

1-1 By: Murphy, Oliverson, Raney H.B. No. 3767
 1-2 (Senate Sponsor - Bettencourt)
 1-3 (In the Senate - Received from the House May 17, 2021;
 1-4 May 17, 2021, read first time and referred to Committee on Higher
 1-5 Education; May 21, 2021, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-7 May 21, 2021, sent to printer.)

1-8 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-9 | | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |
| 1-18 | X | | | |

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 3767 By: Springer

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to measures to support the alignment of education and
 1-23 workforce development in the state with state workforce needs,
 1-24 including the establishment of the Tri-Agency Workforce
 1-25 Initiative.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. This Act shall be known as the Texas Education
 1-28 and Workforce Alignment Act.

1-29 SECTION 2. Subtitle G, Title 10, Government Code, is
 1-30 amended by adding Chapter 2308A to read as follows:

1-31 CHAPTER 2308A. TRI-AGENCY WORKFORCE INITIATIVE

1-32 Sec. 2308A.001. DEFINITIONS. In this chapter:

1-33 (1) "Agency," unless the context requires otherwise,
 1-34 means the Texas Education Agency.

1-35 (2) "Career education and training program" means:

1-36 (A) a career and technology education program
 1-37 offered by a public school;

1-38 (B) a career technical or workforce education
 1-39 program, as defined by the coordinating board, offered by an
 1-40 institution of higher education;

1-41 (C) a program administered by the commission
 1-42 relating to jobs training, skills development, or adult education
 1-43 and literacy; and

1-44 (D) a work-based learning program, such as an
 1-45 apprenticeship or internship program, that receives state funding
 1-46 or is administered by the commission.

1-47 (3) "Commission" means the Texas Workforce
 1-48 Commission.

1-49 (4) "Coordinating board" means the Texas Higher
 1-50 Education Coordinating Board.

1-51 (5) "Initiative" means the Tri-Agency Workforce
 1-52 Initiative.

1-53 (6) "Institution of higher education" has the meaning
 1-54 assigned by Section 61.003, Education Code.

1-55 (7) "State workforce development goals" means the
 1-56 state workforce development goals developed under Section
 1-57 2308A.006.

1-58 Sec. 2308A.002. PURPOSE. The Tri-Agency Workforce
 1-59 Initiative is established to coordinate and improve information and
 1-60 other resources as necessary to:

- 2-1 (1) ensure that the use of state and federal education
 2-2 and workforce funds is efficiently aligned to achieve state
 2-3 workforce development goals;
 2-4 (2) align career education and training programs to
 2-5 workforce demands; and
 2-6 (3) enable local and state policy makers to identify
 2-7 the workforce outcomes of participants in career education and
 2-8 training programs and progress toward the state workforce
 2-9 development goals.
- 2-10 Sec. 2308A.003. INTERAGENCY AGREEMENTS AND STAFFING. (a)
 2-11 The agency, coordinating board, and commission shall enter into one
 2-12 or more interagency agreements establishing policies and processes
 2-13 for:
 2-14 (1) sharing and matching relevant data and
 2-15 cooperatively managing education and workforce information
 2-16 collected by each respective agency; and
 2-17 (2) coordinating the assignment of existing staff and
 2-18 other resources as necessary to effectuate the state workforce
 2-19 development goals and the strategies for achieving those goals
 2-20 developed under Section 2308A.006.
 2-21 (b) The time spent by an employee of the agency,
 2-22 coordinating board, or commission in supporting the work of the
 2-23 initiative is not included in calculating the number of full-time
 2-24 equivalent employees allotted to the respective agency under other
 2-25 law.
- 2-26 Sec. 2308A.004. QUARTERLY DISCUSSIONS. The commissioner of
 2-27 education, commissioner of higher education, and chair of the
 2-28 commission shall discuss the work of the initiative at least once
 2-29 per quarter.
- 2-30 Sec. 2308A.005. STRATEGIC PLAN FOR UNIFIED WORKFORCE DATA
 2-31 REPOSITORY. (a) The coordinating board shall develop a strategic
 2-32 plan for the operation of a unified repository for education and
 2-33 workforce data. In developing the plan, the coordinating board
 2-34 shall solicit input from the agency, the commission, and relevant
 2-35 stakeholders.
 2-36 (b) The plan developed under Subsection (a) must include
 2-37 recommendations for:
 2-38 (1) automatically matching records of the agency,
 2-39 coordinating board, and commission at the student level on a timely
 2-40 basis;
 2-41 (2) creating publicly available tools and resources
 2-42 regarding data on the outcomes of participants in career education
 2-43 and training programs, including graduation rates, student debt,
 2-44 employment status and industry of employment, and earnings over
 2-45 time, disaggregated to the extent practicable by income, race,
 2-46 ethnicity, and gender;
 2-47 (3) making timely student data available to authorized
 2-48 entities to support higher education and workforce application,
 2-49 entry, and success; and
 2-50 (4) creating and supporting a secure portal through
 2-51 which authorized personnel of approved entities can view and
 2-52 analyze comprehensive longitudinal and the most currently
 2-53 available matched data related to the progress toward meeting state
 2-54 workforce needs.
- 2-55 Sec. 2308A.006. STATE WORKFORCE DEVELOPMENT GOALS AND
 2-56 STRATEGIES. (a) The commissioner of education, commissioner of
 2-57 higher education, and chair of the commission jointly shall develop
 2-58 and post in a prominent location on the initiative's and each
 2-59 respective agency's Internet website state workforce development
 2-60 goals and coordinated interagency strategies for achieving those
 2-61 goals.
 2-62 (b) The goals developed under Subsection (a) must:
 2-63 (1) be developed in consultation with employers;
 2-64 (2) include goals for the attainment of employment in
 2-65 jobs that pay a self-sufficient wage for all career education and
 2-66 training programs in the state;
 2-67 (3) be disaggregated by race, ethnicity, and gender
 2-68 for each workforce development region; and
 2-69 (4) provide for:

