

1-1 By: Huffman, Hinojosa, Lucio S.B. No. 307
 1-2 (In the Senate - Filed January 31, 2013; February 5, 2013,
 1-3 read first time and referred to Committee on Economic Development;
 1-4 March 25, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; March 25, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 307 By: Birdwell

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the transfer of adult education and literacy programs
 1-20 from the Texas Education Agency to the Texas Workforce Commission.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 ARTICLE 1. CHANGES TO LABOR CODE

1-23 SECTION 1.01. Subtitle B, Title 4, Labor Code, is amended by
 1-24 adding Chapter 315 to read as follows:

1-25 CHAPTER 315. ADULT EDUCATION AND LITERACY PROGRAMS

1-26 Sec. 315.001. DEFINITIONS. In this chapter:

1-27 (1) "Adult" means any individual who is over the age of
 1-28 compulsory school attendance prescribed by Section 25.085,
 1-29 Education Code.

1-30 (2) "Adult education" means services and instruction
 1-31 provided below the college level for adults by public school
 1-32 districts, public junior colleges, regional education service
 1-33 centers, nonprofit agencies, or community-based organizations.

1-34 (3) "Community-based organization" has the meaning
 1-35 assigned by 20 U.S.C. Section 7801.

1-36 Sec. 315.002. COMMISSION DUTIES. (a) The commission
 1-37 shall:

1-38 (1) provide adequate staffing to develop, administer,
 1-39 and support a comprehensive statewide adult education program and
 1-40 coordinate related federal and state programs for the education and
 1-41 training of adults;

1-42 (2) develop the mechanism and guidelines for the
 1-43 coordination of comprehensive adult education and related skill
 1-44 training services for adults with other entities, including public
 1-45 agencies and private organizations, in planning, developing, and
 1-46 implementing related programs;

1-47 (3) administer all state and federal funds for adult
 1-48 education and related skill training services in this state, other
 1-49 than funds that another entity is specifically authorized to
 1-50 administer under other law;

1-51 (4) prescribe and administer standards and
 1-52 accrediting policies for adult education;

1-53 (5) prescribe and administer rules for teacher
 1-54 certification for adult education;

1-55 (6) accept and administer grants, gifts, services, and
 1-56 funds from available sources for use in adult education;

1-57 (7) adopt or develop and administer a standardized
 1-58 assessment mechanism for assessing all adult education program
 1-59 participants who need literacy instruction, adult basic education,
 1-60 or secondary education leading to an adult high school diploma or

2-1 the equivalent; and
 2-2 (8) monitor and evaluate educational and employment
 2-3 outcomes of students who participate in the commission's adult
 2-4 education and literacy programs.

2-5 (b) The assessment mechanism prescribed by Subsection
 2-6 (a)(7) must include an initial basic skills screening instrument
 2-7 and must provide comprehensive information concerning baseline
 2-8 student skills before and student progress after participation in
 2-9 an adult education program.

2-10 (c) Not later than December 1 of each even-numbered year,
 2-11 the commission shall report to the legislature regarding the
 2-12 educational and employment outcomes of students who participate in
 2-13 the commission's adult education and literacy programs.

2-14 (d) The commission may adopt rules for the administration of
 2-15 this chapter.

2-16 Sec. 315.003. PROVISION OF ADULT EDUCATION PROGRAMS. Adult
 2-17 education programs must be provided by public school districts,
 2-18 public junior colleges, regional education service centers,
 2-19 nonprofit agencies, and community-based organizations approved in
 2-20 accordance with state statutes and rules adopted by the commission.
 2-21 The programs must be designed to meet the education and training
 2-22 needs of adults to the extent possible using available public and
 2-23 private resources. Bilingual education may be used to instruct
 2-24 students who do not function satisfactorily in English whenever it
 2-25 is appropriate for those students' optimum development.

2-26 Sec. 315.004. ADULT EDUCATION ASSESSMENT. The commission
 2-27 shall, in consultation with the Texas Higher Education Coordinating
 2-28 Board and the Texas Education Agency, review the standardized
 2-29 assessment mechanism required under Section 315.002(a)(7) and
 2-30 recommend any changes necessary to align the assessment with the
 2-31 assessments designated under Section 51.3062, Education Code, to
 2-32 allow for the proper placement of a student in an adult basic
 2-33 education course or to provide the student with the proper
 2-34 developmental or English as a second language coursework, as
 2-35 appropriate.

