By:  Gates H.B. No. 128

A BILL TO BE ENTITLED

AN ACT

relating to the operation by a school district of a vocational education program to provide eligible high school students with vocational and educational training under a plan for the issuance of a high school diploma and the application of certain student-based allotments under the public school finance system.

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

ARTICLE 1. VOCATIONAL EDUCATION PROGRAMS

SECTION 1.01.  Subtitle F, Title 2, Education Code, is amended by adding Chapter 30B to read as follows:

CHAPTER 30B. VOCATIONAL EDUCATION PROGRAMS

Sec. 30B.001.  DEFINITION. In this chapter, "board" means the State Board of Education.

Sec. 30B.002.  PURPOSE. The purpose of a vocational education program operated under this chapter and authorized as a campus or campus program under a charter granted under Subchapter C, Chapter 12, is to provide public education to high school students whose educational needs are better served by focused vocational education and training.

Sec. 30B.003.  VOCATIONAL EDUCATION PROGRAM. (a) Each vocational education program granted a charter under Subchapter C, Chapter 12, and operating under this chapter shall offer students who reside in the district a program that is aligned with:

(1)  industry-recognized credentials and certificates included in the inventory required by Section 29.189; or

(2)  industry-defined and industry-recognized skill standards developed under Section 2308.109, Government Code.

(b)  The board shall establish minimum curriculum requirements for a vocational education program operated under this chapter. In providing curriculum requirements, the board shall require the successful completion of not more than 24 credits for graduation and the issuance of a diploma under Section 30B.004. Not less than 10 credits of the minimum curriculum requirements must be credits earned in vocational education courses offered under the program.

(c)  A vocational education program may require the completion of additional credits that are not included in the minimum curriculum requirements established by the board, as requirements for graduation and the issuance of a diploma under Section 30B.004 provided that the program does not require the successful completion of more than 24 credits.

(d)  In providing the minimum curriculum requirements under Subsection (b), the board shall require:

(1)  one-half credit in a course that provides instruction in the basic knowledge and skills necessary to:

(A)  successfully run an independent business; and

(B)  develop entrepreneurship;

(2)  one-half credit in a course providing instruction regarding the relationship between business and government; and

(3)  one-half credit in a course in industrial arts.

(e)  The board by rule may provide curriculum standards for the courses described by Subsection (d).

(f)  The board by rule shall allow for a student to satisfy the one-half credit requirement for a course described by:

(1)  Subsection (d)(2) by earning one-half credit for a course in government offered under the foundation high school program; and

(2)  Subsection (d)(3) by earning one-half credit for a course in fine arts offered under the foundation high school program.

(g)  The board by rule may require that one or more courses described by Subsection (d) or (f) provide basic instruction in technical writing.

(h)  In offering a vocational education program under this chapter, a school district may form partnerships between the district and public junior colleges, public technical institutes, public state colleges, and any other public postsecondary institutions in this state offering academic or technical education or vocational training under a certificate program or an associate degree program.

(i)  A school district may use state funding received under Chapter 48 that is available for the purpose to pay tuition costs for district students enrolled in the district's vocational education program and receiving academic or technical education or vocational training from a college or institution under a partnership entered into under Subsection (h).

Sec. 30B.004.  VOCATIONAL HIGH SCHOOL DIPLOMA. Notwithstanding any other law, agency rule, or school district policy, a student who successfully completes the course requirements for a district's vocational education program is entitled to receive a high school diploma from the district in accordance with commissioner rules concerning high school graduation requirements for students obtaining a high school diploma under a district's vocational education program.

Sec. 30B.005.  ENROLLMENT ELIGIBILITY. A student is eligible to enroll in a school district's vocational education program if:

(1)  the district has received the form indicating informed consent for the student under Section 30B.006; and

(2)  the student attends a high school campus of the district and has completed the student's 10th grade year.

Sec. 30B.006.  INFORMED CONSENT. (a) Before a student may enroll in a school district's vocational education program, the student and the student's parent, guardian, or other person standing in parental relation to the student must be advised by a school counselor concerning:

(1)  specific benefits of graduating under the foundation high school program established under Section 28.025;

(2)  specific benefits of graduating under a vocational education program with a diploma and earning industry-recognized credentials through the program;

(3)  the differences between the curriculum requirements for obtaining a diploma under a vocational education program and the curriculum requirements for obtaining a diploma under the foundation high school program, including specific foundation high school program courses that will be replaced by vocational education program courses; and

(4)  the number of additional credits that may be required to graduate under the foundation high school program if the student chooses to cease participation in a vocational education program and resume participation in the foundation high school program.

