

SUBJECT: Expanding, funding, regulating adult high school charter school program

COMMITTEE: Public Education — committee substitute recommended

VOTE: 13 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, King, Meza, Talarico, VanDeaver

0 nays

WITNESSES: For — Traci Berry, The Excel Center for Adults; Norberto Ponce; *(Registered, but did not testify:* Shannon Meroney, BASF Corporation; Taylor Landin, Greater Houston Partnership; Addie Gomez, KIPP Texas Public Schools; Jessica Shopoff, Learn4Life; Grover Campbell, TASB; J.D. Hale, Texas Association of Builders; Barry Haenisch, Texas Association of Community Schools; Lori Henning, Texas Association of Goodwills; Mike Meroney, Texas Association of Manufacturers; Casey McCreary, Texas Association of School Administrators; Chris Noonan, Texas Chemical Council; Starlee Coleman, Texas Public Charter School Association; Erin Valdez, Texas Public Policy Foundation; Molly Weiner, United Ways of Texas; Knox Kimberly, Upbring; Daniela Rubio, Austin Achieve; Annemarie Donnelly; Amanda List)

Against — None

On — Josh Sanderson, Equity Center; *(Registered, but did not testify:* Eric Marin, Leonardo Lopez, Monica Martinez, and Heather Mauze, Texas Education Agency)

BACKGROUND: Education Code sec. 29.259 establishes an adult high school diploma and industry certification charter school program to provide services and instruction below the college level for adults by a nonprofit entity. Under sec. 29.259(b) the education commissioner is required to establish the program as a strategy for meeting industry needs for a sufficiently trained workforce.

Under sec. 29.259(d) the commissioner may grant a charter under the

program to a single nonprofit entity to provide an adult education program for certain individuals to successfully complete a high school program that can lead to a diploma and career and technology education courses that can lead to industry certification. Under sec. 29.259(g), individuals who are 18 to 50 years old are eligible for the program if they have failed to complete the curriculum requirements for high school graduation or failed to perform satisfactorily on an assessment instrument required for high school graduation.

Concerns have been raised about the number of Texans lacking a high school diploma and adequate job training. Some have suggested that expanding and investing in the successful adult charter school program providing high school diploma and job training would help address these challenges.

DIGEST:

CSHB 1942 would expand the adult high school diploma and industry certification charter school program, create an advisory committee to make recommendations on the program to the education commissioner, and establish a regulatory and funding framework for the program. The bill would change the name of the program to the Adult High School Charter School Program, and the purposes of the program would be expanded to include strengthening the economic and educational prosperity of the state.

Advisory committee. The bill would create an advisory committee to make recommendations to the education commissioner on a secondary exit-level assessment tool adopted or developed for the program and the accountability framework for the program.

The committee would be composed of the following seven members:

- one member appointed by the governor;
- one member appointed by the lieutenant governor;
- one member appointed by House speaker;
- one member appointed by the education commissioner;
- one member appointed by the executive director of the Texas

- Workforce Commission;
- one member appointed by the commissioner of higher education; and
 - the superintendent of the charter school currently operating under the program.

The governor would designate the presiding officer, and all members appointed to the committee would have to have experience or expertise in adult or workforce education.

Number of charters. The bill would expand the number of charters that could be granted under the program from a single charter under current law to a total of six charters that could be granted according to a timeline established by the bill.

A nonprofit entity, other than the entity granted a charter under current law, would not be entitled to an automatic grant of a charter under this subchapter on the basis that it held a charter for or operated a different type of charter schools.

The commissioner could not grant more than two charters in a calendar year or more than six charters total under the program. No charters could be granted before September 1, 2023. Two charters could be granted before September 1, 2024, and an additional four could be granted before September 1, 2026. An entity previously granted a charter under the program would not count toward this limit.

The bill would limit enrollment in an adult education program operated under a charter to no more than 350 students in the first two years after the charter was granted. A charter previously granted under the program would not be subject to this limit, regardless of whether that charter was transferred to another entity.

The bill would eliminate a requirement that an entity receiving a charter agree to commit at least \$1 million to the adult education program.

Adult education program. The bill would revise requirements for the program's instructional model and would require that the model be approved by the commissioner. The bill also would establish new requirements that the programs provide access to career and technical courses that lead to an industry certification, career readiness training, postsecondary counseling, and job-placement services, and for them to provide transportation assistance.

In addition to current authority for entities granted a charter to partner with public junior colleges, the bill would allow them to partner with a provider or organization approved by the Texas Workforce Commission.

Assessment instrument. The bill would allow TEA, working with the advisory committee, to develop the currently required standardized secondary exit-level assessment instrument.

The bill would require TEA for a school year before the 2025-2026 year, to adopt and administer the Algebra I, English II, and biology end-of-course assessment instruments as the required exit-level assessment required for the program.

Accountability. The accountability framework that the TEA commissioner currently is responsible for developing and adopting for the program would be revised. The bill would establish specific items that had to be measured, as well as revise the current performance measures and require that they be used for any school year before the 2024-2025 school year. The commissioner would be required to adopt a separate accountability framework for adult education programs located in a correctional facility.

The commissioner would be authorized to revoke a charter to operate an adult education program granted if the charter failed to meet the minimum performance standards for three consecutive school years after its first year of operation.

Funding. The bill would revise statutes governing the funding of adult

education programs. Funding for a school year before 2023-2024, would be provided as it was for a program operating under current law for the 2020-21 school year.

After that, specific provisions governing funding for students 26 and older would be eliminated and Foundation School Fund funding for all students would be determined as it is under current law for those under 26. The bill would establish provisions to determine the average daily attendance of an adult education program operating under the bill and for reporting for and receiving the compensatory allotment. The bill also would make entities granted a charter under the bill entitled to an annual allotment provided in accordance with a schedule established by the commissioner under provisions in the bill.

Other provisions. A nonprofit entity granted a charter under current law would continue to be valid if the bill were enacted. The entity would have to apply to renew the charter to continue operating on or after September 1, 2025. An entity granted a charter under current law could transfer the charter to another nonprofit entity subject to the approval of the commissioner of education. To the extent of any conflict, HB 1942 would prevail over another act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

The bill would repeal certain requirements related to the commissioner adopting rules relating to implementing and administering certain reporting and evaluating provisions of current law.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about \$1.6 million to general revenue through fiscal 2023.