

## **BILL ANALYSIS**

Senate Research Center  
83R8763 PAM-F

S.B. 1141  
By: Duncan et al.  
Education  
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As Filed

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

S.B. 1141 creates an adult 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 sufficiently trained workforce and to enhance economic opportunities for eligible adults. The pilot program 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.

S.B. 1141 requires a pilot program operator to enter into a memorandum of understanding (MOU) with a local independent school district (ISD) or charter school for the award of diplomas. The ISD or charter school that enters into an MOU with the pilot program operator is exempt from accountability for students participating in the program for the length of the program. The bill 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. S.B. 1141 also authorizes funding for adults aged 19 to 25 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. It authorizes funding for adults aged 26 to 50 from adult education program funds an amount equal to that for adults aged 19 to 25.

As proposed, S.B. 1141 amends current law relating to an adult high school diploma and industry certification pilot program for adults 19 to 50 years of age.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to State Board of Education is modified in SECTION 3 (Section 29.253, 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 29.258, 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:

(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 29.258; and

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

(b) Requires that the assessment mechanism prescribed under Subsection (a)(8)(A), rather than Subsection (a)(8), include an initial basic skills screening instrument and to 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 require adult education programs to be provided by public school districts, public junior colleges, public universities, public nonprofit agencies, and community-based organizations approved in accordance with state statutes and rules adopted by the State Board of Education. Authorizes a nonprofit entity described by Section 29.258 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. (a) Creates this subsection from existing text. Requires TEA, in consultation with the Texas Higher Education Coordinating Board, to review the standardized assessment mechanism required under Section 29.252(a)(8)(A), rather than 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 29.258.

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

Sec. 29.255. FUNDING. (a) Requires TEA to ensure that public local education agencies, public nonprofit agencies, nonprofit entities providing programs under Section 29.258, 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, 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 Texas Economic Development and Tourism 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 Texas Economic Development and Tourism Office, rather than the Texas Department of Commerce, to adopt rules to administer skill training programs for which TEA is responsible, and the Texas Economic Development and Tourism 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 29.258, as follows:

Sec. 29.258. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION PILOT PROGRAM. (a) Requires the commissioner to establish an adult high school diploma and industry certification pilot program as provided by this section to enhance economic opportunities for eligible adults 19 to 50 years of age.

(b) Authorizes the commissioner, notwithstanding Section 29.2535 (Service Provider Contracts: Competitive Procurement Requirement), to designate a single nonprofit entity described by Subsection (c) to provide an adult education program for individuals described by Subsection (g) to successfully complete high school curriculum requirements to receive a high school diploma, and career and technology education courses that can lead to industry certification.

(c) Authorizes an adult high school diploma and industry certification program to be provided by a nonprofit entity under this section that 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; develops an adult education program specifically designed for individuals described by Subsection (g); agrees to commit at least \$1 million to the adult education program offered; and applies as provided by Subsection (e).

(d) Requires the commissioner by rule to establish minimum standards for an adult education program under this section. Requires that the program provide a dropout recovery curriculum that offers courses to complete high school curriculum requirements; and includes career and technology education courses that can lead to industry certification; and offer a high school diploma to a participant who completes all high school curriculum requirements in compliance with Section 28.025 (High School Diploma and Certificate; Academic Achievement Record); and performs satisfactorily on a secondary exit-level assessment instrument described by Section 29.252(a)(8)(B).

(e) Requires a nonprofit entity described by Subsection (c), to be designated to provide an adult education program under this section, to submit an application to the commissioner in the time and manner prescribed by commissioner rule that describes the adult education program to be offered, including the required curriculum as provided by Section 28.002 (Required Curriculum); the governing structure for providing the adult education program to be offered; the process through which the nonprofit entity will adopt an annual budget for providing the adult education program to be offered; and the facilities to be used for the adult education program to be offered.

(f) Provides that a nonprofit entity designated to provide an adult education program under this section is authorized to partner with a public junior college to provide career and technology education courses that can lead to industry certification; and is required to enter into a memorandum of understanding with one or more school districts or open-enrollment charter schools that will award high school diplomas to adult education program participants who successfully complete curriculum requirements for high school graduation.

(g) 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 has failed to complete the curriculum requirements for high school graduation, or has failed to

perform satisfactorily on an assessment instrument required for high school graduation.

(h) Requires the commissioner to adopt rules as necessary to authorize school districts and open-enrollment charter schools to issue diplomas to eligible participants under this section. Provides that a participant issued a diploma from a school district or open-enrollment charter school under this section is not considered a student enrolled in the district or school for accountability purposes under Chapter 39 (Public School System Accountability).

(i) Provides that funding for an adult education program under this section is provided as follows: 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 for the student's attendance at schools in the school district in which the participant resides were the student under 26 years of age, and 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 funds per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at schools in the school district in which the participant resides.

(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 a report that evaluates any adult education program operated under this section, and 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.

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 requirements, including 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 program under Section 29.258.

SECTION 8. Effective date: September 1, 2013.