(b)  After receiving the required counseling described by Subsection (a), the student's parent, guardian, or other person standing in parental relation to the student may provide written permission for the student to enroll in the school district's vocational education program, on a form adopted by the agency, to the school counselor.

Sec. 30B.007.  ASSESSMENT INSTRUMENTS. (a) A school district may adopt and administer assessment instruments necessary for a student enrolled in the district's vocational education program to earn an industry-recognized license, credential, or certificate.

(b)  Notwithstanding any other law, the commissioner may not require that a student enrolled in a district's vocational education program be administered an assessment instrument under Section 39.023 that is not required to be administered to the student under federal law.

(c)  The commissioner may not waive the application of Subsection (b) under Section 7.056 or any other law. This subsection does not prohibit the commissioner from waiving the administration of assessment instruments otherwise required to be administered to students under federal law, in accordance with waiver authority granted to the commissioner by the United States Department of Education.

Sec. 30B.008.  EXAM SUBSIDY. A student enrolled in a school district's vocational education program is entitled to an exam subsidy for an exam administered under Section 30B.007 that qualifies the student for an industry-recognized license, credential, or certificate.

Sec. 30B.009.  ACHIEVEMENT INDICATORS. (a) The commissioner shall adopt a set of achievement indicators for school district students enrolled in a district's vocational education program based on recommendations provided by the Texas Workforce Investment Council.

(b)  The achievement indicators adopted by the commissioner must measure outcomes for a school district's vocational education program with respect to:

(1)  preparing students for success in:

(A)  achieving industry-recognized licenses, credentials, and certificates;

(B)  training in postsecondary occupational programs; and

(C)  entering the workforce;

(2)  reducing outcome differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and

(3)  informing parents and employers regarding the performance of school district vocational education programs and students who enroll in those programs.

(c)  Each school district that operates a vocational education program under this chapter shall submit to the commissioner all relevant information the commissioner determines necessary to evaluate the district's vocational education program based on the achievement indicators adopted under this section.

(d)  The commissioner shall annually publish a report on the performance of vocational education programs operated under this chapter based on the achievement indicators.

Sec. 30B.010.  MINIMUM INSTRUCTOR QUALIFICATIONS. (a) A person employed by a school district as a vocational education instructor of a district's vocational education program must have demonstrated subject matter expertise related to the subject taught, including:

(1)  professional work experience;

(2)  formal training and education;

(3)  holding a relevant, active, industry-recognized license, credential, or certificate; or

(4)  any combination of Subdivisions (1), (2), and (3).

(b)  A person employed by a school district as a vocational education instructor of a district's vocational education program must have received at least 20 hours of classroom management training as determined by the board of trustees of the district.

Sec. 30B.011.  MEMBERSHIP IN TEACHER RETIREMENT SYSTEM OF TEXAS. A school district employee who provides services under the district's vocational education program and qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent another qualified employee of a school district is covered.

Sec. 30B.012.  BUSINESS AND INDUSTRY PARTNERSHIPS. (a) A school district operating a vocational education program under this chapter may partner with private sector businesses to ensure students have sufficient opportunities to participate in apprenticeship training programs and other workplace-based education.

(b)  A school district may sponsor apprenticeship training programs under Chapter 133 for students enrolled in the district's vocational education program.

Sec. 30B.013.  LIMITATION ON CAREER AND TECHNOLOGY EDUCATION ALLOTMENT. For each student enrolled in a school district's vocational education program, the district's entitlement to the career and technology education allotment under Section 48.106 is limited to the amount determined by the commissioner in accordance with Subsection (a-1) of that section.

ARTICLE 2. OPERATION OF VOCATIONAL EDUCATION PROGRAM AS CAMPUS OR CAMPUS PROGRAM CHARTER

SECTION 2.01.  Section 12.056, Education Code, is amended by adding Subsection (c) to read as follows:

(c)  Notwithstanding Subsection (b), requirements related to high school graduation under Section 28.025 do not apply to the issuance of a diploma under a vocational education program under Chapter 30B operated as a campus or campus program under a charter granted under this subchapter if the program is administered in accordance with Chapter 30B and any applicable rules adopted by the State Board of Education under that chapter.

