

BILL ANALYSIS

C.S.H.B. 852
By: Parker
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. C.S.H.B. 852 seeks to increase the enrollment and graduation rates of high school dropouts and provide students with resources and training that will help maximize their potential by, among other things, removing the cap on the number of students who may attend an adult high school diploma and industry certification charter school program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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.H.B. 852 amends the Education Code to remove the requirement that the Texas Education Agency (TEA) adopt a standardized secondary exit-level test appropriate for assessing adult education program participants who successfully complete high school curriculum requirements under an adult high school diploma and industry certification charter school pilot program, while retaining the requirement that TEA administer such a test. The bill specifies that the test is state-adopted. The bill clarifies that, with regard to the authorization for a charter under the pilot program to be granted to a qualified single nonprofit entity to provide an adult education program for eligible individuals, the commissioner of education is the entity granting the charter. The bill removes the cap on such a program's capacity of 150 program-eligible individuals.

C.S.H.B. 852 specifies that the specific, objective standards for receiving a high school diploma required to be established by a charter granted under the pilot program include successful completion of, if applicable to the program participant, high school curriculum requirements or the appropriate curriculum requirements applicable to the program participant.

C.S.H.B. 852 subjects an adult education program operated under a charter granted under the pilot program to a statutory provision relating to public education and establishing a criminal offense and a prohibition, restriction, or requirement, as applicable, imposed by statutory provisions relating to public education or a rule adopted under such provisions relating to the following: the Public Education Information Management System (PEIMS) to the extent necessary as determined by the commissioner to monitor compliance with provisions relating to the pilot program and, as applicable, statutory provisions relating to open-enrollment charter schools; criminal history records; high school graduation requirements to the extent applicable to

a program participant; special education programs; bilingual education; health and safety; the requirement to report an educator's misconduct; and the right of an employee to report a crime.

C.S.H.B. 852 requires the commissioner to develop and adopt performance frameworks that establish standards by which to measure the performance of an adult high school program operated under a charter granted under the pilot program in a manner consistent with the applicable requirements provided for an open-enrollment charter school. The bill requires the commissioner to annually evaluate the performance of an adult high school program operated under a pilot program charter based on the applicable performance frameworks and to include in the performance frameworks the following performance indicators: the percentage of program participants who performed satisfactorily on the state-adopted standardized secondary exit-level test for adult education program participants; the percentage of program participants who successfully completed the high school program and earned a high school diploma; the percentage of program participants who successfully completed career and technology education courses and obtained industry certification; the percentage of program participants who have enrolled in a public, private, or independent institution of higher education; and the percentage of program participants who earned a wage, salary, or other income increase that was significant as determined and reported by the Texas Workforce Commission. The bill requires the commissioner to adopt rules as necessary to implement and administer the bill's reporting requirement with regard to PEIMS and the bill's performance frameworks evaluation provisions.

C.S.H.B. 852 repeals Section 29.259(1), Education Code, which requires TEA to prepare and deliver a biennial report that evaluates any adult education program operated under a pilot program charter and makes recommendations regarding the abolishment, continuation, or expansion of the pilot program.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 852 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 29.259(d), Education Code, is amended to read as follows:

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 29.259, Education Code, is amended by amending Subsections (c), (d), and (i) and adding Subsections (n), (o), and (p) to read as follows:

(c) The agency shall [~~adopt and~~] administer a state-adopted 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 state-adopted 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.

No equivalent provision.

(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, the commissioner ~~[a charter under the pilot program]~~ may, on the basis of an application submitted, grant a charter under the pilot program ~~[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.

(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:
 - (A) successful completion of:
 - (i) if applicable to the program participant, the curriculum requirements under Section 28.025; or
 - (ii) the appropriate curriculum requirements applicable to the program participant; and
 - (B) satisfactory performance on the state-adopted standardized secondary exit-level assessment instrument described by Subsection (c).

No equivalent provision.

(n) An adult education program operated under a charter granted under this section is subject to:

- (1) a provision of this title establishing a criminal offense; and
- (2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:
 - (A) the Public Education Information Management System (PEIMS) to the extent necessary as determined by the commissioner to monitor compliance with this section and, as applicable, Subchapter D, Chapter 12;
 - (B) criminal history records under Subchapter C, Chapter 22;
 - (C) high school graduation requirements under Section 28.025, to the extent

applicable to a program participant;
(D) special education programs under Subchapter A, Chapter 29;
(E) bilingual education under Subchapter B, Chapter 29;
(F) health and safety under Chapter 38;
(G) the requirement under Section 21.006 to report an educator's misconduct; and
(H) the right of an employee to report a crime, as provided by Section 37.148.

No equivalent provision.

(o) The commissioner shall develop and adopt performance frameworks that establish standards by which to measure the performance of an adult high school program operated under a charter granted under this section in a manner consistent with the requirements provided for an open-enrollment charter school under Sections 12.1181(a) and (b). Each year, the commissioner shall evaluate the performance of an adult high school program operated under a charter granted under this section based on the applicable performance frameworks adopted under this subsection. The commissioner shall include in the performance frameworks adopted under this subsection the following performance indicators:

(1) the percentage of program participants who performed satisfactorily on the state-adopted standardized secondary exit-level assessment instrument described by Subsection (c);

(2) the percentage of program participants who successfully completed the high school program and earned a high school diploma;

(3) the percentage of program participants who successfully completed career and technology education courses and obtained industry certification;

(4) the percentage of program participants who have enrolled in an institution of higher education or private or independent institution of higher education, as those terms are defined under Section 61.003; and

(5) the percentage of program participants who earned a wage, salary, or other income increase that was significant as determined and reported by the Texas Workforce Commission.

No equivalent provision.

(p) The commissioner shall adopt rules as necessary to implement and administer the reporting requirements under Subsection

(n)(2)(A) and the evaluation provisions of Subsection (o).

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2017.

SECTION 2. Section 29.259(1), Education Code, is repealed.

SECTION 3. Same as introduced version.