

By: VanDeaver

H.B. No. 1942

A BILL TO BE ENTITLED

AN ACT

relating to the adult high school diploma and industry certification charter school program.

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

SECTION 1. Chapter 12, Education Code, is amended by adding Subchapter G, and a heading is added to that subchapter to read as follows:

SUBCHAPTER G. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION
CHARTER SCHOOL PROGRAM

SECTION 2. Section 29.259(a), Education Code, is transferred to Subchapter G, Chapter 12, Education Code, as added by this Act, redesignated as Section 12.251, Education Code, and amended to read as follows:

Sec. 12.251. DEFINITIONS. ~~[(a)]~~ In this subchapter:

(1) "Adult ~~[section, "adult]~~ education" means services and instruction provided below the college level for adults by a nonprofit entity granted a charter under this subchapter ~~[described by Subsection (e)]~~.

(2) "Program," unless the context indicates otherwise, means the adult high school diploma and industry certification charter school program established under this subchapter.

SECTION 3. Section 29.259(n), Education Code, is transferred to Subchapter G, Chapter 12, Education Code, as added

1 by this Act, redesignated as Section 12.252, Education Code, and
2 amended to read as follows:

3 Sec. 12.252. APPLICABILITY OF CERTAIN PROVISIONS. (a) The
4 provisions of this chapter relating to charter schools do not apply
5 to an adult education program operated under a charter granted
6 under this subchapter except as otherwise provided by this
7 subchapter or by commissioner rule.

8 (b) [(n)] An adult education program operated under a
9 charter granted under this subchapter [~~section~~] is subject to:

10 (1) a provision of this title establishing a criminal
11 offense; and

12 (2) a prohibition, restriction, or requirement, as
13 applicable, imposed by this title or a rule adopted under this
14 title, relating to:

15 (A) the Public Education Information Management
16 System (PEIMS) to the extent necessary as determined by the
17 commissioner to monitor compliance with this subchapter [~~section~~]
18 and, as applicable, Subchapter D [~~Chapter 12~~];

19 (B) criminal history records under Subchapter C,
20 Chapter 22;

21 (C) high school graduation requirements under
22 Section 28.025, to the extent applicable to a program participant;

23 (D) special education programs under Subchapter
24 A, Chapter 29;

25 (E) bilingual education under Subchapter B,
26 Chapter 29;

27 (F) health and safety under Chapter 38;

1 (G) the requirement under Section 21.006 to
2 report an educator's misconduct; and

3 (H) the right of an employee to report a crime, as
4 provided by Section 37.148.

5 SECTION 4. Section 29.259(b), Education Code, is
6 transferred to Subchapter G, Chapter 12, Education Code, as added
7 by this Act, redesignated as Section 12.253, Education Code, and
8 amended to read as follows:

9 Sec. 12.253. ESTABLISHMENT OF PROGRAM. ~~[(b)]~~ The
10 commissioner, in consultation with the advisory committee
11 established under Section 12.254, shall establish an adult high
12 school diploma and industry certification charter school program as
13 provided by this subchapter ~~[section]~~ as a strategy for meeting
14 industry needs for a sufficiently trained workforce within the
15 state.

16 SECTION 5. Subchapter G, Chapter 12, Education Code, as
17 added by this Act, is amended by adding Section 12.254 to read as
18 follows:

19 Sec. 12.254. ADVISORY COMMITTEE. (a) An advisory
20 committee is established to make recommendations to the
21 commissioner regarding the implementation of the program,
22 including the issuance of charters to operate an adult education
23 program under this subchapter.

24 (b) The advisory committee is composed of five members
25 appointed as follows:

26 (1) one member appointed by the governor;

27 (2) one member appointed by the lieutenant governor;

1 (3) one member appointed by the speaker of the house of
2 representatives;

3 (4) one member appointed by the executive director of
4 the Texas Workforce Commission; and

5 (5) one member appointed by the commissioner of higher
6 education.

7 (c) Each member appointed to the advisory committee must
8 have experience or expertise in adult or workforce education.

9 (d) Members of the advisory committee serve at the pleasure
10 of the appointing official.

