

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2032
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has more than seven million people over age 18 without a high school diploma. More than 17 percent of our population lives in poverty. The majority of those lack sufficient education and job training, while more than 60 percent live below a living wage and more than 26 percent of Texas children have parents who lack stable employment. Women and people of color are disproportionately impacted. The likelihood of a child dropping out of school is 50 percent when their parent has not graduated. A child's educational outcomes are directly impacted by their parents' educational attainment levels. Creating a pathway out of poverty for an adult through education not only benefits the adult earning the high school diploma but also improves educational opportunities and outcomes for their children.

The Texas Public Adult High School pilot was designed with a singular purpose: to educate adults not being served by Texas high schools. In 2013, the Texas Legislature and the Texas Education Agency (TEA) authorized an adult high school pilot program to enhance economic opportunities for 18-to-50-year-olds who dropped out of high school and are typically under-employed or unemployed. The pilot was developed as a strategy to address state workforce needs, offering an opportunity to adult high school dropouts to complete a high school education (not a GED) and improve their ability to support their families.

Since 2013, legislators on both sides of the aisle have acknowledged the successful impact of the pilot and supported the model. In the 87th legislative session, policymakers passed S.B. 1615, which created a new subchapter (Subchapter G, Chapter 12) in the Education Code. This new subchapter was enacted to meet the needs of adult learners and ensure that the program was financially sustainable by codifying public adult high school education. Subchapter G provides for enrollment and performance-based funding through the Foundation School Program, as well as access to the Instructional Materials Allotment, Compensatory Education Allotment, and Special Education Programs, among others. The legislation also established different testing and accountability standards that are more appropriate for adult learners.

The current pilot program has graduated more than 1,500 students, with 90 percent positive outcomes, including average income increases of more than \$4,300 per student upon graduation, increases in post-secondary enrollment, and longitudinal family impacts such as improved educational outcomes for participants' children, lower recidivism rates, and higher employment rates. The success of the pilot warrants replication of the approach.

S.B. 2032 would authorize school districts, higher education institutions, and local governments to contract with a nonprofit to establish an adult public high school to serve students from ages 18 to 50 and who have not earned a high school diploma. These schools would be eligible for Foundation School Program funding for participating students and the schools would be subject to the existing program requirements and accountability metrics that apply to adult public high schools.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2032 amends current law relating to adult high school charter programs.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 12 (Section 12.265, Education Code,) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.251, Education Code, by amending Subdivision (1) and adding Subdivision (1-a) to redefine "adult education" and to define "eligible entity."

SECTION 2. Amends Sections 12.255(a), (b), and (c), Education Code, as follows:

(a) Authorizes the commissioner of education (commissioner), notwithstanding any other law and in addition to the number of charters allowed under Subchapter D (Open-Enrollment Charter School), subject to Subsection (c) and on the basis of an application submitted, to grant a charter under the adult high school charter school program to an eligible entity, rather than to a nonprofit entity described by Section 12.256, to provide an adult education program for individuals described by Section 12.258 (Student Eligibility; Admission) to successfully complete a certain program and certain courses.

(b) Makes a conforming change to this subsection.

(c) Prohibits the commissioner, subject to Subsection (d) (relating to prohibiting a charter granted under former Section 29.259 from being counted toward the limit under Subsection (c)), from granting more than 10 charters, rather than more than two charters in a calendar year or more than six charters total, under Subchapter G (Adult High School Charter School Program). Deletes existing text prohibiting the commissioner, in granting charters, from granting a certain amount of charters before certain dates.

SECTION 3. Amends Section 12.256, Education Code, as follows:

Sec. 12.256. New heading: ELIGIBLE ENTITIES. Provides that an entity is eligible for a charter to operate an adult education program under this subchapter if:

(1) the entity is a nonprofit entity, a school district, an entity granted a charter under Subchapter D, or a general academic teaching institution or public junior college, as those terms are defined by Section 61.003 (Definitions); and

(2) the entity, or a member of the entity's executive leadership, has a successful history of providing certain education services to persons meeting certain criteria.

Deletes existing text authorizing a nonprofit entity to be granted a charter under this subchapter only if the entity has a successful history of providing certain education services to persons meeting certain criteria.

SECTION 4. Amends Subchapter G, Chapter 12, Education Code, by adding Section 12.2565, as follows:

Sec. 12.2565. APPLICATION PROCESS. (a) Requires the commissioner to accept applications for a charter to operate an adult education program under this subchapter during the 60-day period beginning on September 1 of each year.

(b) Requires the commissioner to provide each applicant with:

(1) not later than the 60th day following the last day of the period described by Subsection (a), written notice of the commissioner's preliminary decision to grant or deny the charter and a written explanation of the reasons for denying the charter, if applicable; and

(2) an opportunity to cure any defects in the application, if applicable.

SECTION 5. Amends Section 12.257(a), Education Code, to make a conforming change.

SECTION 6. Amends Section 12.258(b), Education Code, to make a conforming change.

SECTION 7. Amends Section 12.259, Education Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Makes a conforming change to this subsection.

(c) Authorizes an entity described by Section 12.256(1)(B), (C), or (D) to whom a charter is granted under this subchapter to contract with a nonprofit entity that is an eligible entity to operate an adult education program described by Subsection (a) (relating to requiring that an adult education program operated under a charter granted under this subchapter meet certain criteria).

SECTION 8. Amends Section 12.261, Education Code, as follows:

Sec. 12.261. EXPANSION AMENDMENT. (a) and (b) Makes conforming changes to these subsections.

SECTION 9. Amends Section 12.262(e), Education Code, as follows:

(e) Authorizes the commissioner to revoke a charter to operate an adult education program granted under this subchapter if the charter's adult education program fails to meet the minimum performance standards established by commissioner rule on the applicable accountability framework adopted under Section 12.262 (Accountability; Revocation of Charter) for three consecutive school years after the second year, rather than the first year, of operation.

SECTION 10. Amends Section 12.263(f), Education Code, as effective September 1, 2023, to make a conforming change.

SECTION 11. Amends Section 12.264, Education Code, as follows:

Sec. 12.264. GIFTS, GRANTS, AND DONATIONS. (a) Creates this subsection from existing text.

(b) Requires the commissioner, from any gifts, grants, or donations appropriated or otherwise available to the commissioner for the purpose, to provide to an eligible entity granted a charter under this subchapter funding for costs associated with implementing an adult education program operated under the charter not later than the 45th day after the date the charter is granted.

SECTION 12. Amends Section 12.265, Education Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires the commissioner to adopt rules necessary to administer the adult high school charter program under this subchapter, including rules to implement and administer certain components, including the application process under Section 12.2565. Makes nonsubstantive changes.

(c) Authorizes the commissioner, in adopting rules, to establish a maximum number of students who are authorized to be enrolled in an adult education program operated under a charter granted under this subchapter.

SECTION 13. Repealer: Section 12.255(e) (relating to prohibiting a nonprofit entity granted a charter under the adult high school charter school program from enrolling more than 350

students in an adult education program operated under that charter during the first two years after the charter is granted), Education Code.

SECTION 14. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 15. Requires the commissioner, not later than August 31, 2023, to adopt rules under Section 12.265, Education Code, as amended by this Act.

SECTION 16. Effective date: upon passage or September 1, 2023.