

By: Bettencourt

S.B. No. 1615

A BILL TO BE ENTITLED

AN ACT

relating to the adult high school 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 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 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 by this Act, redesignated as Section 12.252, Education Code, and amended to read as follows:

Sec. 12.252. APPLICABILITY OF CERTAIN PROVISIONS. (a) The

1 provisions of this chapter relating to charter schools do not apply
2 to an adult education program operated under a charter granted
3 under this subchapter except as otherwise provided by this
4 subchapter or by commissioner rule.

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

7 (1) a provision of this title establishing a criminal
8 offense; and

9 (2) a prohibition, restriction, or requirement, as
10 applicable, imposed by this title or a rule adopted under this
11 title, relating to:

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

16 (B) criminal history records under Subchapter C,
17 Chapter 22;

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

20 (D) special education programs under Subchapter
21 A, Chapter 29;

22 (E) bilingual education under Subchapter B,
23 Chapter 29;

24 (F) health and safety under Chapter 38;

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

27 (H) the right of an employee to report a crime, as

1 provided by Section 37.148.

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

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

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

17 Sec. 12.254. ADVISORY COMMITTEE. (a) An advisory
18 committee is established to make recommendations to the
19 commissioner regarding:

20 (1) the secondary exit-level assessment tool adopted
21 or developed under Section 12.260 and the satisfactory performance
22 level for that tool; and

23 (2) the accountability frameworks adopted under
24 Section 12.262.

25 (b) The advisory committee is composed of seven members
26 appointed as follows:

27 (1) one member appointed by the governor;

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

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

4 (4) one member appointed by the commissioner;

5 (5) one member appointed by the executive director of
6 the Texas Workforce Commission;

7 (6) one member appointed by the commissioner of higher
8 education; and

9 (7) the superintendent of the charter school operating
10 under the charter granted under former Section 29.259.

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

13 (d) Members of the advisory committee serve at the pleasure
14 of the appointing official.

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

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

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

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

25 SECTION 6. Section 29.259(d), Education Code, is
26 transferred to Subchapter G, Chapter 12, Education Code, as added
27 by this Act, redesignated as Section 12.255, Education Code, and

1 amended to read as follows:

2 Sec. 12.255. AUTHORIZATION FOR CHARTER. (a) [~~(d)~~]
3 Notwithstanding any other law and in addition to the number of
4 charters allowed under Subchapter D, [~~Chapter 12,~~] the commissioner
5 may, subject to Subsection (b) and on the basis of an application
6 submitted, grant a charter under the program to a [~~single~~]
7 nonprofit entity described by Section 12.256 [~~Subsection (e)~~] to
8 provide an adult education program for individuals described by
9 Section 12.258 [~~Subsection (g)~~] to successfully complete:

10 (1) a high school program that can lead to a diploma;
11 and

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

14 (b) Subject to Subsection (c), the commissioner may not
15 grant more than two charters in a calendar year or more than six
16 charters total under this subchapter. In granting charters, the
17 commissioner may not grant a total of more than:

18 (1) two charters before September 1, 2024; or

19 (2) four charters before September 1, 2026.

20 (c) A charter granted under former Section 29.259 may not be
21 counted toward the limit under Subsection (b).

22 (d) A nonprofit entity granted a charter under the program
23 may not operate more than five campuses under that charter during
24 the first two years after the charter is granted.

25 SECTION 7. Section 29.259(e), Education Code, is
26 transferred to Subchapter G, Chapter 12, Education Code, as added
27 by this Act, redesignated as Section 12.256, Education Code, and

1 amended to read as follows:

2 Sec. 12.256. CHARTER HOLDER QUALIFICATIONS. [~~e~~] A
3 nonprofit entity may be granted a charter under this subchapter
4 [~~section~~] only if the entity[+]

5 [~~1~~] has a successful history of providing education
6 services, including industry certifications and job placement
7 services, to adults 18 years of age and older whose educational and
8 training opportunities have been limited by educational
9 disadvantages, disabilities, homelessness, criminal history, or
10 similar marginalizing circumstances[~~, and~~

11 [~~2~~] ~~agrees to commit at least \$1 million to the adult~~
12 ~~education program offered~~].

13 SECTION 8. Sections 29.259(h) and (i), Education Code, are
14 transferred to Subchapter G, Chapter 12, Education Code, as added
15 by this Act, redesignated as Section 12.257, Education Code, and
16 amended to read as follows:

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

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

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

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

26 (A) successful completion of:

27 (i) if applicable to the program

1 participant, the curriculum requirements under Section 28.025; or
2 (ii) the appropriate curriculum
3 requirements applicable to the program participant; and
4 (B) satisfactory performance on the standardized
5 secondary exit-level assessment instrument described by Section
6 12.260 [~~Subsection (c)~~].