2-36 Sec. 315.005. ADULT EDUCATION AND LITERACY ADVISORY
 2-37 COMMITTEE. (a) In this section, "advisory committee" means the
 2-38 adult education and literacy advisory committee created under this
 2-39 section.

2-40 (b) The commission shall establish an adult education and
 2-41 literacy advisory committee composed of not more than nine members
 2-42 appointed by the commission. Members of the advisory committee
 2-43 must have expertise in the field of adult education and literacy and
 2-44 may include adult educators, providers, advocates, current or
 2-45 former adult education and literacy program students, and leaders
 2-46 in the nonprofit community engaged in literacy promotion efforts.
 2-47 The advisory committee's membership must include at least one
 2-48 representative of the business community and at least one
 2-49 representative of a local workforce development board.

2-50 (c) The advisory committee shall:

2-51 (1) meet at least quarterly;

2-52 (2) report to the commission at least annually; and

2-53 (3) advise the commission on:

2-54 (A) the development of policies and program
 2-55 priorities that support the development of an educated and skilled
 2-56 workforce in this state;

2-57 (B) the development of statewide curriculum
 2-58 guidelines and standards for adult education and literacy services
 2-59 that ensure a balance of education and workplace skill development;

2-60 (C) the exploration of potential partnerships
 2-61 with entities in the nonprofit community engaged in literacy
 2-62 promotion efforts, entities in the business community, and other
 2-63 appropriate entities to improve statewide literacy programs; and

2-64 (D) any other issue the commission considers
 2-65 appropriate.

2-66 (d) Chapter 2110, Government Code, does not apply to the
 2-67 size, composition, or duration of the advisory committee.

2-68 Sec. 315.006. STATE FUNDING. (a) Funds shall be
 2-69 appropriated to implement statewide adult basic education, adult

3-1 bilingual education, high school equivalency, and high school
3-2 credit programs to eliminate illiteracy in this state and to
3-3 implement and support a statewide program to meet the total range of
3-4 adult needs for adult education and related skill training. The
3-5 commission shall ensure that public school districts, public junior
3-6 colleges, regional education service centers, nonprofit agencies,
3-7 and community-based organizations have direct and equitable access
3-8 to those funds.

3-9 (b) In addition to any amount appropriated under Subsection
3-10 (a), the legislature may appropriate an additional amount to the
3-11 commission for the purpose of skill training in direct support of
3-12 industrial expansion and new business development in locations,
3-13 industries, and occupations designated by the commission, if the
3-14 training supports the basic purposes of this chapter. To support
3-15 the basic purposes of this chapter, the legislature may also
3-16 appropriate an additional amount to the commission for skill
3-17 training that is conducted to support the expansion of civilian
3-18 employment opportunities on United States military reservations.

3-19 Sec. 315.007. PERFORMANCE INCENTIVE FUNDING. (a) The
3-20 commission by rule shall develop and establish a performance-based
3-21 process for annually awarding funds to entities that deliver adult
3-22 education and literacy services under this chapter. The process
3-23 must be designed to reward those entities demonstrating exemplary
3-24 performance in the delivery of services.

3-25 (b) In developing the process for awarding funds under this
3-26 section, the commission shall prescribe:

3-27 (1) criteria, including fiscal and programmatic
3-28 performance criteria, to be used to evaluate the performance by the
3-29 entities described by Subsection (a); and

3-30 (2) procedures for taking corrective action,
3-31 including contract termination or the discontinuation of an award
3-32 of funds, against an entity for the entity's failure to satisfy the
3-33 performance criteria prescribed under Subdivision (1).

3-34 Sec. 315.008. SERVICE PROVIDER CONTRACTS: COMPETITIVE
3-35 PROCUREMENT REQUIREMENT. The commission shall use a competitive
3-36 procurement process to award a contract to a service provider of an
3-37 adult education program.