SECTION 2.02.  Section 28.016(b), Education Code, is amended to read as follows:

(b)  The instruction must include information regarding:

(1)  the creation of a high school personal graduation plan under Section 28.02121;

(2)  the distinguished level of achievement described by Section 28.025(b-15);

(3)  each endorsement described by Section 28.025(c-1);

(4)  college readiness standards; [~~and~~]

(5)  potential career choices and the education needed to enter those careers; and

(6)  programs of study offered through a vocational education program under Chapter 30B operated as a campus or campus program under a charter granted under Subchapter C, Chapter 12.

SECTION 2.03.  Section 29.182(b), Education Code, is amended to read as follows:

(b)  The state plan must include procedures designed to ensure that:

(1)  all secondary and postsecondary students have the opportunity to participate in career and technology education programs;

(2)  the state complies with requirements for supplemental federal career and technology education funding;

(3)  career and technology education is established as a part of the total education system of this state and constitutes an option for student learning that provides a rigorous course of study consistent with the required curriculum under Section 28.002 and under which a student may receive specific education in a career and technology program that:

(A)  incorporates competencies leading to academic and technical skill attainment;

(B)  leads to:

(i)  an industry-recognized license, credential, or certificate; or

(ii)  at the postsecondary level, an associate or baccalaureate degree;

(C)  includes opportunities for students to earn college credit for coursework; [~~and~~]

(D)  includes, as an integral part of the program, participation by students and teachers in activities of career and technical student organizations supported by the agency and the State Board of Education; and

(E)  includes the opportunity for students to participate in focused vocational education through a vocational education program under Chapter 30B operated as a campus or campus program under a charter granted under Subchapter C, Chapter 12; and

(4)  a school district provides, to the greatest extent possible, to a student participating in a career and technology education program opportunities to enroll in dual credit courses designed to lead to a degree, license, or certification as part of the program.

ARTICLE 3. APPLICATION OF CERTAIN STUDENT-BASED ALLOTMENTS REGARDING VOCATIONAL EDUCATION PROGRAM STUDENTS

SECTION 3.01.  Section 48.106, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  Subject to Subsection (a-1), for [~~For~~] each full-time equivalent student in average daily attendance in an approved career and technology education program in grades 7 through 12, a district is entitled to:

(1)  an annual allotment equal to the basic allotment multiplied by a weight of 1.35; and

(2)  $50 for each of the following in which the student is enrolled:

(A)  two or more advanced career and technology education classes for a total of three or more credits;

(B)  a campus designated as a P-TECH school under Section 29.556; or

(C)  a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

(a-1)  For each full-time equivalent student in average daily attendance in a vocational education program operated under Chapter 30B and authorized as a campus or campus program under a charter granted under Subchapter C, Chapter 12, only the first 10 hours of instructional hours provided to those students under the program each week qualify toward the district's entitlement to the allotment under Subsection (a)(1), and the commissioner shall proportionately reduce the amount of the entitlement accordingly to an amount that reflects the limitation on qualified instructional hours per week using a method adopted by the commissioner.

SECTION 3.02.  Sections 48.110(f) and (h), Education Code, are amended to read as follows:

(f)  For purposes of this section, an annual graduate demonstrates:

(1)  college readiness if the annual graduate:

(A)  achieves college readiness standards used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(B)  during a time period established by commissioner rule, enrolls at a postsecondary educational institution;

(2)  career readiness if:

(A)  the annual graduate:

(i) [~~(A)~~]  achieves college readiness standards used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(ii) [~~(B)~~]  during a time period established by commissioner rule, earns an industry-accepted certificate; or

(B)  the annual graduate earns an industry-recognized license, credential, or certificate under a vocational education program under Chapter 30B; and

(3)  military readiness if the annual graduate:

(A)  achieves a passing score set by the applicable military branch on the Armed Services Vocational Aptitude Battery; and

(B)  during a time period established by commissioner rule, enlists in the armed forces of the United States.

(h)  On application by a school district, the commissioner may allow annual graduates from the district to satisfy the requirement for demonstrating career readiness under Subsection (f)(2)(A)(ii) [~~(f)(2)(B)~~] by successfully completing a coherent sequence of courses required to obtain an industry-accepted certificate. The district must demonstrate in the application that the district is unable to provide sufficient courses or programs to enable students enrolled at the district to earn an industry-accepted certificate within the time period established by the commissioner under Subsection (f)(2)(A)(ii) [~~(f)(2)(B)~~]. The commissioner by rule shall provide the criteria required for an application under this subsection.

ARTICLE 4. TRANSITION; EFFECTIVE DATE

SECTION 4.01.  This Act applies beginning with the 2021-2022 school year.

SECTION 4.02.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.