3-1 (A) locally determined priorities consistent
3-2 with state goals; and
3-3 (B) collaborative planning and coordination with
3-4 local employers, public schools, institutions of higher education,
3-5 and local workforce development boards.
3-6 (c) The strategies developed under Subsection (a) must:
3-7 (1) include strategies for expanding work-based
3-8 learning;
3-9 (2) articulate the ways in which the state can best
3-10 leverage state and federal funding for career education and
3-11 training programs; and
3-12 (3) be demonstrably guided by:
3-13 (A) education and workforce data;
3-14 (B) evidence of success and considerations of
3-15 cost-effectiveness; and
3-16 (C) prioritized occupational classifications,
3-17 including all target occupations and critical career pathways
3-18 designated under Subsection (e).
3-19 (d) In consultation with employers, the commissioner of
3-20 education, commissioner of higher education, and chair of the
3-21 commission jointly shall update the state workforce development
3-22 goals and strategies developed under Subsection (a) at least every
3-23 four years, or more frequently if needed to reflect available data
3-24 and circumstances.
3-25 (e) In consultation with employers, the commissioner of
3-26 education, commissioner of higher education, and chair of the
3-27 commission shall designate and update every two years a list of
3-28 career pathways that includes the following two priority
3-29 categories:
3-30 (1) target occupations, which include current needs
3-31 that exist in one or more regions of the state as reflected in
3-32 regional workforce assessments that:
3-33 (A) use the best available data and local
3-34 employer requests; and
3-35 (B) satisfy minimum federal standards for
3-36 designations, such as a foundation for qualified use of federal
3-37 workforce funding; and
3-38 (2) critical career pathways that reflect the best
3-39 statewide data and forecasts of skills and careers for which demand
3-40 in the state is expected to grow that may:
3-41 (A) be associated with new emerging industries or
3-42 new specialty occupations within an industry; or
3-43 (B) reflect pathways to better wages for workers
3-44 with documented skills that provide promotional opportunities
3-45 within or across occupations with targeted upskill training.
3-46 Sec. 2308A.007. CREDENTIAL LIBRARY. (a) The coordinating
3-47 board and the commission jointly may establish a publicly
3-48 accessible web-based library of credentials, such as diplomas,
3-49 certificates, certifications, digital badges, apprenticeships,
3-50 licenses, or degrees, that are:
3-51 (1) delivered, issued, funded, or governed by the
3-52 state;
3-53 (2) aligned with recognized skills and industry
3-54 standards;
3-55 (3) available to residents of the state; and
3-56 (4) used by employers in the state.
3-57 (b) The coordinating board and the commission jointly may
3-58 designate a host agency or operating entity for a credential
3-59 library established under this section.
3-60 (c) In establishing a credential library under this
3-61 section, the coordinating board and the commission shall solicit
3-62 input from the agency and relevant stakeholders.
3-63 Sec. 2308A.008. INTERNET-BASED RESOURCES. (a) Using
3-64 federal funding or gifts, grants, or donations available for the
3-65 purpose, the coordinating board may establish Internet-based
3-66 resources for the initiative. The resources may include:
3-67 (1) a central Internet website for the initiative that
3-68 contains information on the state workforce development goals and
3-69 the strategies for achieving those goals developed under Section