11 (e) The governor shall designate a member of the advisory
12 committee as presiding officer to serve in that capacity at the
13 pleasure of the governor.

14 (f) Members of the advisory committee are not entitled to
15 compensation but are entitled to reimbursement for actual and
16 necessary expenses incurred in fulfilling committee duties.

17 (g) Staff members of the agency shall provide
18 administrative support for the advisory committee.

19 (h) The agency shall provide funding for any administrative
20 and operational expenses of the advisory committee.

21 SECTION 6. Section 29.259(d), Education Code, is
22 transferred to Subchapter G, Chapter 12, Education Code, as added
23 by this Act, redesignated as Section 12.255, Education Code, and
24 amended to read as follows:

25 Sec. 12.255. AUTHORIZATION FOR CHARTER. (a) [~~(d)~~]
26 Notwithstanding any other law and in addition to the number of
27 charters allowed under Subchapter D, [~~Chapter 12,~~] the commissioner

1 may, subject to Subsection (b) and on the basis of an application
2 submitted, grant a charter under the program to a [~~single~~]
3 nonprofit entity described by Section 12.256 [~~Subsection (e)~~] to
4 provide an adult education program for individuals described by
5 Section 12.258 [~~Subsection (g)~~] to successfully complete:

6 (1) a high school program that can lead to a diploma;
7 and

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

10 (b) The commissioner may not grant more than two charters
11 under this subchapter in a calendar year.

12 SECTION 7. Section 29.259(e), Education Code, is
13 transferred to Subchapter G, Chapter 12, Education Code, as added
14 by this Act, redesignated as Section 12.256, Education Code, and
15 amended to read as follows:

16 Sec. 12.256. CHARTER HOLDER QUALIFICATIONS. [~~(e)~~] A
17 nonprofit entity may be granted a charter under this subchapter
18 [~~section~~] only if the entity[+]

19 [~~(1)~~] has a successful history of providing education
20 services, including industry certifications and job placement
21 services, to adults 18 years of age and older whose educational and
22 training opportunities have been limited by educational
23 disadvantages, disabilities, homelessness, criminal history, or
24 similar circumstances[~~, and~~

25 [~~(2) agrees to commit at least \$1 million to the adult~~
26 ~~education program offered~~].

27 SECTION 8. Sections 29.259(h) and (i), Education Code, are

1 transferred to Subchapter G, Chapter 12, Education Code, as added
2 by this Act, redesignated as Section 12.257, Education Code, and
3 amended to read as follows:

4 Sec. 12.257. APPLICATION; CHARTER CONTENT. (a) A ~~[(h) The]~~
5 nonprofit entity must include in its charter application the
6 information required by Subsection (b) ~~[(i)]~~.

7 (b) ~~[(i)]~~ A charter granted under this subchapter ~~[section]~~
8 must:

9 (1) include a description of the adult education
10 program to be offered under this subchapter ~~[section]~~; and

11 (2) establish specific, objective standards for
12 receiving a high school diploma, including:

13 (A) successful completion of:

14 (i) if applicable to the program
15 participant, the curriculum requirements under Section 28.025; or

16 (ii) the appropriate curriculum
17 requirements applicable to the program participant; and

18 (B) satisfactory performance on the standardized
19 secondary exit-level assessment instrument described by Section
20 12.260 ~~[Subsection (c)]~~.

21 SECTION 9. Sections 29.259(g) and (g-1), Education Code,
22 are transferred to Subchapter G, Chapter 12, Education Code, as
23 added by this Act, redesignated as Section 12.258, Education Code,
24 and amended to read as follows:

25 Sec. 12.258. STUDENT ELIGIBILITY; ADMISSION. (a) ~~[(g)]~~ A
26 person who is at least 18 years of age and not more than 50 years of
27 age is eligible to enroll in an ~~[the]~~ adult education program

1 operated under a charter granted under this subchapter [~~section~~] if
2 the person:

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

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

7 (b) [~~(g-1)~~] In admitting students to an [~~the~~] adult
8 education program operated under a charter granted under this
9 subchapter [~~section~~], a [~~the~~] nonprofit entity shall give priority
10 to a person who has not earned a high school equivalency
11 certificate.