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

11 Sec. 12.258. STUDENT ELIGIBILITY; ADMISSION. (a) [~~(g)~~] A
12 person who is at least 18 years of age and not more than 50 years of
13 age is eligible to enroll in an [~~the~~] adult education program
14 operated under a charter granted under this subchapter [~~section~~] if
15 the person:

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

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

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

25 SECTION 10. Section 29.259(i-1), Education Code, is
26 transferred to Subchapter G, Chapter 12, Education Code, as added
27 by this Act, redesignated as Section 12.259, Education Code, and

1 amended to read as follows:

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

5 (1) use an instructional model in which a significant
6 portion [~~at least 75 percent~~] of instruction, as approved by the
7 commissioner, is delivered [~~by a teacher~~] in a teacher-led [~~an~~
8 ~~in-person~~], interactive classroom environment [~~setting~~]; [~~and~~]

9 (2) provide access to:

10 (A) career and technical education courses that
11 lead to an industry certification;

12 (B) career readiness training;

13 (C) postsecondary counseling; and

14 (D) job-placement services; and

15 (3) provide support services to students, including:

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

17 (B) life coaching services, at a ratio not to
18 exceed one life coach for every 100 students, that use strategic and
19 holistic interventions designed to facilitate graduation planning
20 and assist students in overcoming life obstacles to achieve
21 academic and career goals;

22 (C) mental health counseling; [~~and~~]

23 (D) for students with identified disabilities or
24 impairments, instructional support services; and

25 (E) transportation assistance.

26 SECTION 11. Section 29.259(f), Education Code, is
27 transferred to Section 12.259, Education Code, as added by this

1 Act, redesignated as Subsection (b) of that section, and amended to
2 read as follows:

3 (b) [(f)] A nonprofit entity granted a charter under this
4 subchapter [section] may partner with a public junior college or a
5 provider or organization approved by the Texas Workforce Commission
6 to provide career and technology courses that lead to industry
7 certification through an adult education program described by
8 Subsection (a).

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

13 Sec. 12.260. ASSESSMENT INSTRUMENT. (a) [(c)] The agency,
14 in cooperation with the advisory committee established under
15 Section 12.254, shall adopt or develop and administer a
16 standardized secondary exit-level assessment instrument
17 appropriate for assessing [adult education] program participants
18 who successfully complete high school curriculum requirements
19 under an adult education [a] program operated under a charter
20 granted [provided] under this subchapter [section].

21 (b) The commissioner, in cooperation with the advisory
22 committee established under Section 12.254, shall determine the
23 level of performance considered to be satisfactory on the secondary
24 exit-level assessment instrument adopted under Subsection (a) for
25 receipt of a high school diploma by a [an adult education] program
26 participant in an adult education [a] program operated under a
27 charter granted [provided] under this subchapter [section].

1 (c) For a school year before the 2025-2026 school year, the
2 agency shall adopt and administer the Algebra I, English II, and
3 biology end-of-course assessment instruments adopted under Section
4 39.023(c) as the secondary exit-level assessment instrument
5 required under this section. The level of performance considered to
6 be satisfactory on those assessment instruments for purposes of
7 this subsection is the level of performance adopted under 19 T.A.C.
8 Section 101.4003(a), as that rule existed on January 1, 2021. This
9 subsection expires September 1, 2025.

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

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

21 (b) An [The] expansion amendment submitted under Subsection
22 (a) is considered approved if the commissioner does not provide
23 written notice to the nonprofit entity of the disapproval of the
24 expansion amendment on or before August 1.

25 SECTION 14. Sections 29.259(o) and (p), Education Code, are
26 transferred to Subchapter G, Chapter 12, Education Code, as added
27 by this Act, redesignated as Section 12.262, Education Code, and

1 amended to read as follows:

2 Sec. 12.262. ACCOUNTABILITY; REVOCATION OF CHARTER. (a)

3 [~~(e)~~] The commissioner, in cooperation with the advisory committee
4 established under Section 12.254, shall develop and adopt an
5 accountability framework [~~performance frameworks~~] that establishes
6 [~~establish~~] standards by which to measure the performance of an
7 adult education [~~high school~~] program operated under a charter
8 granted under this subchapter [~~section in a manner consistent with~~
9 ~~the requirements provided for an open-enrollment charter school~~
10 ~~under Sections 12.1181(a) and (b)]~~.

11 (b) The commissioner shall include in the accountability
12 framework [~~performance frameworks~~] adopted under Subsection (a)
13 [~~this subsection the following~~] performance domains that measure:

- 14 (1) academic growth;
15 (2) career readiness;
16 (3) one-year post-graduation and longitudinal
17 postsecondary outcomes;
18 (4) longitudinal wage and career growth; and
19 (5) operational performance.