4-1 2308A.006;

4-2 (2) a unified dashboard, updated on an annual or more
 4-3 frequent basis, that reports progress toward accomplishment of the
 4-4 state workforce development goals, both statewide and
 4-5 disaggregated by public school and public school campus,
 4-6 institution of higher education campus, workforce region, and
 4-7 county;

4-8 (3) data on the outcomes of students who participate
 4-9 in career education and training programs, disaggregated to the
 4-10 extent practicable by income, race, ethnicity, and gender,
 4-11 including data regarding degree and credential completion,
 4-12 employment status and industry of employment, and earnings over
 4-13 time;

4-14 (4) guidance supporting the use of data on the
 4-15 dashboard described by Subdivision (2) for greater accessibility
 4-16 for a wide range of public, practitioner, and legislative users;

4-17 (5) tools enabling residents of the state to:

4-18 (A) explore careers that match the resident's
 4-19 education and skills and lead to a self-sufficient wage;

4-20 (B) identify and evaluate education and training
 4-21 opportunities related to the resident's career interests; and

4-22 (C) connect to available jobs through existing
 4-23 job matching websites; and

4-24 (6) tools to support joint program planning,
 4-25 budgeting, and performance evaluation among:

4-26 (A) the agency, coordinating board, and
 4-27 commission; and

4-28 (B) public schools, institutions of higher
 4-29 education, local workforce development boards, and partnering
 4-30 entities.

4-31 (b) In establishing Internet-based resources for the
 4-32 initiative under Subsection (a), the coordinating board shall
 4-33 solicit input from the agency and the commission.

4-34 Sec. 2308A.009. STUDENT SUCCESS REPORTING. (a) Using
 4-35 federal workforce funds to the extent available for the purpose,
 4-36 the agency and the coordinating board shall make available to each
 4-37 public school and institution of higher education information
 4-38 possessed by the agency, coordinating board, or commission
 4-39 regarding the success of students previously enrolled in a career
 4-40 education and training program offered by the school or institution
 4-41 with respect to critical student outcomes, including degree and
 4-42 credential completion, employment status and industry of
 4-43 employment, and earnings over time.

4-44 (b) The commissioner of education and the commissioner of
 4-45 higher education shall ensure that the information made available
 4-46 under Subsection (a) is made available in a manner that complies
 4-47 with applicable state or federal law regarding the privacy and
 4-48 confidentiality of student information.

4-49 Sec. 2308A.010. OPPORTUNITY FOR COMMENT. At least 30 days
 4-50 before finalizing state workforce development goals or strategies
 4-51 for achieving those goals developed under Section 2308A.006, the
 4-52 agency, coordinating board, and commission jointly shall post on
 4-53 the initiative's and each respective agency's Internet website the
 4-54 proposed goals or strategies and instructions for submitting
 4-55 comment on those items to the agencies.

4-56 Sec. 2308A.011. TARGETED FUNDING TO ADDRESS STATE GOALS.

4-57 (a) A state agency that receives funding through the Carl D. Perkins
 4-58 Career and Technical Education Act of 2006 (20 U.S.C. Section 2301
 4-59 et seq.) or the Workforce Innovation and Opportunity Act (Pub. L.
 4-60 No. 113-128) or any other federal funding for career education and
 4-61 training may, to the extent permissible under federal law, combine
 4-62 with, transfer to, or delegate to another state agency that
 4-63 receives such funding the agency's management of workforce-related
 4-64 funding as necessary to implement the state workforce development
 4-65 goals.

4-66 (b) A state agency that receives federal or state funding
 4-67 for career education and training programs shall include in the
 4-68 agency's legislative appropriations request a description of how
 4-69 the agency's career education and training programs and

5-1 expenditures align with the state workforce development goals.