3-38 SECTION 1.02. Section 302.004, Labor Code, is amended to
3-39 read as follows:

3-40 Sec. 302.004. FUNDS FOR JOB TRAINING, EMPLOYMENT SERVICES,
3-41 ADULT EDUCATION AND LITERACY ACTIVITIES, AND CHILD CARE. In
3-42 providing job training, ~~and~~ employment services, adult education
3-43 and literacy services, and child care to eligible persons, the
3-44 commission, notwithstanding the provisions in this chapter or other
3-45 law, may establish a need-based formula to allocate funds available
3-46 under the Personal Responsibility and Work Opportunity
3-47 Reconciliation Act of 1996 (Pub. L. No. 104-193) and the Workforce
3-48 Investment Act of 1998 (29 U.S.C. Section 2801 et seq.) for job
3-49 training, ~~and~~ employment services, adult education and literacy
3-50 activities, and child care to local workforce development areas so
3-51 as to:

3-52 (1) ensure compliance with federal participation
3-53 rates and requirements and full utilization of the funding; and

3-54 (2) achieve integrated education and training.

3-55 SECTION 1.03. Subsection (g), Section 302.062, Labor Code,
3-56 is amended to read as follows:

3-57 (g) Block grant funding under this section does not apply
3-58 to:

3-59 (1) the work and family policies program under Chapter
3-60 81;

3-61 (2) a program under the skills development fund
3-62 created under Chapter 303;

3-63 (3) the job counseling program for displaced
3-64 homemakers under Chapter 304;

3-65 (4) the Communities In Schools program under
3-66 Subchapter E, Chapter 33, Education Code, to the extent that funds
3-67 are available to the commission for that program;

3-68 (5) the reintegration of offenders program under
3-69 Chapter 306;

- 4-1 (6) apprenticeship programs under Chapter 133,
- 4-2 Education Code;
- 4-3 (7) the continuity of care program under Section
- 4-4 501.095, Government Code;
- 4-5 (8) employment programs under Chapter 31, Human
- 4-6 Resources Code;
- 4-7 (9) the senior citizens employment program under
- 4-8 Chapter 101, Human Resources Code;
- 4-9 (10) the programs described by Section 302.021(b)(2);
- 4-10 (11) the community service program under the National
- 4-11 and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);
- 4-12 (12) the trade adjustment assistance program under
- 4-13 Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et
- 4-14 seq.);
- 4-15 (13) the programs to enhance the employment
- 4-16 opportunities of veterans; ~~and~~
- 4-17 (14) the functions of the State Occupational
- 4-18 Information Coordinating Committee; and
- 4-19 (15) the adult education and literacy program under
- 4-20 Chapter 315.

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 to read as follows:

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

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 to read as follows:

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

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

(B) community involvement programs, including programs for community economic development, school volunteers, partnerships between schools and businesses, coordination with community agencies, school-age child care, family ~~[and workplace]~~ literacy, and community use of facilities; and

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

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

Sec. 29.252. AGENCY ~~[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];~~

~~(2) [(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

5-1 community [~~adult~~] education [~~and related skill training~~] in this
 5-2 state, other than funds that [~~except in programs for which~~] another
 5-3 entity is specifically authorized to administer [~~do so~~] under other
 5-4 law; and

5-5 ~~(3) [(5) prescribe and administer standards and~~
 5-6 ~~accrediting policies for adult education;~~

5-7 ~~[(6) prescribe and administer rules for teacher~~
 5-8 ~~certification for adult education;~~

5-9 ~~[(7)] accept and administer grants, gifts, services,~~
 5-10 ~~and funds from available sources for use in community [~~adult~~]~~
 5-11 ~~education[+]~~

5-12 ~~[(8) adopt or develop and administer a standardized~~
 5-13 ~~assessment mechanism for assessing all adult education program~~
 5-14 ~~participants who need literacy instruction, adult basic education,~~
 5-15 ~~or secondary education leading to an adult high school diploma or~~
 5-16 ~~the equivalent;~~

5-17 ~~[(9) collaborate with the Texas Workforce Commission~~
 5-18 ~~to improve the coordination and implementation of adult education~~
 5-19 ~~and literacy services in this state; and~~

5-20 ~~[(10) monitor and evaluate educational and employment~~
 5-21 ~~outcomes of students who participate in the agency's adult~~
 5-22 ~~education and literacy programs].~~

5-23 (b) The agency may adopt rules for the administration of
 5-24 this subchapter [~~assessment mechanism prescribed under Subsection~~
 5-25 ~~(a)(8) must include an initial basic skills screening instrument~~
 5-26 ~~and must provide comprehensive information concerning baseline~~
 5-27 ~~student skills before and student progress after participation in~~
 5-28 ~~an adult education program].~~

5-29 SECTION 2.05. Section 29.255, Education Code, is amended to
 5-30 read as follows:

5-31 Sec. 29.255. STATE FUNDING. [~~(a)~~] Funds shall be
 5-32 appropriated to implement statewide community [~~adult basic~~]
 5-33 education[, ~~adult bilingual education, high school equivalency,~~
 5-34 ~~and high school credit] programs, including [~~to eliminate~~
 5-35 ~~illiteracy in this state and to implement and support a statewide~~
 5-36 ~~program to meet the total range of adult needs for adult education,~~
 5-37 ~~related skill training, and] pilot programs to demonstrate the~~
 5-38 effectiveness of the community education concept. The agency shall
 5-39 ensure that public local education agencies, public nonprofit
 5-40 agencies, and community-based organizations have direct and
 5-41 equitable access to those funds. [~~An additional sum of money may be~~
 5-42 ~~appropriated to the Texas Department of Commerce for the purpose of~~
 5-43 ~~skill training in direct support of industrial expansion and~~
 5-44 ~~start-up, and those locations, industries, and occupations~~
 5-45 ~~designated by the Texas Department of Commerce, when such training~~
 5-46 ~~is also in support of the basic purposes of this subchapter. To~~
 5-47 ~~fulfill the basic purposes of this subchapter, an additional sum of~~
 5-48 ~~money may be appropriated for skill training that is conducted to~~
 5-49 ~~support the expansion of civilian employment opportunities on~~
 5-50 ~~United States military reservations.~~~~

5-51 [~~(b) The agency, in conjunction with the Texas Department of~~
 5-52 ~~Commerce, may adopt rules to administer skill training programs for~~
 5-53 ~~which the agency is responsible, and the Texas Department of~~
 5-54 ~~Commerce may adopt rules to administer skill training programs for~~
 5-55 ~~which it is responsible.]~~

5-56 SECTION 2.06. (a) The following provisions of the
 5-57 Education Code are repealed:

5-58 (1) Subdivision (16), Subsection (c), Section 7.102;

5-59 (2) Subdivisions (1), (2), and (3), Section 29.251;

5-60 (3) Section 29.253;

5-61 (4) Section 29.2531;

5-62 (5) Section 29.2535; and

5-63 (6) Section 29.254.

5-64 (b) Chapter 312, Labor Code, is repealed.

5-65 ARTICLE 3. TRANSITION PROVISIONS; EFFECTIVE DATE

5-66 SECTION 3.01. (a) Not later than January 1, 2014:

5-67 (1) the administration of adult education and literacy
 5-68 programs shall be transferred from the Texas Education Agency to
 5-69 the Texas Workforce Commission;

6-1 (2) all rules, policies, procedures, and decisions of
6-2 the Texas Education Agency relating to the administration of adult
6-3 education and literacy programs are continued in effect as rules,
6-4 policies, procedures, and decisions of the Texas Workforce
6-5 Commission until superseded by a rule or other appropriate action
6-6 by the Texas Workforce Commission; and

6-7 (3) a reference in law or administrative rule to the
6-8 Texas Education Agency relating to the administration of adult
6-9 education and literacy programs means the Texas Workforce
6-10 Commission.

6-11 (b) Not later than the 60th day before the date of the
6-12 transfer of the administration of adult education and literacy
6-13 programs from the Texas Education Agency to the Texas Workforce
6-14 Commission under Subsection (a) of this section, the Texas
6-15 Education Agency and the Texas Workforce Commission shall enter
6-16 into a memorandum of understanding relating to that transfer. The
6-17 memorandum must include:

6-18 (1) a timetable and specific steps and methods for the
6-19 transfer of all powers, duties, obligations, rights, contracts,
6-20 leases, records, real or personal property, and unspent and
6-21 unobligated appropriations and other funds relating to the
6-22 administration of adult education and literacy programs from the
6-23 Texas Education Agency to the Texas Workforce Commission on the
6-24 date of the transfer; and

6-25 (2) measures to ensure against any unnecessary
6-26 disruption to adult education and literacy services provided at the
6-27 local level.

6-28 (c) The Texas Workforce Commission shall complete the
6-29 initial competitive procurement process required under Section
6-30 315.008, Labor Code, as added by this Act, to award contracts to
6-31 service providers of adult education programs that are effective
6-32 not later than October 1, 2014.

6-33 SECTION 3.02. This Act takes effect September 1, 2013.

6-34

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