

1-1 By: Bettencourt S.B. No. 1615
1-2 (In the Senate - Filed March 11, 2021; March 24, 2021, read
1-3 first time and referred to Committee on Education; April 19, 2021,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 11, Nays 0; April 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
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 S.B. No. 1615 By: Bettencourt

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

1-22 relating to the adult high school charter school program.
1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-24 SECTION 1. Chapter 12, Education Code, is amended by adding
1-25 Subchapter G, and a heading is added to that subchapter to read as
1-26 follows:

1-27 SUBCHAPTER G. ADULT HIGH SCHOOL CHARTER SCHOOL PROGRAM

1-28 SECTION 2. Section 29.259(a), Education Code, is
1-29 transferred to Subchapter G, Chapter 12, Education Code, as added
1-30 by this Act, redesignated as Section 12.251, Education Code, and
1-31 amended to read as follows:

1-32 Sec. 12.251. DEFINITIONS. [(a)] In this subchapter:

1-33 (1) "Adult [~~section, "adult~~] education" means
1-34 services and instruction provided below the college level for
1-35 adults by a nonprofit entity granted a charter under this
1-36 subchapter [~~described by Subsection (e)~~].

1-37 (2) "Program," unless the context indicates
1-38 otherwise, means the adult high school charter school program under
1-39 this subchapter.

1-40 SECTION 3. Section 29.259(n), Education Code, is
1-41 transferred to Subchapter G, Chapter 12, Education Code, as added
1-42 by this Act, redesignated as Section 12.252, Education Code, and
1-43 amended to read as follows:

1-44 Sec. 12.252. APPLICABILITY OF CERTAIN PROVISIONS. (a) The
1-45 provisions of this chapter relating to charter schools do not apply
1-46 to an adult education program operated under a charter granted
1-47 under this subchapter except as otherwise provided by this
1-48 subchapter or by commissioner rule.

1-49 (b) [(a)] An adult education program operated under a
1-50 charter granted under this subchapter [~~section~~] is subject to:

1-51 (1) a provision of this title establishing a criminal
1-52 offense; and

1-53 (2) a prohibition, restriction, or requirement, as
1-54 applicable, imposed by this title or a rule adopted under this
1-55 title, relating to:

1-56 (A) the Public Education Information Management
1-57 System (PEIMS) to the extent necessary as determined by the
1-58 commissioner to monitor compliance with this subchapter [~~section~~]
1-59 and, as applicable, Subchapter D [~~Chapter 12~~];

1-60 (B) criminal history records under Subchapter C,

2-1 Chapter 22;
 2-2 (C) high school graduation requirements under
 2-3 Section 28.025, to the extent applicable to a program participant;
 2-4 (D) special education programs under Subchapter
 2-5 A, Chapter 29;
 2-6 (E) bilingual education under Subchapter B,
 2-7 Chapter 29;
 2-8 (F) health and safety under Chapter 38;
 2-9 (G) the requirement under Section 21.006 to
 2-10 report an educator's misconduct; and
 2-11 (H) the right of an employee to report a crime, as
 2-12 provided by Section 37.148.

2-13 SECTION 4. Section 29.259(b), Education Code, is
 2-14 transferred to Subchapter G, Chapter 12, Education Code, as added
 2-15 by this Act, redesignated as Section 12.253, Education Code, and
 2-16 amended to read as follows:

2-17 Sec. 12.253. PURPOSE. [~~(b)~~] The purpose of the
 2-18 [~~commissioner shall establish an~~] adult high school [~~diploma and~~
 2-19 ~~industry certification~~] charter school program, as established
 2-20 under former Section 29.259 and provided by this subchapter, is to
 2-21 meet [~~section as a strategy for meeting~~] industry needs for a
 2-22 sufficiently trained workforce within the state and strengthen the
 2-23 economic and educational prosperity of the state.

2-24 SECTION 5. Subchapter G, Chapter 12, Education Code, as
 2-25 added by this Act, is amended by adding Section 12.254 to read as
 2-26 follows:

2-27 Sec. 12.254. ADVISORY COMMITTEE. (a) An advisory
 2-28 committee is established to make recommendations to the
 2-29 commissioner regarding:

2-30 (1) the secondary exit-level assessment tool adopted
 2-31 or developed under Section 12.260 and the satisfactory performance
 2-32 level for that tool; and

2-33 (2) the accountability frameworks adopted under
 2-34 Section 12.262, including the performance domains and measures in
 2-35 each framework.

