

1-1 By: Watson, Campbell S.B. No. 591
 1-2 (In the Senate - Filed February 1, 2019; February 21, 2019,
 1-3 read first time and referred to Committee on Education;
 1-4 April 9, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 0; April 9, 2019,
 1-6 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 S.B. No. 591 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 eligibility of certain students for Foundation School Program
 1-26 benefits, and reporting requirements regarding certain students.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 12.137(a), Education Code, is amended to
 1-29 read as follows:

1-30 (a) This section applies only to:

1-31 (1) an open-enrollment charter school designated as a
 1-32 dropout recovery school as described by Section 12.1141(c) if the
 1-33 enrollment of the school consists only of students 17 years of age
 1-34 and older; and

1-35 (2) an adult education program provided under a high
 1-36 school diploma and industry certification charter school [~~pilot~~]
 1-37 program under Section 29.259.

1-38 SECTION 2. Sections 29.081(d) and (d-1), Education Code,
 1-39 are amended to read as follows:

1-40 (d) For purposes of this section, "student at risk of
 1-41 dropping out of school" includes each student who:

1-42 (1) is under 26 years of age and who:

1-43 (A) [~~(1)~~] was not advanced from one grade level
 1-44 to the next for one or more school years;

1-45 (B) [~~(2)~~] if the student is in grade 7, 8, 9, 10,
 1-46 11, or 12, did not maintain an average equivalent to 70 on a scale of
 1-47 100 in two or more subjects in the foundation curriculum during a
 1-48 semester in the preceding or current school year or is not
 1-49 maintaining such an average in two or more subjects in the
 1-50 foundation curriculum in the current semester;

1-51 (C) [~~(3)~~] did not perform satisfactorily on an
 1-52 assessment instrument administered to the student under Subchapter
 1-53 B, Chapter 39, and who has not in the previous or current school
 1-54 year subsequently performed on that instrument or another
 1-55 appropriate instrument at a level equal to at least 110 percent of
 1-56 the level of satisfactory performance on that instrument;

1-57 (D) [~~(4)~~] if the student is in prekindergarten,
 1-58 kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on
 1-59 a readiness test or assessment instrument administered during the
 1-60 current school year;

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

3-1 (C) mental health counseling; and
 3-2 (D) for students with identified disabilities or
 3-3 impairments, instructional support services.

3-4 (j) Funding for an adult education program under this
 3-5 section is ~~provided based on the following:~~

3-6 ~~[(1) for participants who are 26 years of age and~~
 3-7 ~~older, an amount per participant from available general revenue~~
 3-8 ~~funds appropriated for the pilot program equal to the statewide~~
 3-9 ~~average amount of state funding per student in weighted average~~
 3-10 ~~daily attendance that would be allocated under the Foundation~~
 3-11 ~~School Program to an open-enrollment charter school under Section~~
 3-12 ~~12.106 were the student under 26 years of age; and~~

3-13 ~~[(2) for participants who are at least 19 years of age~~
 3-14 ~~and under 26 years of age,] an amount per participant through the~~
 3-15 ~~Foundation School Program equal to the amount of state funding per~~
 3-16 ~~student in weighted average daily attendance that would be~~
 3-17 ~~allocated under the Foundation School Program for the student's~~
 3-18 ~~attendance at an open-enrollment charter school in accordance with~~
 3-19 ~~Section 12.106.~~

3-20 (m) The commissioner shall adopt rules necessary to
 3-21 administer the ~~[pilot]~~ program under this section. In adopting
 3-22 rules, the commissioner may modify charter school requirements only
 3-23 to the extent necessary for the administration of a charter school
 3-24 under this section that provides for adult education.

3-25 SECTION 5. Section 29.259(d), Education Code, as amended by
 3-26 Chapter 98 (S.B. 276), Acts of the 85th Legislature, Regular
 3-27 Session, 2017, is reenacted and amended to read as follows:

3-28 (d) Notwithstanding any other law and in addition to the
 3-29 number of charters allowed under Subchapter D, Chapter 12, the
 3-30 commissioner may, on the basis of an application submitted, grant a
 3-31 charter under the ~~[pilot]~~ program to a single nonprofit entity
 3-32 described by Subsection (e) to provide an adult education program
 3-33 for individuals described by Subsection (g) to successfully
 3-34 complete:

- 3-35 (1) a high school program that can lead to a diploma;
- 3-36 and
- 3-37 (2) career and technology education courses that can
- 3-38 lead to industry certification.

3-39 SECTION 6. Section 39.053, Education Code, is amended by
 3-40 adding Subsection (g-4) to read as follows:

3-41 (g-4) For purposes of the computation of dropout and
 3-42 completion rates such as high school graduation rates under
 3-43 Subsection (c)(1)(B)(ix), the commissioner shall exclude a student
 3-44 who was reported as having dropped out of school under Section
 3-45 42.006(a-9), and the student may not be considered to have dropped
 3-46 out from the school district or campus in which the student was last
 3-47 enrolled.

3-48 SECTION 7. Section 42.003(a), Education Code, is amended to
 3-49 read as follows:

3-50 (a) A student is entitled to the benefits of the Foundation
 3-51 School Program if, on September 1 of the school year, the student:

- 3-52 (1) is 5 years of age or older and under 21 years of age
- 3-53 and has not graduated from high school, or is at least 21 years of
- 3-54 age and under 26 years of age and has been admitted by a school
- 3-55 district to complete the requirements for a high school diploma; or
- 3-56 (2) is ~~[at least 19 years of age and under 26 years of~~
- 3-57 ~~age and is]~~ enrolled in an adult high school diploma and industry
- 3-58 certification charter school ~~[pilot]~~ program under Section 29.259.

3-59 SECTION 8. Section 42.006, Education Code, is amended by
 3-60 adding Subsections (a-8) and (a-9) to read as follows:

3-61 (a-8) The commissioner by rule shall require each school
 3-62 district and open-enrollment charter school to annually report
 3-63 through the Public Education Information Management System
 3-64 information regarding the number of students who are enrolled in a
 3-65 high school equivalency program, a dropout recovery school, or an
 3-66 adult education program provided under a high school diploma and
 3-67 industry certification charter school program provided by the
 3-68 district or school and who:

- 3-69 (1) are at least 18 years of age and under 26 years of

4-1 age;
 4-2 (2) have not previously been reported to the agency as
 4-3 dropouts; and
 4-4 (3) enroll in the program at the district or school
 4-5 after not attending school for a period of at least nine months.
 4-6 (a-9) A student reported under Subsection (a-8) as having
 4-7 enrolled in a high school equivalency program, a dropout recovery
 4-8 school, or an adult education program provided under a high school
 4-9 diploma and industry certification charter school program must be
 4-10 reported through the Public Education Information Management
 4-11 System as having previously dropped out of school.

4-12 SECTION 9. This Act applies beginning with the 2019-2020
 4-13 school year.

4-14 SECTION 10. To ensure accurate funding for students
 4-15 enrolled in an adult high school diploma and industry certification
 4-16 charter school program under Section 29.259, Education Code, as
 4-17 amended by this Act, and the accurate collection, analysis, and
 4-18 reporting of information regarding those students, as soon as
 4-19 practicable after the effective date of this Act, the commissioner
 4-20 of education shall update the Public Education Information
 4-21 Management System as necessary to accommodate the reporting through
 4-22 the system of information regarding students who are at least 26
 4-23 years of age and not more than 50 years of age enrolled in such
 4-24 programs.

4-25 SECTION 11. This Act takes effect immediately if it
 4-26 receives a vote of two-thirds of all the members elected to each
 4-27 house, as provided by Section 39, Article III, Texas Constitution.
 4-28 If this Act does not receive the vote necessary for immediate
 4-29 effect, this Act takes effect September 1, 2019.

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