(a)~~] Funds shall be

1 appropriated to implement statewide community [~~adult basic~~
2 education [~~, adult bilingual education, high school equivalency,~~
3 ~~and high school credit~~] programs, including [~~to eliminate~~
4 ~~illiteracy in this state and to implement and support a statewide~~
5 ~~program to meet the total range of adult needs for adult education,~~
6 ~~related skill training, and~~] pilot programs to demonstrate the
7 effectiveness of the community education concept. The agency shall
8 ensure that public local education agencies, public nonprofit
9 agencies, and community-based organizations have direct and
10 equitable access to those funds. [~~An additional sum of money may be~~
11 ~~appropriated to the Texas Department of Commerce for the purpose of~~
12 ~~skill training in direct support of industrial expansion and~~
13 ~~start-up, and those locations, industries, and occupations~~
14 ~~designated by the Texas Department of Commerce, when such training~~
15 ~~is also in support of the basic purposes of this subchapter. To~~
16 ~~fulfill the basic purposes of this subchapter, an additional sum of~~
17 ~~money may be appropriated for skill training that is conducted to~~
18 ~~support the expansion of civilian employment opportunities on~~
19 ~~United States military reservations.~~

20 [~~(b) The agency, in conjunction with the Texas Department of~~
21 ~~Commerce, may adopt rules to administer skill training programs for~~
22 ~~which the agency is responsible, and the Texas Department of~~
23 ~~Commerce may adopt rules to administer skill training programs for~~
24 ~~which it is responsible.]~~

25 SECTION 2.06. The following provisions of the Education
26 Code are repealed:

27 (1) Section 7.102(c)(16);

- 1 (2) Sections 29.251(1), (2), and (3);
- 2 (3) Section 29.253;
- 3 (4) Section 29.2531;
- 4 (5) Section 29.2535; and
- 5 (6) Section 29.254.

6 ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

7 SECTION 3.01. (a) On January 1, 2014:

8 (1) the administration of adult education and literacy
9 programs shall be transferred from the Texas Education Agency to
10 the Texas Workforce Commission;

11 (2) all rules, policies, procedures, and decisions of
12 the Texas Education Agency relating to the administration of adult
13 education and literacy programs are continued in effect as rules,
14 policies, procedures, and decisions of the Texas Workforce
15 Commission until superseded by a rule or other appropriate action
16 by the Texas Workforce Commission; and

17 (3) a reference in law or administrative rule to the
18 Texas Education Agency relating to the administration of adult
19 education and literacy programs means the Texas Workforce
20 Commission.

21 (b) Not later than October 1, 2013, the Texas Education
22 Agency and the Texas Workforce Commission shall enter into a
23 memorandum of understanding relating to the transfer of the
24 administration of adult education and literacy programs from the
25 Texas Education Agency to the Texas Workforce Commission as
26 provided by this Act. The memorandum must include:

27 (1) a timetable and specific steps and methods for the

1 transfer on January 1, 2014, of all powers, duties, obligations,
2 rights, contracts, leases, records, real or personal property, and
3 unspent and unobligated appropriations and other funds relating to
4 the administration of adult education and literacy programs from
5 the Texas Education Agency to the Texas Workforce Commission; and

6 (2) measures to ensure against any unnecessary
7 disruption to adult education and literacy services provided at the
8 local level.

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