2-36 (b) The advisory committee is composed of seven members
 2-37 appointed as follows:

2-38 (1) one member appointed by the governor;

2-39 (2) one member appointed by the lieutenant governor;

2-40 (3) one member appointed by the speaker of the house of
 2-41 representatives;

2-42 (4) one member appointed by the commissioner;

2-43 (5) one member appointed by the executive director of
 2-44 the Texas Workforce Commission;

2-45 (6) one member appointed by the commissioner of higher
 2-46 education; and

2-47 (7) the superintendent of the charter school operating
 2-48 under the charter granted under former Section 29.259.

2-49 (c) Each member appointed to the advisory committee must
 2-50 have experience or expertise in adult or workforce education.

2-51 (d) Members of the advisory committee serve at the pleasure
 2-52 of the appointing official.

2-53 (e) The governor shall designate a member of the advisory
 2-54 committee as presiding officer to serve in that capacity at the
 2-55 pleasure of the governor.

2-56 (f) Members of the advisory committee are not entitled to
 2-57 compensation but are entitled to reimbursement for actual and
 2-58 necessary expenses incurred in fulfilling committee duties.

2-59 (g) Staff members of the agency shall provide
 2-60 administrative support for the advisory committee.

2-61 (h) The agency shall provide funding for any administrative
 2-62 and operational expenses of the advisory committee.

2-63 SECTION 6. Section 29.259(d), Education Code, is
 2-64 transferred to Subchapter G, Chapter 12, Education Code, as added
 2-65 by this Act, redesignated as Section 12.255, Education Code, and
 2-66 amended to read as follows:

2-67 Sec. 12.255. AUTHORIZATION FOR CHARTER. (a) [~~(a)~~]
 2-68 Notwithstanding any other law and in addition to the number of
 2-69 charters allowed under Subchapter D, [~~Chapter 12,~~] the commissioner

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

- 3-6 (1) a high school program that can lead to a diploma;
- 3-7 and
- 3-8 (2) career and technology education courses that can
- 3-9 lead to industry certification.

3-10 (b) A nonprofit entity, other than the nonprofit entity
3-11 granted a charter under former Section 29.259, is not entitled to an
3-12 automatic grant of a charter under this subchapter on the basis that
3-13 the entity holds a charter or operates a charter school under
3-14 another provision of this chapter.

3-15 (c) Subject to Subsection (d), the commissioner may not
3-16 grant more than two charters in a calendar year or more than six
3-17 charters total under this subchapter. In granting charters, the
3-18 commissioner may not grant:

- 3-19 (1) a charter before September 1, 2023; or
- 3-20 (2) a total of more than:
 - 3-21 (A) two charters before September 1, 2024; or
 - 3-22 (B) four charters before September 1, 2026.

3-23 (d) A charter granted under former Section 29.259 may not be
3-24 counted toward the limit under Subsection (c).

3-25 (e) A nonprofit entity granted a charter under the program
3-26 may not enroll more than 350 students in an adult education program
3-27 operated under that charter during the first two years after the
3-28 charter is granted. This subsection does not apply to a charter
3-29 granted under former Section 29.259, regardless of whether that
3-30 charter is transferred to another nonprofit entity as provided by
3-31 law.

3-32 SECTION 7. Section 29.259(e), Education Code, is
3-33 transferred to Subchapter G, Chapter 12, Education Code, as added
3-34 by this Act, redesignated as Section 12.256, Education Code, and
3-35 amended to read as follows:

3-36 Sec. 12.256. CHARTER HOLDER QUALIFICATIONS. [(e)] A
3-37 nonprofit entity may be granted a charter under this subchapter
3-38 [section] only if the entity[+]

3-39 [(1)] has a successful history of providing education
3-40 services, including industry certifications and job placement
3-41 services, to adults 18 years of age and older whose educational and
3-42 training opportunities have been limited by educational
3-43 disadvantages, disabilities, homelessness, criminal history, or
3-44 similar marginalizing circumstances[+, and

3-45 [(2) agrees to commit at least \$1 million to the adult
3-46 education program offered].

