

By: Bell of Kaufman, Buckley, Ashby, Gates,
Button, et al.

H.B. No. 120

A BILL TO BE ENTITLED

AN ACT

relating to career and technology education programs in public schools, the Financial Aid for Swift Transfer (FAST) program, the Rural Pathway Excellence Partnership (R-PEP) program, and a high school advising program, including funding for those programs under the Foundation School Program, and to the new instructional facility allotment and the permissible uses of funding under the Foundation School Program.

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

SECTION 1. Section 28.0095, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding Subsection (c)(1)(A), a student otherwise described by Subsection (c) is eligible to enroll at no cost in a dual credit course under the program if the student has graduated from high school but is:

(1) enrolled in a school district or open-enrollment charter school at a campus designated as a P-TECH school under Section 29.556 or in a school district participating in a partnership under Section 29.912; and

(2) completing a course of study offered through an articulation agreement or memorandum of understanding with an institution of higher education and the district or school described by Subdivision (1), as applicable, under the Pathways in Technology Early College High School (P-TECH) program under

Subchapter N, Chapter 29, or the Rural Pathway Excellence Partnership (R-PEP) program under Section 29.912.

SECTION 2. Section 29.182(b), Education Code, is amended to read as follows:

(b) The state plan must include procedures designed to ensure that:

(1) all secondary and postsecondary students have the opportunity to participate in career and technology education programs;

(2) the state complies with requirements for supplemental federal career and technology education funding;

(3) career and technology education is established as a part of the total education system of this state and constitutes an option for student learning that provides a rigorous course of study consistent with the required curriculum under Section 28.002 and under which a student may receive specific education in a career and technology program that:

(A) incorporates competencies leading to academic and technical skill attainment;

(B) leads to:

(i) an industry-recognized license, credential, or certificate; or

(ii) at the postsecondary level, an associate or baccalaureate degree;

(C) includes opportunities for students to earn college credit for coursework; and

(D) includes, as an integral part of the program,

1 participation by students and teachers in activities of career and
2 technical student organizations supported by the agency and the
3 State Board of Education; ~~and~~

4 (4) a school district provides, to the greatest extent
5 possible, to a student participating in a career and technology
6 education program opportunities to enroll in dual credit courses
7 designed to lead to a degree, license, or certification as part of
8 the program; and

9 (5) a course of study offered under a Junior Reserve
10 Officers' Training Corps program established under 10 U.S.C.
11 Section 2031 is considered a career and technology education
12 program.

13 SECTION 3. Sections 29.190(a-1) and (b), Education Code,
14 are amended to read as follows:

15 (a-1) A student may not receive more than two subsidies ~~[one~~
16 ~~subsidy]~~ under this section.

17 (b) A teacher is entitled to a subsidy under this section if
18 the teacher passes a certification examination related to career
19 and technology education ~~[cybersecurity]~~.

20 SECTION 4. Subchapter 2, Chapter 29, Education Code, is
21 amended by adding Section 29.9016 to read as follows:

22 Sec. 29.9016. MILITARY PATHWAY GRANT PROGRAM. (a) The
23 agency shall establish a grant program to provide money to school
24 districts to implement a program under which the district:

25 (1) establishes a Junior Reserve Officers' Training
26 Corps program under 10 U.S.C. Section 2031 for students enrolled in
27 high school in the district;

1 (2) annually administers the Armed Services
2 Vocational Aptitude Battery test to each student participating in
3 the program described by Subdivision (1); and

4 (3) provides career counseling at least once per year
5 to each student administered the Armed Services Vocational Aptitude
6 Battery test under Subdivision (2) based on the results of the test.

7 (b) The amount of each grant awarded under the grant program
8 is \$50,000.

9 (c) The total amount of grants awarded under the grant
10 program for a school year may not exceed \$2 million.

11 SECTION 5. Section [29.912](#), Education Code, is amended by
12 adding Subsection (c-1) and amending Subsections (e) and (j) to
13 read as follows:

14 (c-1) A school district that has participated in the program
15 may continue to participate in the program regardless of the number
16 of students in average daily attendance in the district for the
17 current school year.