12 SECTION 10. Section 29.259(i-1), Education Code, is
13 transferred to Subchapter G, Chapter 12, Education Code, as added
14 by this Act, redesignated as Section 12.259, Education Code, and
15 amended to read as follows:

16 Sec. 12.259. ADULT EDUCATION PROGRAM. (a) An [~~(i-1) The~~]
17 adult education program operated under a charter granted [~~offered~~]
18 under this subchapter [~~section~~] must:

19 (1) use an instructional model in which a significant
20 portion [~~at least 75 percent~~] of instruction, as approved by the
21 commissioner, is delivered by a teacher in an in-person,
22 interactive classroom setting; and

23 (2) provide support services to students, including:

24 (A) child care at no cost to students;

25 (B) life coaching services, at a ratio not to
26 exceed one life coach for every 100 students, that use strategic and
27 holistic interventions designed to facilitate graduation planning

1 and assist students in overcoming life obstacles to achieve
2 academic and career goals;

3 (C) mental health counseling; and

4 (D) for students with identified disabilities or
5 impairments, instructional support services.

6 SECTION 11. Section 29.259(f), Education Code, is
7 transferred to Section 12.259, Education Code, as added by this
8 Act, redesignated as Subsection (b) of that section, and amended to
9 read as follows:

10 (b) ~~[(f)]~~ A nonprofit entity granted a charter under this
11 subchapter ~~[section]~~ may partner with a public junior college to
12 provide career and technology courses that lead to industry
13 certification through an adult education program described by
14 Subsection (a).

15 SECTION 12. Section 29.259(c), Education Code, is
16 transferred to Subchapter G, Chapter 12, Education Code, as added
17 by this Act, redesignated as Section 12.260, Education Code, and
18 amended to read as follows:

19 Sec. 12.260. ASSESSMENT INSTRUMENT. (a) ~~[(c)]~~ The agency
20 shall adopt and administer 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 an adult education ~~[a]~~ program
24 operated under a charter granted ~~[provided]~~ under this subchapter
25 ~~[section]~~.

26 (b) The commissioner shall determine the level of
27 performance considered to be satisfactory on the secondary

1 exit-level assessment instrument adopted under Subsection (a) for
2 receipt of a high school diploma by a [~~an adult education~~] program
3 participant in an adult education [~~a~~] program operated under a
4 charter granted [~~provided~~] under this subchapter [~~section~~].

5 SECTION 13. Section 29.259(i-2), Education Code, is
6 transferred to Subchapter G, Chapter 12, Education Code, as added
7 by this Act, redesignated as Section 12.261, Education Code, and
8 amended to read as follows:

9 Sec. 12.261. EXPANSION AMENDMENT. (a) Not [~~(i-2) If money~~
10 ~~is appropriated for a state fiscal year for expansion of the program~~
11 ~~under this section, not~~] later than June 30 of each [~~the state~~
12 ~~fiscal~~] year [~~in which the appropriation is made~~], a [~~the~~]
13 nonprofit entity granted a charter under this subchapter [~~section~~]
14 must submit any request for approval of an expansion amendment
15 intended to take effect the next school year.

16 (b) An [~~The~~] expansion amendment submitted under Subsection
17 (a) is considered approved if the commissioner does not provide
18 written notice to the nonprofit entity of the disapproval of the
19 expansion amendment on or before August 1.

20 SECTION 14. Sections 29.259(o) and (p), Education Code, are
21 transferred to Subchapter G, Chapter 12, Education Code, as added
22 by this Act, redesignated as Section 12.262, Education Code, and
23 amended to read as follows:

24 Sec. 12.262. PERFORMANCE STANDARDS; REVOCATION OF CHARTER.
25 (a) [~~(a)~~] The commissioner shall develop and adopt performance
26 frameworks that establish standards by which to measure the
27 performance of an adult education [~~high school~~] program operated

1 under a charter granted under this subchapter [~~section~~] in a manner
2 consistent with the requirements provided for an open-enrollment
3 charter school under Sections 12.1181(a) and (b).