3-47 SECTION 8. Sections 29.259(h) and (i), Education Code, are
3-48 transferred to Subchapter G, Chapter 12, Education Code, as added
3-49 by this Act, redesignated as Section 12.257, Education Code, and
3-50 amended to read as follows:

3-51 Sec. 12.257. APPLICATION; CHARTER CONTENT. (a) A [(h) The]
3-52 nonprofit entity must include in its charter application the
3-53 information required by Subsection (b) [(i)].

3-54 (b) [(i)] A charter granted under this subchapter [section]
3-55 must:

- 3-56 (1) include a description of the adult education
- 3-57 program to be offered under this subchapter [section]; and
- 3-58 (2) establish specific, objective standards for
- 3-59 receiving a high school diploma, including:

- 3-60 (A) successful completion of:
 - 3-61 (i) if applicable to the program
 - 3-62 participant, the curriculum requirements under Section 28.025; or
 - 3-63 (ii) the appropriate curriculum
 - 3-64 requirements applicable to the program participant; and
 - 3-65 (B) satisfactory performance on the standardized
 - 3-66 secondary exit-level assessment instrument described by Section
 - 3-67 12.260 [Subsection (c)].

3-68 SECTION 9. Sections 29.259(g) and (g-1), Education Code,
3-69 are transferred to Subchapter G, Chapter 12, Education Code, as

4-1 added by this Act, redesignated as Section 12.258, Education Code,
4-2 and amended to read as follows:

4-3 Sec. 12.258. STUDENT ELIGIBILITY; ADMISSION. (a) ~~[(g)]~~ A
4-4 person who is at least 18 years of age and not more than 50 years of
4-5 age is eligible to enroll in an ~~[the]~~ adult education program
4-6 operated under a charter granted under this subchapter ~~[section]~~ if
4-7 the person:

4-8 (1) has failed to complete the curriculum requirements
4-9 for high school graduation; or

4-10 (2) has failed to perform satisfactorily on an
4-11 assessment instrument required for high school graduation.

4-12 (b) ~~[(g-1)]~~ In admitting students to an ~~[the]~~ adult
4-13 education program operated under a charter granted under this
4-14 subchapter ~~[section]~~, a ~~[the]~~ nonprofit entity shall give priority
4-15 to a person who has not earned a high school equivalency
4-16 certificate.

4-17 SECTION 10. Section 29.259(i-1), Education Code, is
4-18 transferred to Subchapter G, Chapter 12, Education Code, as added
4-19 by this Act, redesignated as Section 12.259, Education Code, and
4-20 amended to read as follows:

4-21 Sec. 12.259. ADULT EDUCATION PROGRAM. (a) An ~~[(i-1) The]~~
4-22 adult education program operated under a charter granted ~~[offered]~~
4-23 under this subchapter ~~[section]~~ must:

4-24 (1) use an instructional model in which a significant
4-25 portion ~~[at least 75 percent]~~ of instruction, as approved by the
4-26 commissioner, is delivered ~~[by a teacher]~~ in a teacher-led ~~[an~~
4-27 ~~in-person]~~, interactive classroom environment ~~[setting]; [and]~~

4-28 (2) provide access to:

4-29 (A) career and technical education courses that
4-30 lead to an industry certification;

4-31 (B) career readiness training;

4-32 (C) postsecondary counseling; and

4-33 (D) job-placement services; and

4-34 (3) provide support services to students, including:

4-35 (A) child care at no cost to students;

4-36 (B) life coaching services, at a ratio not to
4-37 exceed one life coach for every 100 students, that use strategic and
4-38 holistic interventions designed to facilitate graduation planning
4-39 and assist students in overcoming life obstacles to achieve
4-40 academic and career goals;

4-41 (C) mental health counseling; ~~[and]~~

4-42 (D) for students with identified disabilities or
4-43 impairments, instructional support services; and

4-44 (E) transportation assistance.

4-45 SECTION 11. Section 29.259(f), Education Code, is
4-46 transferred to Section 12.259, Education Code, as added by this
4-47 Act, redesignated as Subsection (b) of that section, and amended to
4-48 read as follows:

4-49 (b) ~~[(f)]~~ A nonprofit entity granted a charter under this
4-50 subchapter ~~[section]~~ may partner with a public junior college or a
4-51 provider or organization approved by the Texas Workforce Commission
4-52 to provide career and technology courses that lead to industry
4-53 certification through an adult education program described by
4-54 Subsection (a).

4-55 SECTION 12. Section 29.259(c), Education Code, is
4-56 transferred to Subchapter G, Chapter 12, Education Code, as added
4-57 by this Act, redesignated as Section 12.260, Education Code, and
4-58 amended to read as follows:

4-59 Sec. 12.260. ASSESSMENT INSTRUMENT. (a) ~~[(c)]~~ The agency,
4-60 in cooperation with the advisory committee established under
4-61 Section 12.254, shall adopt or develop and administer a
4-62 standardized secondary exit-level assessment instrument
4-63 appropriate for assessing ~~[adult education]~~ program participants
4-64 who successfully complete high school curriculum requirements
4-65 under an adult education ~~[a]~~ program operated under a charter
4-66 granted ~~[provided]~~ under this subchapter ~~[section]~~.

4-67 (b) The commissioner, in cooperation with the advisory
4-68 committee established under Section 12.254, shall determine the
4-69 level of performance considered to be satisfactory on the secondary

5-1 exit-level assessment instrument adopted under Subsection (a) for
 5-2 receipt of a high school diploma by a [an adult education] program
 5-3 participant in an adult education [a] program operated under a
 5-4 charter granted [provided] under this subchapter [section].

5-5 (c) For a school year before the 2025-2026 school year, the
 5-6 agency shall adopt and administer the Algebra I, English II, and
 5-7 biology end-of-course assessment instruments adopted under Section
 5-8 39.023(c) as the secondary exit-level assessment instrument
 5-9 required under this section. The level of performance considered
 5-10 to be satisfactory on those assessment instruments for purposes of
 5-11 this subsection is the level of performance adopted under 19 T.A.C.
 5-12 Section 101.4003(a), as that rule existed on January 1, 2021. This
 5-13 subsection expires September 1, 2025.

5-14 SECTION 13. Section 29.259(i-2), Education Code, is
 5-15 transferred to Subchapter G, Chapter 12, Education Code, as added
 5-16 by this Act, redesignated as Section 12.261, Education Code, and
 5-17 amended to read as follows:

5-18 Sec. 12.261. EXPANSION AMENDMENT. (a) Not [(i-2) If money
 5-19 is appropriated for a state fiscal year for expansion of the program
 5-20 under this section, not] later than June 30 of each [the state
 5-21 fiscal] year [in which the appropriation is made], a [the]
 5-22 nonprofit entity granted a charter under this subchapter [section]
 5-23 must submit any request for approval of an expansion amendment
 5-24 intended to take effect the next school year.

5-25 (b) An [The] expansion amendment submitted under Subsection
 5-26 (a) is considered approved if the commissioner does not provide
 5-27 written notice to the nonprofit entity of the disapproval of the
 5-28 expansion amendment on or before August 1.

5-29 SECTION 14. Sections 29.259(o) and (p), Education Code, are
 5-30 transferred to Subchapter G, Chapter 12, Education Code, as added
 5-31 by this Act, redesignated as Section 12.262, Education Code, and
 5-32 amended to read as follows:

5-33 Sec. 12.262. ACCOUNTABILITY; REVOCATION OF CHARTER. (a)
 5-34 [(a)] The commissioner, in cooperation with the advisory committee
 5-35 established under Section 12.254, shall develop and adopt an
 5-36 accountability framework [performance frameworks] that establishes
 5-37 [establish] standards by which to measure the performance of an
 5-38 adult education [high school] program operated under a charter
 5-39 granted under this subchapter [section in a manner consistent with
 5-40 the requirements provided for an open-enrollment charter school
 5-41 under Sections 12.1181(a) and (b)].

5-42 (b) The commissioner shall include in the accountability
 5-43 framework [performance frameworks] adopted under Subsection (a)
 5-44 [this subsection the following] performance domains that measure:

- 5-45 (1) academic growth;
 5-46 (2) career readiness;
 5-47 (3) one-year post-graduation and longitudinal
 5-48 postsecondary outcomes;
 5-49 (4) longitudinal wage and career growth; and
 5-50 (5) operational performance.

5-51 (b-1) For a school year before the 2024-2025 school year,
 5-52 the accountability framework adopted under Subsection (a) shall
 5-53 include the following performance measures [indicators]:

5-54 (1) the percentage of program participants who
 5-55 performed satisfactorily on the standardized secondary exit-level
 5-56 assessment instrument described by Section 12.260(c) [Subsection
 5-57 (c)];

5-58 (2) the percentage of program participants who
 5-59 successfully completed the adult education [high school] program
 5-60 and earned a high school diploma;

5-61 (3) the percentage of program participants who
 5-62 successfully completed career and technology education courses and
 5-63 obtained industry certification within six months after completing
 5-64 the adult education program;

5-65 (4) the percentage of program participants who have
 5-66 enrolled in an institution of higher education or private or
 5-67 independent institution of higher education, as those terms are
 5-68 defined under Section 61.003, within six months after completing
 5-69 the adult education program; and

6-1 (5) operational performance as measured under the
 6-2 performance frameworks adopted under Section 12.1181 [~~the~~
 6-3 ~~percentage of program participants who earned a wage, salary, or~~
 6-4 ~~other income increase that was significant as determined and~~
 6-5 ~~reported by the Texas Workforce Commission~~].

6-6 (c) The commissioner shall adopt a separate accountability
 6-7 framework for an adult education program located in a correctional
 6-8 facility, as that term is defined by Section 1.07, Penal Code.

6-9 (c-1) For a school year before the 2024-2025 school year,
 6-10 the accountability framework adopted under Subsection (c) shall
 6-11 include the following performance measures:

6-12 (1) the percentage of program participants who
 6-13 performed satisfactorily on the standardized secondary exit-level
 6-14 assessment instrument described by Section 12.260(c); and

6-15 (2) the percentage of program participants who
 6-16 successfully completed the adult education program and earned a
 6-17 high school diploma.

6-18 (c-2) Subsections (b-1) and (c-1) and this subsection
 6-19 expire September 1, 2024.

6-20 (d) [~~(p)~~] Each year, the commissioner shall evaluate the
 6-21 performance of an adult education [~~high school~~] program operated
 6-22 under a charter granted under this subchapter [~~section~~] based on
 6-23 the applicable accountability framework [~~performance frameworks~~]
 6-24 adopted under this section [~~Subsection (e)~~].

6-25 (e) The commissioner may revoke a charter to operate an
 6-26 adult education program granted under this subchapter if the
 6-27 charter's adult education program fails to meet the minimum
 6-28 performance standards established by commissioner rule on the
 6-29 applicable accountability framework adopted under this section for
 6-30 three consecutive school years after the first year of operation.

6-31 (f) The commissioner, in cooperation with the advisory
 6-32 committee established under Section 12.254, shall review and, if
 6-33 necessary, revise each accountability framework adopted under this
 6-34 section at least once every three years.

6-35 SECTION 15. (a) Effective September 1, 2021, Sections
 6-36 29.259(j) and (k), Education Code, are transferred to Subchapter G,
 6-37 Chapter 12, Education Code, as added by this Act, redesignated as
 6-38 Section 12.263, Education Code, and amended to read as follows:

6-39 Sec. 12.263. ADULT EDUCATION PROGRAM FUNDING. (a) Except
 6-40 as otherwise provided by this section, funding [~~(j) Funding~~] for an
 6-41 adult education program operated under a charter granted under this
 6-42 subchapter [~~section~~] is [~~provided based on the following:~~

6-43 (1) for participants who are 26 years of age and
 6-44 older, an amount per participant from available general revenue
 6-45 funds appropriated for the program equal to the statewide average
 6-46 amount of state funding per student in weighted average daily
 6-47 attendance that would be allocated under the Foundation School
 6-48 Program to an open-enrollment charter school under Section 12.106
 6-49 were the student under 26 years of age; and

6-50 (2) for participants who are at least 18 years of age
 6-51 and under 26 years of age, an amount per participant through the
 6-52 Foundation School Program equal to the amount of state funding per
 6-53 student in weighted average daily attendance that would be
 6-54 allocated under the Foundation School Program for the student's
 6-55 attendance at an open-enrollment charter school in accordance with
 6-56 Section 12.106.

6-57 (a-1) Funding for an adult education program operated under
 6-58 this subchapter shall be provided in accordance with the average
 6-59 daily attendance hold harmless provisions and guidance regarding
 6-60 remote instruction implemented by the agency for the 2020-2021
 6-61 school year. This subsection expires September 1, 2023.

6-62 (b) [~~(k)~~] Sections 12.107 and 12.128 apply as though funds
 6-63 under this section were funds under Subchapter D [~~, Chapter 12~~].

6-64 (b) Effective September 1, 2023, Sections 29.259(j) and
 6-65 (k), Education Code, are transferred to Subchapter G, Chapter 12,
 6-66 Education Code, as added by this Act, redesignated as Section
 6-67 12.263, Education Code, and amended to read as follows:

6-68 Sec. 12.263. ADULT EDUCATION PROGRAM FUNDING. (a) Except
 6-69 as otherwise provided by this section, funding [~~(j) Funding~~] for an

7-1 adult education program operated under a charter granted under this
7-2 subchapter ~~[section]~~ is ~~[provided based on the following]~~.

7-3 ~~[(1) for participants who are 26 years of age and~~
7-4 ~~older, an amount per participant from available general revenue~~
7-5 ~~funds appropriated for the program equal to the statewide average~~
7-6 ~~amount of state funding per student in weighted average daily~~
7-7 ~~attendance that would be allocated under the Foundation School~~
7-8 ~~Program to an open-enrollment charter school under Section 12.106~~
7-9 ~~were the student under 26 years of age; and~~

7-10 ~~[(2) for participants who are at least 18 years of age~~
7-11 ~~and under 26 years of age,] an amount per participant through the~~
7-12 ~~Foundation School Program equal to the amount of state funding per~~
7-13 ~~student in weighted average daily attendance that would be~~
7-14 ~~allocated under the Foundation School Program for the student's~~
7-15 ~~attendance at an open-enrollment charter school in accordance with~~
7-16 ~~Section 12.106.~~

7-17 (b) For purposes of determining the average daily
7-18 attendance of an adult education program operated under a charter
7-19 granted under this subchapter, a student is considered to be in
7-20 average daily attendance, with a 100 percent attendance rate, for:

7-21 (1) all of the instructional days of the school year,
7-22 if the student is enrolled for at least 75 percent of the school
7-23 year;

7-24 (2) half of the instructional days of the school year,
7-25 if the student is enrolled for at least 50 percent but less than 75
7-26 percent of the school year;

7-27 (3) a quarter of the instructional days of the school
7-28 year, if the student is enrolled for at least 25 percent but less
7-29 than 50 percent of the school year; or

7-30 (4) one-tenth of the instructional days of the school
7-31 year, if the student is enrolled for at least 10 percent but less
7-32 than 25 percent of the school year.

7-33 (c) A student enrolled in an adult education program
7-34 operated under a charter granted under this subchapter for less
7-35 than 10 percent of a school year may not be counted toward the adult
7-36 education program's average daily attendance for that school year.

7-37 (d) For purposes of the compensatory education allotment
7-38 under Section 48.104, the commissioner shall:

7-39 (1) permit an adult education program operated under a
7-40 charter granted under this subchapter to give a final report at the
7-41 end of each school year of students who were enrolled in the adult
7-42 education program at any time during that school year and who
7-43 qualify for that allotment; and

7-44 (2) provide the allotment for each student reported
7-45 under Subdivision (1) in an amount proportional to the duration of
7-46 the student's enrollment in the adult education program.

7-47 (e) For purposes of the college, career, or military
7-48 readiness outcomes bonus under Section 48.110, notwithstanding
7-49 Subsection (f) of that section, an annual graduate of an adult
7-50 education program operated under a charter granted under this
7-51 subchapter demonstrates career readiness by earning an
7-52 industry-accepted certificate not later than six months after
7-53 completing the program.

7-54 (f) In addition to funding provided under Subsection (a), a
7-55 nonprofit entity granted a charter under this subchapter is
7-56 entitled to receive for the adult education program an annual
7-57 allotment, provided in accordance with a schedule established by
7-58 commissioner rule, equal to the maximum basic allotment under
7-59 Section 48.051(a) or (b) multiplied by:

7-60 (1) for each credit earned by a student enrolled in the
7-61 adult education program during the preceding school year:

7-62 (A) 0.01 for a course other than a career and
7-63 technology education course; and

7-64 (B) 0.02 for a career and technology education
7-65 course; and

7-66 (2) 0.1 for each student who successfully completed
7-67 the adult education program and earned a high school diploma during
7-68 the preceding school year.

7-69 (g) ~~[(k)]~~ Sections 12.107 and 12.128 apply as though funds

8-1 under this section were funds under Subchapter D [~~Chapter 12~~].
8-2 SECTION 16. Section 29.259(r), Education Code, is
8-3 transferred to Subchapter G, Chapter 12, Education Code, as added
8-4 by this Act, redesignated as Section 12.264, Education Code, and
8-5 amended to read as follows:

8-6 Sec. 12.264. GIFTS, GRANTS, AND DONATIONS. [~~(r)~~] The
8-7 commissioner or an adult education program operated under a charter
8-8 granted under this subchapter [~~section~~] may accept gifts, grants,
8-9 or donations from any public or private source to be used for
8-10 purposes of this subchapter [~~section~~].

8-11 SECTION 17. Section 29.259(m), Education Code, is
8-12 transferred to Subchapter G, Chapter 12, Education Code, as added
8-13 by this Act, redesignated as Section 12.265, Education Code, and
8-14 amended to read as follows:

8-15 Sec. 12.265. RULES. (a) [~~(m)~~] The commissioner shall adopt
8-16 rules necessary to administer the program under this subchapter,
8-17 including rules to implement and administer:

8-18 (1) the reporting requirements under Section
8-19 12.252(b)(2)(A); and

8-20 (2) the evaluation provisions under Section 12.262
8-21 [~~section~~].

8-22 (b) In adopting rules, the commissioner may modify charter
8-23 school requirements only to the extent necessary for the
8-24 administration of a charter school under this subchapter [~~section~~]
8-25 that provides for adult education.

8-26 SECTION 18. Section 12.137(a), Education Code, is amended
8-27 to read as follows:

8-28 (a) This section applies only to:

8-29 (1) an open-enrollment charter school designated as a
8-30 dropout recovery school as described by Section 12.1141(c) if the
8-31 enrollment of the school consists only of students 17 years of age
8-32 and older; and

8-33 (2) an adult education program provided under the
8-34 adult [~~a~~] high school [~~diploma and industry certification~~] charter
8-35 school program under Subchapter G [~~Section 29.259~~].

8-36 SECTION 19. Section 29.081(d), Education Code, as amended
8-37 by Chapters 403 (S.B. 1746), 597 (S.B. 668), and 1060 (H.B. 1051),
8-38 Acts of the 86th Legislature, Regular Session, 2019, is reenacted
8-39 and amended to read as follows:

8-40 (d) For purposes of this section, "student at risk of
8-41 dropping out of school" includes each student who:

8-42 (1) is under 26 years of age and who:

8-43 (A) was not advanced from one grade level to the
8-44 next for one or more school years;

8-45 (B) if the student is in grade 7, 8, 9, 10, 11, or
8-46 12, did not maintain an average equivalent to 70 on a scale of 100 in
8-47 two or more subjects in the foundation curriculum during a semester
8-48 in the preceding or current school year or is not maintaining such
8-49 an average in two or more subjects in the foundation curriculum in
8-50 the current semester;

8-51 (C) did not perform satisfactorily on an
8-52 assessment instrument administered to the student under Subchapter
8-53 B, Chapter 39, and who has not in the previous or current school
8-54 year subsequently performed on that instrument or another
8-55 appropriate instrument at a level equal to at least 110 percent of
8-56 the level of satisfactory performance on that instrument;

8-57 (D) if the student is in prekindergarten,
8-58 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on
8-59 a readiness test or assessment instrument administered during the
8-60 current school year;

8-61 (E) is pregnant or is a parent;

8-62 (F) has been placed in an alternative education
8-63 program in accordance with Section 37.006 during the preceding or
8-64 current school year;

8-65 (G) has been expelled in accordance with Section
8-66 37.007 during the preceding or current school year;

8-67 (H) is currently on parole, probation, deferred
8-68 prosecution, or other conditional release;

8-69 (I) was previously reported through the Public

9-1 Education Information Management System (PEIMS) to have dropped out
9-2 of school;

9-3 (J) is a student of limited English proficiency,
9-4 as defined by Section 29.052;

9-5 (K) is in the custody or care of the Department of
9-6 Family and Protective Services or has, during the current school
9-7 year, been referred to the department by a school official, officer
9-8 of the juvenile court, or law enforcement official;

9-9 (L) is homeless;

9-10 (M) resided in the preceding school year or
9-11 resides in the current school year in a residential placement
9-12 facility in the district, including a detention facility, substance
9-13 abuse treatment facility, emergency shelter, psychiatric hospital,
9-14 halfway house, cottage home operation, specialized child-care
9-15 home, or general residential operation; or

9-16 (N) ~~[(14)]~~ has been incarcerated or has a parent
9-17 or guardian who has been incarcerated, within the lifetime of the
9-18 student, in a penal institution as defined by Section 1.07, Penal
9-19 Code; or

9-20 (2) regardless of the student's age, participates in
9-21 an adult education program provided under the adult ~~[a]~~ high school
9-22 ~~[diploma and industry certification]~~ charter school program under
9-23 Subchapter G, Chapter 12 [Section 29.259].