18 (e) An employee of a coordinating entity that manages a
19 partnership under the program is eligible for membership in and
20 benefits from the Teacher Retirement System of Texas if the
21 employee would be eligible for membership and benefits by holding a
22 similar position at a partnering school district. ~~[An employee is~~
23 ~~eligible for membership under this subsection if a partnership~~
24 ~~would be authorized to participate in the program, as determined by~~
25 ~~the commissioner, but for the maximum expenditure established in~~
26 ~~Section [48.118\(f\)](#).]~~

27 (j) The commissioner shall make grants available for use by

1 a coordinating entity for a two-year period to assist with costs
2 associated with the planning, development, establishment, or
3 expansion, as applicable, of partnerships under the program using
4 ~~[a portion of state funds allocated under Section 48.118 as well as]~~
5 money appropriated for that purpose, federal funds, and any other
6 funds available. The commissioner may award a grant only to a
7 coordinating entity that has entered into a performance agreement
8 approved under Subsection (i) or, if in the planning stage, has
9 entered into a memorandum of understanding to enter into a
10 performance agreement, unless the source of funds does not permit a
11 grant to the coordinating entity, in which case the grant shall be
12 made to a participating school district acting as fiscal agent.
13 Eligible use of grant funds shall include planning, development,
14 establishment, or expansion of partnerships under the program. The
15 commissioner may use not more than 15 percent of the money allocated
16 for the grants to cover the cost of administering grants awarded
17 under the program and to provide technical assistance and support
18 to partnerships under the program.

19 SECTION 6. Subchapter 2, Chapter 29, Education Code, is
20 amended by adding Section 29.939 to read as follows:

21 Sec. 29.939. HIGH SCHOOL ADVISING PROGRAM. (a) In this
22 section, "institution of higher education" and "private or
23 independent institution of higher education" have the meanings
24 assigned by Section 61.003.

25 (b) The agency shall establish a high school advising
26 program through which participating school districts and
27 open-enrollment charter schools provide college, career, and

military advising supports to students, either by hiring employees or contracting with service providers.

(c) A school district or open-enrollment charter school participating in the program must have at least one partnership agreement:

(1) with an institution of higher education or private or independent institution of higher education to support students to transition successfully from high school graduation to postsecondary enrollment, persistence, and completion; and

(2) to support students to transition successfully from high school graduation to workforce entry, with:

(A) a career and technical education program at an institution of higher education or private or independent institution of higher education;

(B) an employer;

(C) a branch of the armed services of the United States or the Texas National Guard; or

(D) a local workforce board.

(d) Each advisor under the program must be:

(1) trained in practices relating to college, career, and military advising; and

(2) supported by additional guidance provided by the agency.

(e) A full-time equivalent advisor under the program:

(1) may not have a caseload of more than 200 students; and

(2) must:

1 (A) prioritize students in grade levels 11 and
2 12; and

3 (B) spend at least 80 percent of the advisor's
4 time on college, career, and military advising.

5 (f) The commissioner may adopt rules as necessary to
6 implement this section. In adopting rules, the commissioner shall
7 consult with the Texas Workforce Commission and the Texas Higher
8 Education Coordinating Board.

9 SECTION 7. The heading to Section 39.0261, Education Code,
10 is amended to read as follows:

11 Sec. 39.0261. COLLEGE PREPARATION AND CAREER READINESS
12 ASSESSMENTS.

13 SECTION 8. Section 39.0261(a), Education Code, is amended
14 to read as follows:

15 (a) In addition to the assessment instruments otherwise
16 authorized or required by this subchapter:

17 (1) each school year and at state cost, a school
18 district may administer to students in the spring of the eighth
19 grade an established, valid, reliable, and nationally
20 norm-referenced preliminary college preparation assessment
21 instrument for the purpose of diagnosing the academic strengths and
22 deficiencies of students before entrance into high school;

23 (2) each school year and at state cost, a school
24 district may administer to students in the 10th grade an
25 established, valid, reliable, and nationally norm-referenced
26 preliminary college preparation assessment instrument for the
27 purpose of measuring a student's progress toward readiness for

college and the workplace; and

(3) high school students in the spring of the 11th grade or during the 12th grade may select and take once, at state cost:

(A) one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes; ~~or~~

(B) the assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; or

(C) a nationally recognized career readiness assessment instrument that measures foundational workforce skills approved by commissioner rule.

