

1-1 By: Creighton S.B. No. 2032
 1-2 (In the Senate - Filed March 9, 2023; March 9, 2023, read
 1-3 first time and referred to Committee on Education; April 17, 2023,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 10, Nays 0; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Creighton	X			
1-8 Campbell	X			
1-9 Bettencourt	X			
1-10 Birdwell			X	
1-11 Flores	X			
1-12 King			X	
1-13 LaMantia	X			
1-14 Menéndez	X			
1-15 Middleton	X			
1-16 Parker	X			
1-17 Paxton	X			
1-18 Springer			X	
1-19 West	X			

1-21 COMMITTEE SUBSTITUTE FOR S.B. No. 2032 By: Flores

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to adult high school charter school programs.
 1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-26 SECTION 1. Section 12.251, Education Code, is amended by
 1-27 amending Subdivision (1) and adding Subdivision (1-a) to read as
 1-28 follows:
 1-29 (1) "Adult education" means services and instruction
 1-30 provided below the college level for adults by an eligible [~~a~~
 1-31 ~~nonprofit~~] entity granted a charter under this subchapter.
 1-32 (1-a) "Eligible entity" means an entity described by
 1-33 Section 12.256.
 1-34 SECTION 2. Sections 12.255(a), (b), and (c), Education
 1-35 Code, are amended to read as follows:
 1-36 (a) Notwithstanding any other law and in addition to the
 1-37 number of charters allowed under Subchapter D, the commissioner
 1-38 may, subject to Subsection (c) and on the basis of an application
 1-39 submitted, grant a charter under the program to an eligible entity
 1-40 [~~a nonprofit entity described by Section 12.256~~] to provide an
 1-41 adult education program for individuals described by Section 12.258
 1-42 to successfully complete:
 1-43 (1) a high school program that can lead to a diploma;
 1-44 and
 1-45 (2) career and technology education courses that can
 1-46 lead to industry certification.
 1-47 (b) An eligible [~~A nonprofit~~] entity, other than the
 1-48 nonprofit entity granted a charter under former Section 29.259, is
 1-49 not entitled to an automatic grant of a charter under this
 1-50 subchapter on the basis that the entity holds a charter or operates
 1-51 a charter school under another provision of this chapter.
 1-52 (c) Subject to Subsection (d), the commissioner may not
 1-53 grant more than 10 [~~two charters in a calendar year or more than~~
 1-54 ~~six~~] charters [~~total~~] under this subchapter. [~~In granting~~
 1-55 ~~charters, the commissioner may not grant:~~
 1-56 [~~(1) a charter before September 1, 2023, or~~
 1-57 [~~(2) a total of more than:~~
 1-58 [~~(A) two charters before September 1, 2024, or~~
 1-59 [~~(B) four charters before September 1, 2026.~~]
 1-60 SECTION 3. Section 12.256, Education Code, is amended to

2-1 read as follows:

2-2 Sec. 12.256. ELIGIBLE ENTITIES ~~[CHARTER HOLDER~~
2-3 ~~QUALIFICATIONS]~~. An [A nonprofit] entity is eligible for [may be
2-4 ~~granted] a charter to operate an adult education program under this~~
2-5 ~~subchapter [only] if:~~

2-6 (1) the entity is:

2-7 (A) a nonprofit entity;
2-8 (B) a school district;
2-9 (C) an entity granted a charter under Subchapter
2-10 D; or

2-11 (D) a general academic teaching institution or
2-12 public junior college, as those terms are defined by Section
2-13 61.003; and

2-14 (2) the entity, or a member of the entity's executive
2-15 leadership, has a successful history of providing education
2-16 services, including industry certifications and job placement
2-17 services, to adults 18 years of age and older whose educational and
2-18 training opportunities have been limited by educational
2-19 disadvantages, disabilities, homelessness, criminal history, or
2-20 similar marginalizing circumstances.

2-21 SECTION 4. Subchapter G, Chapter 12, Education Code, is
2-22 amended by adding Section 12.2565 to read as follows:

2-23 Sec. 12.2565. APPLICATION PROCESS. (a) The commissioner
2-24 shall accept applications for a charter to operate an adult
2-25 education program under this subchapter during the 60-day period
2-26 beginning on September 1 of each year.

2-27 (b) The commissioner shall provide each applicant with:

2-28 (1) not later than the 60th day following the last day
2-29 of the period described by Subsection (a):

2-30 (A) written notice of the commissioner's
2-31 preliminary decision to grant or deny the charter; and
2-32 (B) a written explanation of the reasons for
2-33 denying the charter, if applicable; and

2-34 (2) an opportunity to cure any defects in the
2-35 application, if applicable.

2-36 SECTION 5. Section 12.257(a), Education Code, is amended to
2-37 read as follows:

2-38 (a) An eligible [A nonprofit] entity must include in its
2-39 charter application the information required by Subsection (b).

