

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 school districts, public junior colleges, regional education service centers, 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, 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;

- 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;
- 21 (8) monitor and evaluate educational and employment
22 outcomes of students who participate in the commission's adult
23 education and literacy programs; and
- 24 (9) provide, within the context of administering adult
25 education and literacy programs, training opportunities for
26 parents regarding how to be the primary teachers for their children
27 and full partners in their children's education.

1 (b) The assessment mechanism prescribed by Subsection
2 (a)(7) must include an initial basic skills screening instrument
3 and must provide comprehensive information concerning baseline
4 student skills before and student progress after participation in
5 an adult education program.

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

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

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

22 Sec. 315.004. ADULT EDUCATION ASSESSMENT. The commission
23 shall, in consultation with the Texas Higher Education Coordinating
24 Board and the Texas Education Agency, review the standardized
25 assessment mechanism required under Section 315.002(a)(7) and
26 recommend any changes necessary to align the assessment with the
27 assessments designated under Section 51.3062, Education Code, to

1 allow for the proper placement of a student in an adult basic
2 education course or to provide the student with the proper
3 developmental or English as a second language coursework, as
4 appropriate.

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

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

19 (c) The advisory committee shall:

20 (1) meet at least quarterly;

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

22 (3) advise the commission on:

23 (A) the development of:

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

27 (ii) statewide curriculum guidelines and

1 standards for adult education and literacy services that ensure a
2 balance of education and workplace skill development;

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

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

9 (B) the exploration of potential partnerships
10 with entities in the nonprofit community engaged in literacy
11 promotion efforts, entities in the business community, and other
12 appropriate entities to improve statewide literacy programs; and

13 (C) any other issue the commission considers
14 appropriate.

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

17 Sec. 315.006. STATE FUNDING. (a) Funds shall be
18 appropriated to implement statewide adult basic education, adult
19 bilingual education, high school equivalency, and high school
20 credit programs to eliminate illiteracy in this state and to
21 implement and support a statewide program to meet the total range of
22 adult needs for adult education and related skill training. The
23 commission shall ensure that public school districts, public junior
24 colleges, regional education service centers, nonprofit agencies,
25 and community-based organizations have direct and equitable access
26 to those funds.

27 (b) In addition to any amount appropriated under Subsection

1 (a), the legislature may appropriate an additional amount to the
2 commission for the purpose of skill training in direct support of
3 industrial expansion and new business development in locations,
4 industries, and occupations designated by the commission, if the
5 training supports the basic purposes of this chapter. To support
6 the basic purposes of this chapter, the legislature may also
7 appropriate an additional amount to the commission for skill
8 training that is conducted to support the expansion of civilian
9 employment opportunities on United States military reservations.

10 Sec. 315.007. PERFORMANCE INCENTIVE FUNDING. (a) The
11 commission by rule shall develop and establish a performance-based
12 process for annually awarding funds to entities that deliver adult
13 education and literacy services under this chapter. The process
14 must be designed to reward those entities demonstrating exemplary
15 performance in the delivery of services.

16 (b) In developing the process for awarding funds under this
17 section, the commission shall prescribe:

18 (1) criteria, including fiscal and programmatic
19 performance criteria, to be used to evaluate the performance by the
20 entities described by Subsection (a); and

21 (2) procedures for taking corrective action,
22 including contract termination or the discontinuation of an award
23 of funds, against an entity for the entity's failure to satisfy the
24 performance criteria prescribed under Subdivision (1).

25 Sec. 315.008. SERVICE PROVIDER CONTRACTS: COMPETITIVE
26 PROCUREMENT REQUIREMENT. The commission shall use a competitive
27 procurement process to award a contract to a service provider of an

1 adult education program.

2 SECTION 1.02. Section 302.004, Labor Code, is amended to
3 read as follows:

4 Sec. 302.004. FUNDS FOR JOB TRAINING, EMPLOYMENT SERVICES,
5 ADULT EDUCATION AND LITERACY ACTIVITIES, AND CHILD CARE. In
6 providing job training, ~~and~~ employment services, adult education
7 and literacy services, and child care to eligible persons, the
8 commission, notwithstanding the provisions in this chapter or other
9 law, may establish a need-based formula to allocate funds available
10 under the Personal Responsibility and Work Opportunity
11 Reconciliation Act of 1996 (Pub. L. No. 104-193) and the Workforce
12 Investment Act of 1998 (29 U.S.C. Section 2801 et seq.) for job
13 training, ~~and~~ employment services, adult education and literacy
14 activities, and child care to local workforce development areas so
15 as to:

16 (1) ensure compliance with federal participation
17 rates and requirements and full utilization of the funding; and

18 (2) achieve integrated education and training.

19 SECTION 1.03. Subsection (g), Section 302.062, Labor Code,
20 is amended to read as follows:

21 (g) Block grant funding under this section does not apply
22 to:

23 (1) the work and family policies program under Chapter
24 81;

25 (2) a program under the skills development fund
26 created under Chapter 303;

27 (3) the job counseling program for displaced

1 homemakers under Chapter 304;

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

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

7 (6) apprenticeship programs under Chapter 133,
8 Education Code;

9 (7) the continuity of care program under Section
10 501.095, Government Code;

11 (8) employment programs under Chapter 31, Human
12 Resources Code;

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

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

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

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

21 (13) the programs to enhance the employment
22 opportunities of veterans; ~~and~~

23 (14) the functions of the State Occupational
24 Information Coordinating Committee; and

25 (15) the adult education and literacy programs under
26 Chapter 315.

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

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

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

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

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

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

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

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

24 (B) community involvement programs, including
25 programs for community economic development, school volunteers,
26 partnerships between schools and businesses, coordination with
27 community agencies, school-age child care, family ~~[and workplace]~~

1 literacy, and community use of facilities; and

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

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

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

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

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

17 (2) [~~(3)~~] develop the mechanism and guidelines for
18 coordination of comprehensive adult education and related skill
19 training services for adults with other agencies, both public and
20 private, in planning, developing, and implementing related
21 programs, including community education programs,

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

27 (3) [~~(5)~~] prescribe and administer standards and

1 ~~accrediting policies for adult education,~~

2 ~~[(6) prescribe and administer rules for teacher~~
3 ~~certification for adult education,~~

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

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

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

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

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

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

26 Sec. 29.255. STATE FUNDING. ~~[(a)]~~ Funds shall be
27 appropriated to implement statewide community ~~[adult basic]~~

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

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

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

- 26 (1) Subdivision (16), Subsection (c), Section 7.102;
27 (2) Subdivisions (1), (2), and (3), Section 29.251;

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

5 (b) Chapter 312, Labor Code, is repealed.

6 ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

7 SECTION 3.01. (a) Not later than 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 the 60th day before the date of the
22 transfer of the administration of adult education and literacy
23 programs from the Texas Education Agency to the Texas Workforce
24 Commission under Subsection (a) of this section, the Texas
25 Education Agency and the Texas Workforce Commission shall enter
26 into a memorandum of understanding relating to that transfer. The
27 memorandum must include:

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 307 passed the Senate on April 8, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 7, 2013, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 307 passed the House, with amendments, on April 22, 2013, by the following vote: Yeas 146, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor