

By: Creighton, et al.
(Buckley)

S.B. No. 2032

A BILL TO BE ENTITLED

AN ACT

relating to adult high school charter school programs.

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

SECTION 1. Section 12.251, Education Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Adult education" means services and instruction provided below the college level for adults by an eligible ~~[a nonprofit]~~ entity granted a charter under this subchapter.

(1-a) "Eligible entity" means an entity described by Section 12.256.

SECTION 2. Sections 12.255(a), (b), and (c), Education Code, are amended to read as follows:

(a) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, the commissioner may, subject to Subsection (c) and on the basis of an application submitted, grant a charter under the program to an eligible entity ~~[a nonprofit entity described by Section 12.256]~~ to provide an adult education program for individuals described by Section 12.258 to successfully complete:

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

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

(b) An eligible ~~[A nonprofit]~~ entity, other than the nonprofit entity granted a charter under former Section 29.259, is not entitled to an automatic grant of a charter under this subchapter on the basis that the entity holds a charter or operates a charter school under another provision of this chapter.

(c) Subject to Subsection (d), the commissioner may not grant more than 10 ~~[two charters in a calendar year or more than six]~~ charters ~~[total]~~ under this subchapter. ~~[In granting charters, the commissioner may not grant:~~

~~[(1) a charter before September 1, 2023; or~~

~~[(2) a total of more than:~~

~~[(A) two charters before September 1, 2024; or~~

~~[(B) four charters before September 1, 2026.]~~

SECTION 3. Section 12.256, Education Code, is amended to read as follows:

Sec. 12.256. ELIGIBLE ENTITIES ~~[CHARTER HOLDER QUALIFICATIONS]~~. An ~~[A nonprofit]~~ entity is eligible for ~~[may be granted]~~ a charter to operate an adult education program under this subchapter ~~[only]~~ if:

(1) the entity is:

(A) a nonprofit entity;

(B) a school district;

(C) an entity granted a charter under Subchapter

D; or

(D) a general academic teaching institution, public junior college, or public technical institute, as those terms are defined by Section 61.003; and

1 (2) the entity, or a member of the entity's executive
2 leadership, has a successful history of providing education
3 services, including industry certifications and job placement
4 services, to adults 18 years of age and older whose educational and
5 training opportunities have been limited by educational
6 disadvantages, disabilities, homelessness, criminal history, or
7 similar marginalizing circumstances.

8 SECTION 4. Subchapter [G](#), Chapter [12](#), Education Code, is
9 amended by adding Section 12.2565 to read as follows:

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

14 (b) The commissioner shall provide each applicant with:

15 (1) not later than the 60th day following the last day
16 of the period described by Subsection (a):

17 (A) written notice of the commissioner's
18 preliminary decision to grant or deny the charter; and

19 (B) a written explanation of the reasons for
20 denying the charter, if applicable; and

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

23 SECTION 5. Section [12.257](#)(a), Education Code, is amended to
24 read as follows:

25 (a) An eligible [~~A nonprofit~~] entity must include in its
26 charter application the information required by Subsection (b).

27 SECTION 6. Section [12.258](#)(b), Education Code, is amended to

read as follows:

(b) In admitting students to an adult education program operated under a charter granted under this subchapter, an eligible ~~[a nonprofit]~~ entity shall give priority to a person who has not earned a high school equivalency certificate.

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

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

(c) An entity described by Section 12.256(1)(B), (C), or (D) to whom a charter is granted under this subchapter may contract with a nonprofit entity that is an eligible entity to operate an adult education program described by Subsection (a).

SECTION 8. Section 12.261, Education Code, is amended to read as follows:

Sec. 12.261. EXPANSION AMENDMENT. (a) Not later than June 30 of each year, an eligible ~~[a nonprofit]~~ entity granted a charter under this subchapter must submit any request for approval of an expansion amendment intended to take effect the next school year.

(b) An expansion amendment submitted under Subsection (a) is considered approved if the commissioner does not provide written notice to the eligible ~~[nonprofit]~~ entity of the disapproval of the

expansion amendment on or before August 1.

SECTION 9. Section 12.262(e), Education Code, is amended to read as follows:

(e) The commissioner may 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 this section for three consecutive school years after the second [~~first~~] year of operation.

SECTION 10. Section 12.263(f), Education Code, as effective September 1, 2023, is amended to read as follows:

(f) In addition to funding provided under Subsection (a), an eligible [~~a nonprofit~~] entity granted a charter under this subchapter is entitled to receive for the adult education program an annual allotment, provided in accordance with a schedule established by commissioner rule, equal to the maximum basic allotment under Section 48.051(a) or (b) multiplied by:

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

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

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

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

SECTION 11. Section 12.264, Education Code, is amended to read as follows:

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

(b) From any gifts, grants, or donations appropriated or otherwise available to the commissioner for the purpose, the commissioner shall 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. Section 12.265, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The commissioner shall adopt rules necessary to administer the program under this subchapter, including rules to implement and administer:

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

(2) the application process under Section 12.2565; and

(3) [~~(2)~~] the evaluation provisions under Section 12.262.

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

1 SECTION 13. Section 12.255(e), Education Code, is repealed.

2 SECTION 14. This Act applies beginning with the 2023-2024
3 school year.

4 SECTION 15. Not later than August 31, 2023, the
5 commissioner of education shall adopt rules under Section 12.265,
6 Education Code, as amended by this Act.

7 SECTION 16. This Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas Constitution.
10 If this Act does not receive the vote necessary for immediate
11 effect, this Act takes effect September 1, 2023.