

1-1 By: VanDeaver, et al. (Senate Sponsor - Watson) H.B. No. 1051
 1-2 (In the Senate - Received from the House April 23, 2019;
 1-3 April 24, 2019, read first time and referred to Committee on
 1-4 Education; May 19, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;
 1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Hughes	X			
1-15 Paxton	X			
1-16 Powell	X			
1-17 Watson	X			
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 1051 By: Watson

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to an adult education program provided under an adult high
 1-24 school diploma and industry certification charter school program
 1-25 and reporting requirements regarding certain students.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 12.137(a), Education Code, is amended to
 1-28 read as follows:

1-29 (a) This section applies only to:

1-30 (1) an open-enrollment charter school designated as a
 1-31 dropout recovery school as described by Section 12.1141(c) if the
 1-32 enrollment of the school consists only of students 17 years of age
 1-33 and older; and

1-34 (2) an adult education program provided under a high
 1-35 school diploma and industry certification charter school [~~pilot~~]
 1-36 program under Section 29.259.

1-37 SECTION 2. Sections 29.081(d) and (d-1), Education Code,
 1-38 are amended to read as follows:

1-39 (d) For purposes of this section, "student at risk of
 1-40 dropping out of school" includes each student who:

1-41 (1) is under 26 years of age and who:

1-42 (A) [~~(1)~~] was not advanced from one grade level
 1-43 to the next for one or more school years;

1-44 (B) [~~(2)~~] if the student is in grade 7, 8, 9, 10,
 1-45 11, or 12, did not maintain an average equivalent to 70 on a scale of
 1-46 100 in two or more subjects in the foundation curriculum during a
 1-47 semester in the preceding or current school year or is not
 1-48 maintaining such an average in two or more subjects in the
 1-49 foundation curriculum in the current semester;

1-50 (C) [~~(3)~~] did not perform satisfactorily on an
 1-51 assessment instrument administered to the student under Subchapter
 1-52 B, Chapter 39, and who has not in the previous or current school
 1-53 year subsequently performed on that instrument or another
 1-54 appropriate instrument at a level equal to at least 110 percent of
 1-55 the level of satisfactory performance on that instrument;

1-56 (D) [~~(4)~~] if the student is in prekindergarten,
 1-57 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on
 1-58 a readiness test or assessment instrument administered during the
 1-59 current school year;

1-60 (E) [~~(5)~~] is pregnant or is a parent;