20 (b-1) For a school year before the 2024-2025 school year,
21 the accountability framework adopted under Subsection (a) shall
22 include the following performance measures [~~indicators~~]:

23 (1) the percentage of program participants who
24 performed satisfactorily on the standardized secondary exit-level
25 assessment instrument described by Section 12.260(c) [~~Subsection~~
26 ~~(c)~~];

27 (2) the percentage of program participants who

1 successfully completed the adult education [~~high school~~] program
2 and earned a high school diploma;

3 (3) the percentage of program participants who
4 successfully completed career and technology education courses and
5 obtained industry certification within six months after completing
6 the adult education program;

7 (4) the percentage of program participants who have
8 enrolled in an institution of higher education or private or
9 independent institution of higher education, as those terms are
10 defined under Section 61.003, within six months after completing
11 the adult education program; and

12 (5) operational performance as measured under the
13 performance frameworks adopted under Section 12.1181 [~~the~~
14 ~~percentage of program participants who earned a wage, salary, or~~
15 ~~other income increase that was significant as determined and~~
16 ~~reported by the Texas Workforce Commission~~].

17 (c) The commissioner shall adopt a separate accountability
18 framework for an adult education program located in a correctional
19 facility, as that term is defined by Section 1.07, Penal Code.

20 (c-1) For a school year before the 2024-2025 school year,
21 the accountability framework adopted under Subsection (c) shall
22 include the following performance measures:

23 (1) the percentage of program participants who
24 performed satisfactorily on the standardized secondary exit-level
25 assessment instrument described by Section 12.260(c); and

26 (2) the percentage of program participants who
27 successfully completed the adult education program and earned a

1 high school diploma.

2 (c-2) Subsections (b-1) and (c-1) and this subsection
3 expire September 1, 2024.

4 (d) [~~(p)~~] Each year, the commissioner shall evaluate the
5 performance of an adult education [~~high school~~] program operated
6 under a charter granted under this subchapter [~~section~~] based on
7 the applicable accountability framework [~~performance frameworks~~]
8 adopted under this section [~~Subsection (o)~~].

9 (e) The commissioner may revoke a charter to operate an
10 adult education program granted under this subchapter if the
11 charter's adult education program fails to meet the minimum
12 performance standards established by commissioner rule on the
13 applicable accountability framework adopted under this section for
14 three consecutive school years after the first year of operation.

15 (f) The commissioner, in cooperation with the advisory
16 committee established under Section 12.254, shall review and, if
17 necessary, revise each accountability framework adopted under this
18 section at least once every three years.

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

23 Sec. 12.263. ADULT EDUCATION PROGRAM FUNDING. (a) Except
24 as otherwise provided by this section, funding [~~(j) Funding~~]
25 adult education program operated under a charter granted
26 subchapter [~~section~~] is [~~provided based on the following:~~

27 [~~(1) for participants who are 26 years of age and~~

1 ~~older, an amount per participant from available general revenue~~
2 ~~funds appropriated for the program equal to the statewide average~~
3 ~~amount of state funding per student in weighted average daily~~
4 ~~attendance that would be allocated under the Foundation School~~
5 ~~Program to an open-enrollment charter school under Section 12.106~~
6 ~~were the student under 26 years of age, and~~

7 ~~[(2) for participants who are at least 18 years of age~~
8 ~~and under 26 years of age,]~~ an amount per participant through the
9 Foundation School Program equal to the amount of state funding per
10 student in weighted average daily attendance that would be
11 allocated under the Foundation School Program for the student's
12 attendance at an open-enrollment charter school in accordance with
13 Section 12.106.

14 (b) For purposes of determining the average daily
15 attendance of an adult education program operated under a charter
16 granted under this subchapter, a student is considered to be in
17 average daily attendance, with a 100 percent attendance rate, for:

18 (1) all of the instructional days of the school year,
19 if the student is enrolled for at least 75 percent of the school
20 year;

21 (2) half of the instructional days of the school year,
22 if the student is enrolled for at least 50 percent but less than 75
23 percent of the school year;

24 (3) a quarter of the instructional days of the school
25 year, if the student is enrolled for at least 25 percent but less
26 than 50 percent of the school year; or

27 (4) one-tenth of the instructional days of the school

1 year, if the student is enrolled for at least 10 percent but less
2 than 25 percent of the school year.

3 (c) A student enrolled in an adult education program
4 operated under a charter granted under this subchapter for less
5 than 10 percent of a school year may not be counted toward the adult
6 education program's average daily attendance for that school year.

7 (d) For purposes of the compensatory education allotment
8 under Section 48.104, the commissioner shall:

9 (1) permit an adult education program operated under a
10 charter granted under this subchapter to give a final report at the
11 end of each school year of students who were enrolled in the adult
12 education program at any time during that school year and who
13 qualify for that allotment; and

14 (2) provide the allotment for each student reported
15 under Subdivision (1) in an amount proportional to the duration of
16 the student's enrollment in the adult education program.