SECTION 9. Section 45.105(c), Education Code, is amended to read as follows:

(c) Local school funds from district taxes, tuition fees of students not entitled to a free education, other local sources, and state funds not designated for a specific purpose may be used for the purposes listed for state and county available funds and for purchasing appliances and supplies, paying insurance premiums, paying janitors and other employees, buying school sites, buying, building, repairing, and renting school buildings, including acquiring school buildings and sites by leasing through annual payments with an ultimate option to purchase, providing advising support as described by Section 48.0035(1), and educating students as described by Section 48.0035(2), and, except as provided by Subsection (c-1), for other purposes necessary in the conduct of

the public schools determined by the board of trustees. The accounts and vouchers for county districts must be approved by the county superintendent. If the state available school fund in any municipality or district is sufficient to maintain the schools in any year for at least eight months and leave a surplus, the surplus may be spent for the purposes listed in this subsection.

SECTION 10. Section 48.003(a), Education Code, is amended to read as follows:

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

(1) is 5 years of age or older and under 21 years of age and:

(A) has not graduated from high school; or

(B) has graduated from high school but is:

(i) enrolled in a school district at a campus designated as a P-TECH school under Section 29.556 or in a school district participating in a partnership under Section 29.912; and

(ii) completing a course of study offered through an articulation agreement or memorandum of understanding with an institution of higher education, as defined by Section 61.003, and the district described by Subparagraph (i), as applicable, under the Pathways in Technology Early College High School (P-TECH) program under Subchapter N, Chapter 29, and the Rural Pathway Excellence Partnership (R-PEP) program under Section 29.912, regardless of whether the student is enrolled in the district providing the course of study;

1 (2) [~~1, or~~] is at least 21 years of age and under 26
2 years of age and has been admitted by a school district to complete
3 the requirements for a high school diploma; or

4 (3) [~~(2)~~] is at least 18 years of age and under 50
5 years of age and is enrolled in an adult education program provided
6 under the adult high school charter school program under Subchapter
7 [G](#), Chapter [12](#).

8 SECTION 11. Subchapter [A](#), Chapter [48](#), Education Code, is
9 amended by adding Sections 48.0035 and 48.0055 to read as follows:

10 Sec. 48.0035. USE OF FUNDING FOR CERTAIN PURPOSES. A school
11 district may use funding to which the district is entitled under
12 this chapter to:

13 (1) provide district graduates, during the first two
14 years after high school graduation, advising support toward the
15 successful completion of a certificate or degree program at a
16 public institution of higher education or a postsecondary
17 vocational training program; and

18 (2) educate a student who has graduated from high
19 school but is enrolled in the district in a program through which
20 the student may earn dual credit, including the Pathways in
21 Technology Early College High School (P-TECH) program under
22 Subchapter [N](#), Chapter [29](#), and the Rural Pathway Excellence
23 Partnership (R-PEP) program under Section [29.912](#).

24 Sec. 48.0055. ENROLLMENT-BASED FUNDING. The commissioner
25 by rule shall establish the method for determining average
26 enrollment for purposes of funding provided based on average
27 enrollment under Chapter [46](#) and this chapter.

SECTION 12. Section 48.106(a-1), Education Code, is amended to read as follows:

(a-1) In addition to the amounts under Subsection (a), for each student in average enrollment [~~daily attendance~~], a district is entitled to \$150 [~~\$50~~] for each of the following in which the student is enrolled:

(1) a campus designated as a P-TECH school under Section 29.556; or

(2) a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

SECTION 13. Sections 48.106(b)(1) and (1-a), Education Code, are amended to read as follows:

(1) "Approved career and technology education program":

(A) means:

(i) a sequence of career and technology education courses, including technology applications courses, authorized by the State Board of Education; and

(ii) courses offered under a Junior Reserve Officers' Training Corps program established under 10 U.S.C. Section 2031; and

(B) includes only courses that qualify for high school credit.