2-1 (F) [~~(6)~~] has been placed in an alternative
2-2 education program in accordance with Section 37.006 during the
2-3 preceding or current school year;
2-4 (G) [~~(7)~~] has been expelled in accordance with
2-5 Section 37.007 during the preceding or current school year;
2-6 (H) [~~(8)~~] is currently on parole, probation,
2-7 deferred prosecution, or other conditional release;
2-8 (I) [~~(9)~~] was previously reported through the
2-9 Public Education Information Management System (PEIMS) to have
2-10 dropped out of school;
2-11 (J) [~~(10)~~] is a student of limited English
2-12 proficiency, as defined by Section 29.052;
2-13 (K) [~~(11)~~] is in the custody or care of the
2-14 Department of Family and Protective Services or has, during the
2-15 current school year, been referred to the department by a school
2-16 official, officer of the juvenile court, or law enforcement
2-17 official;
2-18 (L) [~~(12)~~] is homeless, as defined by 42 U.S.C.
2-19 Section 11302, and its subsequent amendments; or
2-20 (M) [~~(13)~~] resided in the preceding school year
2-21 or resides in the current school year in a residential placement
2-22 facility in the district, including a detention facility, substance
2-23 abuse treatment facility, emergency shelter, psychiatric hospital,
2-24 halfway house, cottage home operation, specialized child-care
2-25 home, or general residential operation; or
2-26 (2) regardless of the student's age, participates in
2-27 an adult education program provided under a high school diploma and
2-28 industry certification charter school program under Section
2-29 29.259.
2-30 (d-1) Notwithstanding Subsection (d)(1)(A) [~~(d)(1)~~], a
2-31 student is not considered a student at risk of dropping out of
2-32 school if the student did not advance from prekindergarten or
2-33 kindergarten to the next grade level only as the result of the
2-34 request of the student's parent.
2-35 SECTION 3. The heading for Section 29.259, Education Code,
2-36 is amended to read as follows:
2-37 Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY
2-38 CERTIFICATION CHARTER SCHOOL [~~PILOT~~] PROGRAM.
2-39 SECTION 4. Section 29.259, Education Code, is amended by
2-40 amending Subsections (b), (g), (j), and (m) and adding Subsections
2-41 (g-1), (i-1), and (i-2) to read as follows:
2-42 (b) The commissioner shall establish an adult high school
2-43 diploma and industry certification charter school [~~pilot~~] program
2-44 as provided by this section as a strategy for meeting industry needs
2-45 for a sufficiently trained workforce within the state.
2-46 (g) A person who is at least 18 [~~19~~] years of age and not
2-47 more than 50 years of age is eligible to enroll in the adult
2-48 education program under this section if the person [~~has not earned a~~
2-49 ~~high school equivalency certificate and~~]:
2-50 (1) has failed to complete the curriculum requirements
2-51 for high school graduation; or
2-52 (2) has failed to perform satisfactorily on an
2-53 assessment instrument required for high school graduation.
2-54 (g-1) In admitting students to the adult education program
2-55 under this section, the nonprofit entity shall give priority to a
2-56 person who has not earned a high school equivalency certificate.
2-57 (i-1) The adult education program offered under this
2-58 section must:
2-59 (1) use an instructional model in which at least 75
2-60 percent of instruction is delivered by a teacher in an in-person,
2-61 interactive classroom setting; and
2-62 (2) provide support services to students, including:
2-63 (A) child care at no cost to students;
2-64 (B) life coaching services, at a ratio not to
2-65 exceed one life coach for every 100 students, that use strategic and
2-66 holistic interventions designed to facilitate graduation planning
2-67 and assist students in overcoming life obstacles to achieve
2-68 academic and career goals;
2-69 (C) mental health counseling; and

3-1 (D) for students with identified disabilities or
3-2 impairments, instructional support services.

3-3 (i-2) If money is appropriated for a state fiscal year for
3-4 expansion of the program under this section, not later than June 30
3-5 of the state fiscal year in which the appropriation is made, the
3-6 nonprofit entity granted a charter under this section must submit
3-7 any request for approval of an expansion amendment. The expansion
3-8 amendment is considered approved if the commissioner does not
3-9 provide written notice to the nonprofit entity of the disapproval
3-10 of the expansion amendment on or before August 1.

3-11 (j) Funding for an adult education program under this
3-12 section is provided based on the following:

3-13 (1) for participants who are 26 years of age and older,
3-14 an amount per participant from available general revenue funds
3-15 appropriated for the ~~[pilot]~~ program equal to the statewide average
3-16 amount of state funding per student in weighted average daily
3-17 attendance that would be allocated under the Foundation School
3-18 Program to an open-enrollment charter school under Section 12.106
3-19 were the student under 26 years of age; and

3-20 (2) for participants who are at least 18 ~~[19]~~ years of
3-21 age and under 26 years of age, an amount per participant through the
3-22 Foundation School Program equal to the amount of state funding per
3-23 student in weighted average daily attendance that would be
3-24 allocated under the Foundation School Program for the student's
3-25 attendance at an open-enrollment charter school in accordance with
3-26 Section 12.106.

3-27 (m) The commissioner shall adopt rules necessary to
3-28 administer the ~~[pilot]~~ program under this section. In adopting
3-29 rules, the commissioner may modify charter school requirements only
3-30 to the extent necessary for the administration of a charter school
3-31 under this section that provides for adult education.

