

## **BILL ANALYSIS**

Senate Research Center  
83R17973 PAM-D

C.S.S.B. 1142  
By: Duncan et al.  
Education  
3/27/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Dropout recovery, particularly for young adults and individuals over 25 years of age, is a critical issue for Texas as it directly influences the creation of an educated and viable workforce. Unfortunately, there are few options for high school dropouts to continue their education, and once they have passed their 26th birthday there are few options other than a GED, and none that are inexpensive. By addressing the education and training need of adults who are still in their prime earning window, the staggering costs that high school dropouts create for individuals and society can also be addressed.

The goal of C.S.S.B. 1142 is to significantly increase the high school enrollment and graduation rate of high school dropouts by educating one student at a time and linking them with the resources that will help them maximize their potential at the postsecondary level and far beyond.

C.S.S.B. 1142 creates an adult charter high school diploma and industry certification pilot program for approximately 150 adults between the age of 19 and 50 as a strategy for meeting industry needs for a sufficiently trained workforce and to enhance economic opportunities for eligible adults. The pilot will provide an adult high school program leading to a diploma and career and technology education courses that can lead to industry certification in a charter school. The charter school may partner with junior colleges to provide the career and technical courses leading to industry certification.

The pilot will utilize a rigorous academic secondary program aligned with the Texas Essential Knowledge and Skills that offers flexibility in delivery more appropriate for adults – competency-based approach, multiple credit attainment via interdisciplinary classes, flexibility in course delivery timeframes, experiential course credit, placement and course credit that utilizes assessment scores on the Tests of Adult Basic Education entry assessment, online and direct instruction, and dual credit courses. C.S.S.B. 1142 directs the Texas Education Agency to adopt or develop and administer a standardized secondary exit-level exam appropriate for assessing adult education program participants who have successfully completed a high school diploma program.

C.S.S.B. 1142 authorizes funding for adults 19 to 25 years of age in an amount per participant equal to the amount of state funding per student in weighted average daily attendance that would be allocated to an open-enrollment charter school. The bill authorizes funding for adults ages 26 to 50 from adult education program funds an amount equal to that for adults ages 19 to 25.

C.S.S.B. 1142 amends current law relating to an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Education Agency (TEA) is modified in SECTION 5 (Section 29.255, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Commerce is transferred to the Texas Economic Development and Tourism Office in SECTION 5 (Section 29.255, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 6 (Section 29.259, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 29.251(1), Education Code, to redefine "adult education."

SECTION 2. Amends Section 29.252, Education Code, as follows:

Sec. 29.252. STATE ROLE IN ADULT AND COMMUNITY EDUCATION. (a) Requires the Texas Education Agency (TEA) to:

(1)-(7) Makes no changes to these subdivisions;

(8) adopt or develop and administer:

(A) a standardized assessment mechanism for assessing all adult education program participants who need literacy instruction, adult basic education, or secondary education leading to an adult high school diploma or the equivalent; and

(B) a standardized secondary exit-level assessment instrument appropriate for assessing adult education program participants who successfully complete high school curriculum requirements under a program provided under Section 29.259; and

(9)-(10) Makes no changes to these subdivisions.

(b) Requires that the assessment mechanism prescribed under Subsection (a)(8)(A), rather than under Subsection (a)(8), include an initial basic skills screening instrument and provide comprehensive information concerning baseline student skills before and student progress after participation in an adult education program.

SECTION 3. Amends Section 29.253, Education Code, to authorize a nonprofit entity described by Section 29.259 to also provide an adult education program as provided by that section.

SECTION 4. Amends Section 29.2531, Education Code, as follows:

Sec. 29.2531. ADULT EDUCATION ASSESSMENT. (a) Creates this subsection from existing text. Requires TEA to, in consultation with the Texas Higher Education Coordinating Board (THECB), review the standardized assessment mechanism required under Section 29.252(a)(8)(A), rather than under Section 29.252(a)(8), and recommend any changes necessary to align the assessment with the assessments designated under Section 51.3062 (Success Initiative) to allow for the proper placement of a student in an adult basic education course or to provide the student with the proper developmental or English as a second language coursework, as appropriate.