9-24 SECTION 20. Section 48.003(a), Education Code, is amended
9-25 to read as follows:

9-26 (a) A student is entitled to the benefits of the Foundation
9-27 School Program if, on September 1 of the school year, the student:

9-28 (1) is 5 years of age or older and under 21 years of age
9-29 and has not graduated from high school, or is at least 21 years of
9-30 age and under 26 years of age and has been admitted by a school
9-31 district to complete the requirements for a high school diploma; or

9-32 (2) is at least 18 years of age and under 50 ~~[26]~~ years
9-33 of age and is enrolled in an adult education program provided under
9-34 the adult high school [diploma and industry certification] charter
9-35 school program under Subchapter G, Chapter 12 [Section 29.259].

9-36 SECTION 21. Section 48.005(j), Education Code, is amended
9-37 to read as follows:

9-38 (j) A district or charter school is eligible to earn full
9-39 average daily attendance under Subsection (a) if the district or
9-40 school provides at least 43,200 minutes of instructional time to
9-41 students enrolled in:

9-42 (1) a dropout recovery school or program operating
9-43 under Section 12.1141(c) or Section 39.0548;

9-44 (2) an alternative education program operating under
9-45 Section 37.008;

9-46 (3) a school program located at a day treatment
9-47 facility, residential treatment facility, psychiatric hospital, or
9-48 medical hospital;

9-49 (4) a school program offered at a correctional
9-50 facility; or

9-51 (5) a school operating under Subchapter G, Chapter 12
9-52 [Section 29.259].

9-53 SECTION 22. The following provisions of the Education Code
9-54 are repealed:

9-55 (1) the section heading to Section 29.259; and

9-56 (2) Section 29.259(q).

9-57 SECTION 23. This Act applies beginning with the 2021-2022
9-58 school year.

9-59 SECTION 24. Not later than November 1, 2022, the advisory
9-60 committee established under Section 12.254, Education Code, as
9-61 added by this Act, shall submit its initial recommendations to the
9-62 commissioner of education.

9-63 SECTION 25. (a) A charter granted to a nonprofit entity
9-64 under former Section 29.259, Education Code, before the effective
9-65 date of this Act continues to be valid after the transfer,
9-66 redesignation, and amendment of that section as provided by this
9-67 Act, until September 1, 2025. The entity must apply for a renewal
9-68 of the charter under Subchapter G, Chapter 12, Education Code, as
9-69 added by this Act, to continue operating the charter on or after

10-1 September 1, 2025.

10-2 (b) A nonprofit entity granted a charter under former
10-3 Section 29.259, Education Code, may transfer the charter to another
10-4 nonprofit entity subject to the approval of the commissioner of
10-5 education. Subchapter G, Chapter 12, Education Code, as added by
10-6 this Act, applies to a charter transferred under this subsection on
10-7 the date of the transfer.

10-8 SECTION 26. The Texas Education Agency is required to
10-9 implement a provision of this Act only if the legislature
10-10 appropriates money specifically for that purpose. If the
10-11 legislature does not appropriate money specifically for that
10-12 purpose, the Texas Education Agency may, but is not required to,
10-13 implement a provision of this Act using other appropriations
10-14 available for that purpose.

10-15 SECTION 27. To the extent of any conflict, this Act prevails
10-16 over another Act of the 87th Legislature, Regular Session, 2021,
10-17 relating to nonsubstantive additions to and corrections in enacted
10-18 codes.

10-19 SECTION 28. Except as otherwise provided by this Act, this
10-20 Act takes effect immediately if it receives a vote of two-thirds of
10-21 all the members elected to each house, as provided by Section 39,
10-22 Article III, Texas Constitution. If this Act does not receive the
10-23 vote necessary for immediate effect, this Act takes effect
10-24 September 1, 2021.

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