

By: Duncan, Watson

S.B. No. 1141

A BILL TO BE ENTITLED

AN ACT

relating to an adult high school diploma and industry certification
pilot program for adults 19 to 50 years of age.

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

SECTION 1. Section 29.251(1), 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 29.258,
or community-based organizations.

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

1 training services for adults with other agencies, both public and
2 private, in planning, developing, and implementing related
3 programs, including community education programs;

4 (4) administer all state and federal funds for adult
5 education and related skill training in this state, except in
6 programs for which another entity is specifically authorized to do
7 so under other law;

8 (5) prescribe and administer standards and
9 accrediting policies for adult education;

10 (6) prescribe and administer rules for teacher
11 certification for adult education;

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

14 (8) adopt or develop and administer:

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

20 (B) a standardized secondary exit-level
21 assessment instrument appropriate for assessing adult education
22 program participants who successfully complete high school
23 curriculum requirements under a program provided under Section
24 29.258;

25 (9) collaborate with the Texas Workforce Commission to
26 improve the coordination and implementation of adult education and
27 literacy services in this state; and

1 (10) monitor and evaluate educational and employment
2 outcomes of students who participate in the agency's adult
3 education and literacy programs.

4 (b) The assessment mechanism prescribed under Subsection
5 (a)(8)(A) [~~(a)(8)~~] must include an initial basic skills screening
6 instrument and must provide comprehensive information concerning
7 baseline student skills before and student progress after
8 participation in an adult education program.

9 SECTION 3. Section 29.253, Education Code, is amended to
10 read as follows:

11 Sec. 29.253. PROVISION OF ADULT EDUCATION PROGRAMS. Adult
12 education programs shall be provided by public school districts,
13 public junior colleges, public universities, public nonprofit
14 agencies, and community-based organizations approved in accordance
15 with state statutes and rules adopted by the State Board of
16 Education. A nonprofit entity described by Section 29.258 may also
17 provide an adult education program as provided by that section. The
18 programs must be designed to meet the education and training needs
19 of adults to the extent possible within available public and
20 private resources. Bilingual education may be the method of
21 instruction for students who do not function satisfactorily in
22 English whenever it is appropriate for their optimum development.

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

25 Sec. 29.2531. ADULT EDUCATION ASSESSMENT. (a) The agency
26 [~~Texas Education Agency~~] shall, in consultation with the Texas
27 Higher Education Coordinating Board, review the standardized

1 assessment mechanism required under Section 29.252(a)(8)(A)
2 [~~29.252(a)(8)~~] and recommend any changes necessary to align the
3 assessment with the assessments designated under Section 51.3062 to
4 allow for the proper placement of a student in an adult basic
5 education course or to provide the student with the proper
6 developmental or English as a second language coursework, as
7 appropriate.

8 (b) The commissioner shall determine the level of
9 performance considered to be satisfactory on a secondary exit-level
10 assessment instrument described by Section 29.252(a)(8)(B) for
11 receipt of a high school diploma by an adult education program
12 participant in a program provided under Section 29.258.

13 SECTION 5. Section 29.255, Education Code, is amended to
14 read as follows:

15 Sec. 29.255. FUNDING. (a) Funds shall be appropriated to
16 implement statewide adult basic education, adult bilingual
17 education, high school equivalency, and high school credit programs
18 to eliminate illiteracy in this state and to implement and support a
19 statewide program to meet the total range of adult needs for adult
20 education, related skill training, and pilot programs to
21 demonstrate the effectiveness of the community education concept.
22 The agency shall ensure that public local education agencies,
23 public nonprofit agencies, nonprofit entities providing programs
24 under Section 29.258, and community-based organizations have
25 direct and equitable access to those funds. An additional sum of
26 money may be appropriated to the Texas Economic Development and
27 Tourism Office [~~Department of Commerce~~] for the purpose of skill

1 training in direct support of industrial expansion and start-up,
2 and those locations, industries, and occupations designated by the
3 Texas Economic Development and Tourism Office [~~Department of~~
4 ~~Commerce~~], when such training is also in support of the basic
5 purposes of this subchapter. To fulfill the basic purposes of this
6 subchapter, an additional sum of money may be appropriated for
7 skill training that is conducted to support the expansion of
8 civilian employment opportunities on United States military
9 reservations.

10 (b) The agency, in conjunction with the Texas Economic
11 Development and Tourism Office [~~Department of Commerce~~], may adopt
12 rules to administer skill training programs for which the agency is
13 responsible, and the Texas Economic Development and Tourism Office
14 [~~Department of Commerce~~] may adopt rules to administer skill
15 training programs for which it is responsible.

16 SECTION 6. Subchapter H, Chapter 29, Education Code, is
17 amended by adding Section 29.258 to read as follows:

18 Sec. 29.258. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY
19 CERTIFICATION PILOT PROGRAM. (a) The commissioner shall establish
20 an adult high school diploma and industry certification pilot
21 program as provided by this section to enhance economic
22 opportunities for eligible adults 19 to 50 years of age.