17 (e) For purposes of the college, career, or military
18 readiness outcomes bonus under Section 48.110, notwithstanding
19 Subsection (f) of that section, an annual graduate of an adult
20 education program operated under a charter granted under this
21 subchapter demonstrates career readiness by earning an
22 industry-accepted certificate not later than six months after
23 completing the program.

24 (f) In addition to funding provided under Subsection (a), a
25 nonprofit entity granted a charter under this subchapter is
26 entitled to receive for the adult education program an annual
27 allotment, provided in accordance with a schedule established by

1 commissioner rule, equal to the maximum basic allotment under
2 Section 48.051(a) or (b) multiplied by:

3 (1) for each credit earned by a student enrolled in the
4 adult education program during the preceding school year:

5 (A) 0.01 for a course other than a career and
6 technology education course; and

7 (B) 0.02 for a career and technology education
8 course; and

9 (2) 0.1 for each student who successfully completed
10 the adult education program and earned a high school diploma during
11 the preceding school year.

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

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

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

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

27 Sec. 12.265. RULES. (a) [~~(m)~~] The commissioner shall adopt

1 rules necessary to administer the program under this subchapter,
2 including rules to implement and administer:

3 (1) the reporting requirements under Section
4 12.252(b)(2)(A); and

5 (2) the evaluation provisions under Section 12.262
6 [section].

7 (b) In adopting rules, the commissioner may modify charter
8 school requirements only to the extent necessary for the
9 administration of a charter school under this subchapter ~~[section]~~
10 that provides for adult education.

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

13 (a) This section applies only to:

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

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

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

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

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

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

3 (B) if the student is in grade 7, 8, 9, 10, 11, or
4 12, did not maintain an average equivalent to 70 on a scale of 100 in
5 two or more subjects in the foundation curriculum during a semester
6 in the preceding or current school year or is not maintaining such
7 an average in two or more subjects in the foundation curriculum in
8 the current semester;

9 (C) did not perform satisfactorily on an
10 assessment instrument administered to the student under Subchapter
11 B, Chapter 39, and who has not in the previous or current school
12 year subsequently performed on that instrument or another
13 appropriate instrument at a level equal to at least 110 percent of
14 the level of satisfactory performance on that instrument;

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

19 (E) is pregnant or is a parent;

20 (F) has been placed in an alternative education
21 program in accordance with Section 37.006 during the preceding or
22 current school year;

23 (G) has been expelled in accordance with Section
24 37.007 during the preceding or current school year;

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

27 (I) was previously reported through the Public

1 Education Information Management System (PEIMS) to have dropped out
2 of school;

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

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

9 (L) is homeless;

10 (M) resided in the preceding school year or
11 resides in the current school year in a residential placement
12 facility in the district, including a detention facility, substance
13 abuse treatment facility, emergency shelter, psychiatric hospital,
14 halfway house, cottage home operation, specialized child-care
15 home, or general residential operation; or

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

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

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

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

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

5 (2) is at least 18 years of age and under 50 [~~26~~] years
6 of age and is enrolled in an adult education program provided under
7 the adult high school [~~diploma and industry certification~~] charter
8 school program under Subchapter G, Chapter 12 [~~Section 29.259~~].

9 SECTION 21. Section 48.005(j), Education Code, is amended
10 to read as follows:

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

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

17 (2) an alternative education program operating under
18 Section 37.008;

19 (3) a school program located at a day treatment
20 facility, residential treatment facility, psychiatric hospital, or
21 medical hospital;

22 (4) a school program offered at a correctional
23 facility; or

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

26 SECTION 22. The following provisions of the Education Code
27 are repealed:

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

2 (2) Section 29.259(q).

3 SECTION 23. This Act applies beginning with the 2021-2022
4 school year.

5 SECTION 24. Not later than November 1, 2022, the advisory
6 committee established under Section 12.254, Education Code, as
7 added by this Act, shall submit its initial recommendations to the
8 commissioner of education.

9 SECTION 25. (a) A charter granted to a nonprofit entity
10 under former Section 29.259, Education Code, before the effective
11 date of this Act continues to be valid after the transfer,
12 redesignation, and amendment of that section as provided by this
13 Act, until September 1, 2025. The entity must apply for a renewal
14 of the charter under Subchapter G, Chapter 12, Education Code, as
15 added by this Act, to continue operating the charter on or after
16 September 1, 2025.

17 (b) A nonprofit entity granted a charter under former
18 Section 29.259, Education Code, may transfer the charter to another
19 nonprofit entity subject to the approval of the commissioner of
20 education. Subchapter G, Chapter 12, Education Code, as added by
21 this Act, applies to a charter transferred under this subsection on
22 the date of the transfer.

23 SECTION 26. 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 27. This Act takes effect immediately if it

S.B. No. 1615

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