4 (b) The commissioner shall include in the performance
5 frameworks adopted under Subsection (a) [~~this subsection~~] the
6 following performance indicators:

7 (1) the percentage of program participants who
8 performed satisfactorily on the standardized secondary exit-level
9 assessment instrument described by Section 12.260 [~~Subsection~~
10 ~~(c)~~];

11 (2) the percentage of program participants who
12 successfully completed the adult education [~~high school~~] program
13 and earned a high school diploma;

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

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

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

24 (c) [~~(p)~~] Each year, the commissioner shall evaluate the
25 performance of an adult education [~~high school~~] program operated
26 under a charter granted under this subchapter [~~section~~] based on
27 the applicable performance frameworks adopted under Subsection (a)

1 [~~(e)~~].

2 (d) The commissioner shall revoke a charter to operate an
3 adult education program granted under this subchapter if the
4 charter's adult education program fails to meet the minimum
5 performance standards established by commissioner rule on the
6 applicable performance frameworks adopted under Subsection (a) for
7 three consecutive school years.

8 SECTION 15. Sections 29.259(j) and (k), Education Code, are
9 transferred to Subchapter G, Chapter 12, Education Code, as added
10 by this Act, redesignated as Section 12.263, Education Code, and
11 amended to read as follows:

12 Sec. 12.263. ADULT EDUCATION PROGRAM FUNDING. (a) [~~(j)~~]
13 Funding for an adult education program operated under a charter
14 granted under this subchapter [~~section~~] is provided based on the
15 following:

16 (1) for participants who are 26 years of age and older,
17 an amount per participant from available general revenue funds
18 appropriated for the adult education program equal to the statewide
19 average amount of state funding per student in weighted average
20 daily attendance that would be allocated under the Foundation
21 School Program to an open-enrollment charter school under Section
22 12.106 were the student under 26 years of age; and

23 (2) for participants who are at least 18 years of age
24 and under 26 years of age, an amount per participant through the
25 Foundation School Program equal to the amount of state funding per
26 student in weighted average daily attendance that would be
27 allocated under the Foundation School Program for the student's

1 attendance at an open-enrollment charter school in accordance with
2 Section 12.106.

3 (b) [~~(k)~~] Sections 12.107 and 12.128 apply as though funds
4 under this section were funds under Subchapter D[~~, Chapter 12~~].

5 SECTION 16. Section 29.259(r), Education Code, is
6 transferred to Subchapter G, Chapter 12, Education Code, as added
7 by this Act, redesignated as Section 12.264, Education Code, and
8 amended to read as follows:

9 Sec. 12.264. GIFTS, GRANTS, AND DONATIONS. [~~(r)~~] The
10 commissioner or an adult education program operated under a charter
11 granted under this subchapter [~~section~~] may accept gifts, grants,
12 or donations from any public or private source to be used for
13 purposes of this subchapter [~~section~~].

14 SECTION 17. Section 29.259(m), Education Code, is
15 transferred to Subchapter G, Chapter 12, Education Code, as added
16 by this Act, redesignated as Section 12.265, Education Code, and
17 amended to read as follows:

18 Sec. 12.265. RULES. (a) [~~(m)~~] The commissioner shall adopt
19 rules necessary to administer the program under this subchapter,
20 including rules to implement and administer:

21 (1) the reporting requirements under Section
22 12.252(b)(2)(A); and

23 (2) the evaluation provisions under Section 12.262
24 [~~section~~].

25 (b) In adopting rules, the commissioner may modify charter
26 school requirements only to the extent necessary for the
27 administration of a charter school under this subchapter [~~section~~]

1 that provides for adult education.

2 SECTION 18. Section 12.137(a), Education Code, is amended
3 to read as follows:

4 (a) This section applies only to:

5 (1) an open-enrollment charter school designated as a
6 dropout recovery school as described by Section 12.1141(c) if the
7 enrollment of the school consists only of students 17 years of age
8 and older; and

9 (2) an adult education program provided under the
10 adult [a] high school diploma and industry certification charter
11 school program under Subchapter G [~~Section 29.259~~].