3-32 SECTION 5. Section 29.259(d), Education Code, as amended by
3-33 Chapter 98 (S.B. 276), Acts of the 85th Legislature, Regular
3-34 Session, 2017, is reenacted and amended to read as follows:

3-35 (d) Notwithstanding any other law and in addition to the
3-36 number of charters allowed under Subchapter D, Chapter 12, the
3-37 commissioner may, on the basis of an application submitted, grant a
3-38 charter under the ~~[pilot]~~ program to a single nonprofit entity
3-39 described by Subsection (e) to provide an adult education program
3-40 for individuals described by Subsection (g) to successfully
3-41 complete:

3-42 (1) a high school program that can lead to a diploma;
3-43 and

3-44 (2) career and technology education courses that can
3-45 lead to industry certification.

3-46 SECTION 6. Section 39.053, Education Code, is amended by
3-47 adding Subsection (g-4) to read as follows:

3-48 (g-4) For purposes of the computation of dropout and
3-49 completion rates such as high school graduation rates under
3-50 Subsection (c)(1)(B)(ix), the commissioner shall exclude a student
3-51 who was reported as having dropped out of school under Section
3-52 42.006(a-9), and the student may not be considered to have dropped
3-53 out from the school district or campus in which the student was last
3-54 enrolled.

3-55 SECTION 7. Section 42.003(a), Education Code, is amended to
3-56 read as follows:

3-57 (a) A student is entitled to the benefits of the Foundation
3-58 School Program if, on September 1 of the school year, the student:

3-59 (1) is 5 years of age or older and under 21 years of age
3-60 and has not graduated from high school, or is at least 21 years of
3-61 age and under 26 years of age and has been admitted by a school
3-62 district to complete the requirements for a high school diploma; or

3-63 (2) is at least 18 ~~[19]~~ years of age and under 26 years
3-64 of age and is enrolled in an adult high school diploma and industry
3-65 certification charter school ~~[pilot]~~ program under Section 29.259.

3-66 SECTION 8. Section 42.006, Education Code, is amended by
3-67 adding Subsections (a-8) and (a-9) to read as follows:

3-68 (a-8) The commissioner by rule shall require each school
3-69 district and open-enrollment charter school to annually report

4-1 through the Public Education Information Management System
4-2 information regarding the number of students who are enrolled in a
4-3 high school equivalency program, a dropout recovery school, or an
4-4 adult education program provided under a high school diploma and
4-5 industry certification charter school program provided by the
4-6 district or school and who:

4-7 (1) are at least 18 years of age and under 26 years of
4-8 age;

4-9 (2) have not previously been reported to the agency as
4-10 dropouts; and

4-11 (3) enroll in the program at the district or school
4-12 after not attending school for a period of at least nine months.

4-13 (a-9) A student reported under Subsection (a-8) as having
4-14 enrolled in a high school equivalency program, a dropout recovery
4-15 school, or an adult education program provided under a high school
4-16 diploma and industry certification charter school program must be
4-17 reported through the Public Education Information Management
4-18 System as having previously dropped out of school.

4-19 SECTION 9. This Act applies beginning with the 2019-2020
4-20 school year.

4-21 SECTION 10. To ensure accurate funding for students
4-22 enrolled in an adult high school diploma and industry certification
4-23 charter school program under Section 29.259, Education Code, as
4-24 amended by this Act, and the accurate collection, analysis, and
4-25 reporting of information regarding those students, as soon as
4-26 practicable after the effective date of this Act, the commissioner
4-27 of education shall update the Public Education Information
4-28 Management System as necessary to accommodate the reporting through
4-29 the system of information regarding students who are at least 26
4-30 years of age and not more than 50 years of age enrolled in such
4-31 programs.

4-32 SECTION 11. This Act takes effect immediately if it
4-33 receives a vote of two-thirds of all the members elected to each
4-34 house, as provided by Section 39, Article III, Texas Constitution.
4-35 If this Act does not receive the vote necessary for immediate
4-36 effect, this Act takes effect September 1, 2019.

4-37 * * * * *