5-2 Sec. 2308A.012. SELF-SUFFICIENT WAGE. The agency,
5-3 coordinating board, and commission jointly shall determine for each
5-4 county the wage that constitutes a self-sufficient wage for
5-5 purposes of this chapter. The determination must be based on a
5-6 common standard that reflects the regionally adjusted minimum
5-7 employment earnings necessary to meet a family's basic needs while
5-8 also maintaining self-sufficiency.

5-9 Sec. 2308A.013. GIFTS, GRANTS, AND DONATIONS. (a) The
5-10 agency, coordinating board, and commission may accept gifts,
5-11 grants, and donations from any public or private source for
5-12 purposes of the initiative.

5-13 (b) The agency, coordinating board, and commission shall
5-14 investigate potential sources of funding from federal grants or
5-15 programs that may be used for purposes of the initiative.

5-16 SECTION 3. Subchapter A, Chapter 204, Labor Code, is
5-17 amended by adding Section 204.0025 to read as follows:

5-18 Sec. 204.0025. ADDITIONAL WORKFORCE DATA REPORTING. (a)
5-19 It is the intent of the legislature that the commission, subject to
5-20 the availability of federal funding or other resources for the
5-21 purpose, work with employers to enhance the reporting of employment
5-22 and earnings data by employers to the commission as part of an
5-23 employer's routine wage filings under this subtitle or commission
5-24 rule and consistent with federal law and regulations. The enhanced
5-25 wage filings must include information related to occupation and
5-26 other important employment information that would improve the
5-27 state's labor market information.

5-28 (b) Not later than January 1, 2022, the commission shall,
5-29 using existing staff and resources, design and implement a
5-30 voluntary pilot program for the reporting and collection of
5-31 enhanced wage filings described by Subsection (a). To the greatest
5-32 extent possible, the commission shall include a representative
5-33 sample of employers in the pilot program.

5-34 (c) Not later than September 1, 2022, the commission shall
5-35 inform the legislature, including the standing legislative
5-36 committees with relevant jurisdiction, regarding the results of the
5-37 pilot program and any recommendations for legislative or other
5-38 action.

5-39 (d) Subsections (b) and (c) and this subsection expire
5-40 September 1, 2023.

5-41 SECTION 4. Not later than October 1, 2021, the Texas
5-42 Education Agency, Texas Higher Education Coordinating Board, and
5-43 Texas Workforce Commission shall hold the initial discussion
5-44 required under Section 2308A.004, Government Code, as added by this
5-45 Act.

5-46 SECTION 5. (a) Not later than January 31, 2022, the Texas
5-47 Education Agency, Texas Higher Education Coordinating Board, and
5-48 Texas Workforce Commission shall develop the initial state
5-49 workforce development goals required under Section 2308A.006,
5-50 Government Code, as added by this Act.

5-51 (b) Not later than April 30, 2022, the Texas Education
5-52 Agency, Texas Higher Education Coordinating Board, and Texas
5-53 Workforce Commission shall develop the initial strategies required
5-54 under Section 2308A.006, Government Code, as added by this Act.

5-55 SECTION 6. Not later than August 1, 2022, the Texas Higher
5-56 Education Coordinating Board shall develop the strategic plan for
5-57 the operation of a unified repository for education and workforce
5-58 data required under Section 2308A.005, Government Code, as added by
5-59 this Act.

5-60 SECTION 7. (a) The Texas Education Agency and the Texas
5-61 Higher Education Coordinating Board, as applicable, are required to
5-62 implement Sections 2308A.005 and 2308A.009, Government Code, as
5-63 added by this Act, only if:

5-64 (1) the legislature appropriates funds for that
5-65 purpose; or

5-66 (2) the agencies receive gifts, grants, or donations
5-67 for that purpose under Section 2308A.013, Government Code, as added
5-68 by this Act.

5-69 (b) If funding described by Subsection (a) of this section

6-1 is not appropriated or otherwise made available for the purpose
6-2 described by that subsection, the Texas Education Agency and the
6-3 Texas Higher Education Coordinating Board, as applicable, may, but
6-4 are not required to, implement Sections 2308A.005 and 2308A.009,
6-5 Government Code, as added by this Act, using other money available
6-6 to the agencies for that purpose.

6-7 SECTION 8. This Act takes effect September 1, 2021.

6-8

* * * * *