12 SECTION 19. Section 29.081(d), Education Code, as amended
13 by Chapters 403 (S.B. 1746), 597 (S.B. 668), and 1060 (H.B. 1051),
14 Acts of the 86th Legislature, Regular Session, 2019, is reenacted
15 and amended to read as follows:

16 (d) For purposes of this section, "student at risk of
17 dropping out of school" includes each student who:

18 (1) is under 26 years of age and who:

19 (A) was not advanced from one grade level to the
20 next for one or more school years;

21 (B) if the student is in grade 7, 8, 9, 10, 11, or
22 12, did not maintain an average equivalent to 70 on a scale of 100 in
23 two or more subjects in the foundation curriculum during a semester
24 in the preceding or current school year or is not maintaining such
25 an average in two or more subjects in the foundation curriculum in
26 the current semester;

27 (C) did not perform satisfactorily on an

1 assessment instrument administered to the student under Subchapter
2 B, Chapter 39, and who has not in the previous or current school
3 year subsequently performed on that instrument or another
4 appropriate instrument at a level equal to at least 110 percent of
5 the level of satisfactory performance on that instrument;

6 (D) if the student is in prekindergarten,
7 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on
8 a readiness test or assessment instrument administered during the
9 current school year;

10 (E) is pregnant or is a parent;

11 (F) has been placed in an alternative education
12 program in accordance with Section 37.006 during the preceding or
13 current school year;

14 (G) has been expelled in accordance with Section
15 37.007 during the preceding or current school year;

16 (H) is currently on parole, probation, deferred
17 prosecution, or other conditional release;

18 (I) was previously reported through the Public
19 Education Information Management System (PEIMS) to have dropped out
20 of school;

21 (J) is a student of limited English proficiency,
22 as defined by Section 29.052;

23 (K) is in the custody or care of the Department of
24 Family and Protective Services or has, during the current school
25 year, been referred to the department by a school official, officer
26 of the juvenile court, or law enforcement official;

27 (L) is homeless;

1 (M) resided in the preceding school year or
2 resides in the current school year in a residential placement
3 facility in the district, including a detention facility, substance
4 abuse treatment facility, emergency shelter, psychiatric hospital,
5 halfway house, cottage home operation, specialized child-care
6 home, or general residential operation; or

7 (N) [~~(14)~~] has been incarcerated or has a parent
8 or guardian who has been incarcerated, within the lifetime of the
9 student, in a penal institution as defined by Section 1.07, Penal
10 Code; or

11 (2) regardless of the student's age, participates in
12 an adult education program provided under the adult [~~a~~] high school
13 diploma and industry certification charter school program under
14 Subchapter G, Chapter 12 [~~Section 29.259~~].

15 SECTION 20. Section 48.003(a), Education Code, is amended
16 to read as follows:

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

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

23 (2) is at least 18 years of age and under 26 years of
24 age and is enrolled in an adult education program provided under the
25 adult high school diploma and industry certification charter school
26 program under Subchapter G, Chapter 12 [~~Section 29.259~~].

27 SECTION 21. Section 48.005(j), Education Code, is amended

1 to read as follows:

2 (j) A district or charter school is eligible to earn full
3 average daily attendance under Subsection (a) if the district or
4 school provides at least 43,200 minutes of instructional time to
5 students enrolled in:

6 (1) a dropout recovery school or program operating
7 under Section 12.1141(c) or Section 39.0548;

8 (2) an alternative education program operating under
9 Section 37.008;

10 (3) a school program located at a day treatment
11 facility, residential treatment facility, psychiatric hospital, or
12 medical hospital;

13 (4) a school program offered at a correctional
14 facility; or

15 (5) a school operating under Subchapter G, Chapter 12
16 [~~Section 29.259~~].

17 SECTION 22. The following provisions of the Education Code
18 are repealed:

19 (1) the section heading to Section 29.259; and

20 (2) Section 29.259(q).

21 SECTION 23. This Act applies beginning with the 2022-2023
22 school year.

23 SECTION 24. To the extent of any conflict, this Act prevails
24 over another Act of the 87th Legislature, Regular Session, 2021,
25 relating to nonsubstantive additions to and corrections in enacted
26 codes.

27 SECTION 25. This Act takes effect September 1, 2021.