(1-a) "Approved program of study" means a course sequence that:

(A) provides students with the knowledge and

skills necessary for success in the students' chosen careers,including the military; and

(B) is approved by the agency for purposes of the Strengthening Career and Technical Education for the 21st Century Act (Pub. L. No. 115-224).

SECTION 14. Section 48.118, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), a school district described by Section 29.912(c-1) may receive funding under this section for up to 110 percent of the number of students who qualified under Subsection (a) for the school year immediately preceding the school year in which the district's enrollment first reached 1,600 or more.

SECTION 15. Section 48.152(a)(2), Education Code, is amended to read as follows:

(2) "New instructional facility" includes:

(A) a newly constructed instructional facility;

(B) a repurposed instructional facility; ~~and~~

(C) a leased facility operating for the first time as an instructional facility with a minimum lease term of not less than 10 years; and

(D) a renovated portion of an instructional facility to be used for the first time to provide high-cost and undersubscribed career and technology education programs, as determined by the commissioner.

SECTION 16. Section 48.152(f), Education Code, is amended to read as follows:

(f) The amount appropriated for allotments under this section may not exceed \$150 [~~\$100~~] million in a school year. If the total amount of allotments to which districts are entitled under this section for a school year exceeds the amount appropriated under this subsection, the commissioner:

(1) shall reduce each district's allotment under this section in the manner provided by Section [48.266\(f\)](#); and

(2) for new instructional facilities described by Subsection (a)(2)(D), may remove a career and technology education program from the list of programs that qualify under that subsection.

SECTION 17. The heading to Section [48.155](#), Education Code, is amended to read as follows:

Sec. 48.155. COLLEGE PREPARATION AND CAREER READINESS ASSESSMENT REIMBURSEMENT.

SECTION 18. Section [48.156](#), Education Code, is amended to read as follows:

Sec. 48.156. CERTIFICATION EXAMINATION REIMBURSEMENT. A school district is entitled to reimbursement for the amount of a subsidy paid by the district for not more than two [~~a student's~~] certification examinations per student [~~examination~~] under Section [29.190](#)(a) as provided by Section [29.190](#)(c).

SECTION 19. Subchapter [D](#), Chapter [48](#), Education Code, is amended by adding Section 48.162 to read as follows:

Sec. 48.162. HIGH SCHOOL ADVISING ALLOTMENT. (a) Subject to Subsections (b) and (c), for each full-time equivalent advisor or contracted service provider under the high school advising

program established under Section 29.939, a school district is entitled to \$40,000.

(b) The number of advisors for whom a school district may receive an allotment under this section may not exceed the quotient of, rounded up to the nearest whole number:

(1) the number of students enrolled in the district in grade levels 11 through 12; and

(2) 200.

(c) Subject to Subsection (d), beginning with the fifth school year for which a school district receives an allotment under this section, the commissioner shall reduce the district's allotment by 20 percent for each school year.

(d) Subsection (c) does not apply to a school district whose performance under Section 48.110 for the preceding school year:

(1) exceeded the average of the district's performance under that section for the two school years preceding that school year;

(2) was in the top 25 percent of statewide performance under that section; or

(3) established that at least 40 percent of the district's educationally disadvantaged annual graduates demonstrated college, career, or military readiness as described by Section 48.110(f).

SECTION 20. Sections 29.912(h) and 48.118(f), Education Code, are repealed.

SECTION 21. Sections 28.0095(c-1), 29.9016, and 29.939, Education Code, as added by this Act, and Sections 29.190 and

1 29.912, Education Code, as amended by this Act, apply beginning
2 with the 2025-2026 school year.

3 SECTION 22. (a) Except as provided by Subsection (b) of
4 this section, this Act takes effect immediately if it receives a
5 vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2025.

9 (b) The amendments by this Act to Chapter 48, Education
10 Code, take effect September 1, 2025.