23 (b) Notwithstanding Section 29.2535, the commissioner may
24 designate a single nonprofit entity described by Subsection (c) to
25 provide an adult education program for individuals described by
26 Subsection (g) to successfully complete:

27 (1) high school curriculum requirements to receive a

1 high school diploma; and

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

4 (c) An adult high school diploma and industry certification
5 program may be provided by a nonprofit entity under this section
6 that:

7 (1) has a successful history of providing education
8 services, including industry certifications and job placement
9 services, to adults 18 years of age and older whose educational and
10 training opportunities have been limited by educational
11 disadvantages, disabilities, homelessness, criminal history, or
12 similar circumstances;

13 (2) develops an adult education program specifically
14 designed for individuals described by Subsection (g);

15 (3) agrees to commit at least \$1 million to the adult
16 education program offered; and

17 (4) applies as provided by Subsection (e).

18 (d) The commissioner by rule shall establish minimum
19 standards for an adult education program under this section. The
20 program must:

21 (1) provide a dropout recovery curriculum that:

22 (A) offers courses to complete high school
23 curriculum requirements; and

24 (B) includes career and technology education
25 courses that can lead to industry certification; and

26 (2) offer a high school diploma to a participant who:

27 (A) completes all high school curriculum

1 requirements in compliance with Section 28.025; and

2 (B) performs satisfactorily on a secondary
3 exit-level assessment instrument described by Section
4 29.252(a)(8)(B).

5 (e) To be designated to provide an adult education program
6 under this section, a nonprofit entity described by Subsection (c)
7 must submit an application to the commissioner in the time and
8 manner prescribed by commissioner rule that describes:

9 (1) the adult education program to be offered,
10 including the required curriculum as provided by Section 28.002;

11 (2) the governing structure for providing the adult
12 education program to be offered;

13 (3) the process through which the nonprofit entity
14 will adopt an annual budget for providing the adult education
15 program to be offered; and

16 (4) the facilities to be used for the adult education
17 program to be offered.

18 (f) A nonprofit entity designated to provide an adult
19 education program under this section:

20 (1) may partner with a public junior college to
21 provide career and technology education courses that can lead to
22 industry certification; and

23 (2) must enter into a memorandum of understanding with
24 one or more school districts or open-enrollment charter schools
25 that will award high school diplomas to adult education program
26 participants who successfully complete curriculum requirements for
27 high school graduation.

1 (g) A person who is at least 19 years of age and not more
2 than 50 years of age is eligible to enroll in the adult education
3 program under this section if the person has not earned a high
4 school equivalency certificate and:

5 (1) has failed to complete the curriculum requirements
6 for high school graduation; or

7 (2) has failed to perform satisfactorily on an
8 assessment instrument required for high school graduation.

9 (h) The commissioner shall adopt rules as necessary to
10 authorize school districts and open-enrollment charter schools to
11 issue diplomas to eligible participants under this section. A
12 participant issued a diploma from a school district or
13 open-enrollment charter school under this section is not considered
14 a student enrolled in the district or school for accountability
15 purposes under Chapter 39.

16 (i) Funding for an adult education program under this
17 section is provided as follows:

18 (1) for participants who are 26 years of age and older,
19 an amount per participant from available funds appropriated for
20 adult basic education equal to the statewide average amount of
21 state funding per student in weighted average daily attendance that
22 would be allocated under the Foundation School Program for the
23 student's attendance at schools in the school district in which the
24 participant resides were the student under 26 years of age; and

25 (2) for participants who are at least 19 years of age
26 and under 26 years of age, an amount per participant through the
27 Foundation School Program equal to the amount of state funds per

1 student in weighted average daily attendance that would be
2 allocated under the Foundation School Program for the student's
3 attendance at schools in the school district in which the
4 participant resides.

5 (j) Not later than December 1 of each even-numbered year,
6 beginning December 1, 2016, the agency shall prepare and deliver to
7 the governor, lieutenant governor, speaker of the house of
8 representatives, and presiding officer of each standing
9 legislative committee with primary jurisdiction over public
10 education a report that:

11 (1) evaluates any adult education program operated
12 under this section; and

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

15 (k) The commissioner shall adopt rules necessary to
16 administer the pilot program under this section.

17 SECTION 7. Section 42.003(a), Education Code, is amended to
18 read as follows:

19 (a) A student is entitled to the benefits of the Foundation
20 School Program if, on September 1 of the school year, the student:

21 (1) is 5 years of age or older and under 21 years of age
22 and has not graduated from high school, or is at least 21 years of
23 age and under 26 years of age and has been admitted by a school
24 district to complete the requirements for a high school diploma; or

25 (2) is at least 19 years of age and under 26 years of
26 age and is enrolled in an adult high school diploma and industry
27 certification program under Section 29.258.

1 SECTION 8. This Act takes effect September 1, 2013.