2-40 SECTION 6. Section 12.258(b), Education Code, is amended to
2-41 read as follows:

2-42 (b) In admitting students to an adult education program
2-43 operated under a charter granted under this subchapter, an eligible
2-44 [a nonprofit] entity shall give priority to a person who has not
2-45 earned a high school equivalency certificate.

2-46 SECTION 7. Section 12.259, Education Code, is amended by
2-47 amending Subsection (b) and adding Subsection (c) to read as
2-48 follows:

2-49 (b) An eligible [A nonprofit] entity granted a charter under
2-50 this subchapter may partner with a public junior college or a
2-51 provider or organization approved by the Texas Workforce Commission
2-52 to provide career and technology courses that lead to industry
2-53 certification through an adult education program described by
2-54 Subsection (a).

2-55 (c) An entity described by Section 12.256(1)(B), (C), or (D)
2-56 to whom a charter is granted under this subchapter may contract with
2-57 a nonprofit entity that is an eligible entity to operate an adult
2-58 education program described by Subsection (a).

2-59 SECTION 8. Section 12.261, Education Code, is amended to
2-60 read as follows:

2-61 Sec. 12.261. EXPANSION AMENDMENT. (a) Not later than June
2-62 30 of each year, an eligible [a nonprofit] entity granted a charter
2-63 under this subchapter must submit any request for approval of an
2-64 expansion amendment intended to take effect the next school year.

2-65 (b) An expansion amendment submitted under Subsection (a)
2-66 is considered approved if the commissioner does not provide written
2-67 notice to the eligible [nonprofit] entity of the disapproval of the
2-68 expansion amendment on or before August 1.

2-69 SECTION 9. Section 12.262(e), Education Code, is amended to

3-1 read as follows:

3-2 (e) The commissioner may revoke a charter to operate an
3-3 adult education program granted under this subchapter if the
3-4 charter's adult education program fails to meet the minimum
3-5 performance standards established by commissioner rule on the
3-6 applicable accountability framework adopted under this section for
3-7 three consecutive school years after the second [~~first~~] year of
3-8 operation.

3-9 SECTION 10. Section 12.263(f), Education Code, as effective
3-10 September 1, 2023, is amended to read as follows:

3-11 (f) In addition to funding provided under Subsection (a), an
3-12 eligible [~~a nonprofit~~] entity granted a charter under this
3-13 subchapter is entitled to receive for the adult education program
3-14 an annual allotment, provided in accordance with a schedule
3-15 established by commissioner rule, equal to the maximum basic
3-16 allotment under Section 48.051(a) or (b) multiplied by:

3-17 (1) for each credit earned by a student enrolled in the
3-18 adult education program during the preceding school year:

3-19 (A) 0.01 for a course other than a career and
3-20 technology education course; and

3-21 (B) 0.02 for a career and technology education
3-22 course; and

3-23 (2) 0.1 for each student who successfully completed
3-24 the adult education program and earned a high school diploma during
3-25 the preceding school year.

3-26 SECTION 11. Section 12.264, Education Code, is amended to
3-27 read as follows:

3-28 Sec. 12.264. GIFTS, GRANTS, AND DONATIONS. (a) The
3-29 commissioner or an adult education program operated under a charter
3-30 granted under this subchapter may accept gifts, grants, or
3-31 donations from any public or private source to be used for purposes
3-32 of this subchapter.

3-33 (b) From any gifts, grants, or donations appropriated or
3-34 otherwise available to the commissioner for the purpose, the
3-35 commissioner shall provide to an eligible entity granted a charter
3-36 under this subchapter funding for costs associated with
3-37 implementing an adult education program operated under the charter
3-38 not later than the 45th day after the date the charter is granted.

3-39 SECTION 12. Section 12.265, Education Code, is amended by
3-40 amending Subsection (a) and adding Subsection (c) to read as
3-41 follows:

3-42 (a) The commissioner shall adopt rules necessary to
3-43 administer the program under this subchapter, including rules to
3-44 implement and administer:

3-45 (1) the reporting requirements under Section
3-46 12.252(b)(2)(A);

3-47 (2) the application process under Section 12.2565; and

3-48 (3) [~~(2)~~] the evaluation provisions under Section
3-49 12.262.

3-50 (c) In adopting rules, the commissioner may establish a
3-51 maximum number of students who may be enrolled in an adult education
3-52 program operated under a charter granted under this subchapter.

3-53 SECTION 13. Section 12.255(e), Education Code, is repealed.

3-54 SECTION 14. This Act applies beginning with the 2023-2024
3-55 school year.

3-56 SECTION 15. Not later than August 31, 2023, the
3-57 commissioner of education shall adopt rules under Section 12.265,
3-58 Education Code, as amended by this Act.

3-59 SECTION 16. This Act takes effect immediately if it
3-60 receives a vote of two-thirds of all the members elected to each
3-61 house, as provided by Section 39, Article III, Texas Constitution.
3-62 If this Act does not receive the vote necessary for immediate
3-63 effect, this Act takes effect September 1, 2023.

3-64 * * * * *