(b) Requires the commissioner of education (commissioner) to determine the level of performance considered to be satisfactory on a secondary exit-level assessment instrument described by Section 29.252(a)(8)(B) for receipt of a high school diploma by an adult education program participant in a program provided under Section 29.259.

SECTION 5. Amends Section 29.255, Education Code, as follows:

Sec. 29.255. FUNDING. (a) Requires the TEA to ensure that public local education agencies, public nonprofit agencies, nonprofit entities providing programs under Section 29.259, and community-based organizations have direct and equitable access to certain appropriated funds. Authorizes an additional sum of money to be appropriated to the

Texas Economic Development and Tourism Office (office), rather than the Texas Department of Commerce, for the purpose of skill training in direct support of industrial expansion and start-up, and those locations, industries, and occupations designated by the office when such training is also in support of the basic purposes of this subchapter. Makes a conforming change.

(b) Authorizes TEA, in conjunction with the office, rather than the Texas Department of Commerce, to adopt rules to administer skill training programs for which TEA is responsible, and authorizes the office, rather than the Texas Department of Commerce, to adopt rules to administer skill training programs for which it is responsible.

SECTION 6. Amends Subchapter H, Chapter 29, Education Code, by adding Section 29.259, as follows:

Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION CHARTER SCHOOL PILOT PROGRAM. (a) Requires the commissioner to establish an adult high school diploma and industry certification charter school pilot program as provided by this section as a strategy for meeting industry needs for a sufficiently trained workforce within the state.

(b) Authorizes the State Board of Education (SBOE), notwithstanding any other law and in addition to the number of charters allowed under Subchapter D (Open-Enrollment Charter School), Chapter 12 (Charters), to grant, on the basis of an application submitted to SBOE, a charter under the pilot program to a single nonprofit entity described by Subsection (c) to provide an adult education program for not more than 150 individuals described by Subsection (e) 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.

(c) Authorizes a nonprofit entity to be granted a charter under this section only if the entity:

(1) has a successful history of providing education services, including industry certifications and job placement services, to adults 18 years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances; and

(2) agrees to commit at least \$1 million to the adult education program offered.

(d) Authorizes a nonprofit entity granted a charter under this section to partner with a public junior college to provide career and technology courses that lead to industry certification.

(e) Provides that a person who is at least 19 years of age and not more than 50 years of age is eligible to enroll in the adult education program under this section if the person has not earned a high school equivalency certificate and:

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

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

(f) Requires the nonprofit entity to include in its charter application the information required by Subsection (g).

(g) Requires that a charter granted under this section:

(1) include a description of the adult education program to be offered under this section; and

(2) establish specific, objective standards for receiving a high school diploma, including satisfactory performance on the standardized secondary exit-level assessment instrument described by Section 29.252(a)(8)(B) as provided by Section 29.2531.

(h) Provides that funding for an adult education program under this section is based on the following:

(1) for participants who are 26 years of age and older, an amount per participant from available funds appropriated for adult basic education equal to the statewide average amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program to an open-enrollment charter school under Section 12.106 (State Funding) were the student under 26 years of age; and

(2) for participants who are at least 19 years of age and under 26 years of age, an amount per participant through the Foundation School Program equal to the amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at an open-enrollment charter school in accordance with Section 12.106.

(i) Provides that Sections 12.107 (Status and Use of Funds) and 12.128 (Property Purchased or Leased With State Funds) apply as though funds under this section were funds under Subchapter D, Chapter 12.

(j) Requires TEA, not later than December 1 of each even-numbered year, beginning December 1, 2016, to prepare and deliver to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing legislative committee with primary jurisdiction over public education or economic development a report that:

(1) evaluates any adult education program operated under a charter granted under this section; and

(2) makes recommendations regarding the abolition, continuation, or expansion of the pilot program.

(k) Requires the commissioner to adopt rules necessary to administer the pilot program under this section. Authorizes the commissioner, in adopting rules, to modify charter school requirements only to the extent necessary for the administration of a charter school under this section that provides for adult education.

SECTION 7. Amends Section 42.003(a), Education Code, to entitle a student to the benefits of the Foundation School Program if, on September 1 of the school year, the student meets certain conditions or is at least 19 years of age and under 26 years of age and is enrolled in an adult high school diploma and industry certification charter school pilot program under Section 29.259.

SECTION 8. Effective date: September 1, 2013.