

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 591
By: Watson
Education
4/7/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 591 modifies the adult charter school program both in terms of financing of the program and eligibility to transition it from being a pilot program to a permanent one. This bill first unifies the funding stream to be fully within the FSP. However, this change is only a method of finance change and does not provide an unlimited entitlement for these schools, as their appropriation is still set by a rider in the budget.

S.B. 591 also makes certain reporting and structural changes that makes the administration of the program easier for TEA. These changes also bring necessary changes to ensure the accountability of this program aligns with that of other schools.

C.S.S.B. 591 amends current law relating to an adult education program provided under an adult high school diploma and industry certification charter school program, eligibility of certain students for Foundation School Program benefits, and reporting requirements regarding the dropout status of certain students.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 8 (Section 42.006, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 4 (Section 29.259, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.137(a), Education Code, to provide that this section (Certain Charter Holders Authorized to Provide Combined Services For Certain Adult and High School Dropout Recovery Programs) applies to certain entities, including an adult education program provided under a high school diploma and industry certification charter school program, rather than a high school diploma and industry certification charter school pilot program, under Section 29.959.

SECTION 2. Amends Sections 29.801(d) and (d-1), as follows:

(d) Includes in the definition of "student at risk of dropping out of high school" a student who, regardless of the student's age, participates in an adult education program under a high school diploma and industry certification charter school program under Section 29.259.

(d-1) Provides that, notwithstanding Subsection (d)(1)(A), rather than Subsection (d)(1), a student is not considered a student at risk of dropping out of school if the student did not advance from prekindergarten or kindergarten to the next grade level only as the result of the request of the student's parent.

SECTION 3. Amends the heading to Section 29.259, Education Code, to read as follows:

Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION CHARTER SCHOOL PROGRAM.

SECTION 4. Amends Section 29.259, Education Code, by amending Subsections (b), (g), (j), and (m) and adding Subsections (g-1) and (i-1), as follows:

(b) Requires the commissioner of education (commissioner) to establish an adult high school diploma and industry certification charter school program, rather than pilot program, as provided by this section as a strategy for meeting industry needs for a sufficiently trained workforce within the state.

(g) Provides that a person who is at least 18, rather than 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 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. Removes a clause that states a person is eligible to enroll in the adult education program if the person has not earned a high school equivalency certificate.

(g-1) Requires the nonprofit entity, in admitting students to the adult education program under this section, to give priority to a person who has not earned a high school equivalency certificate.

(i-1) Requires the adult education program under this section to:

(1) use an instrumental model in which at least 75 percent of instruction is delivered by a teacher in an in-person, interactive classroom setting; and

(2) provide support services to students, including;

(A) child-care at no cost to students;

(B) life coaching services, at a ratio not to exceed one life coach for every 100 students, that use strategic and holistic interventions designed to facilitate graduation planning and assist students in overcoming life obstacles to achieve academic and career goals;

(C) mental health counseling; and

(D) for students with identified disabilities or impairments, instructional support services.

(j) Provides that funding for an adult education program under this section is an amount per participant through the Foundation School Program equal to the 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 an open-enrollment charter school in accordance with Section 12.106 (State Funding). Deletes existing text providing that funding for an adult education program under this section is provided based on criteria related to the age of participants.

(m) Requires the commissioner to adopt rules necessary to administer the program, rather than the pilot program, under this section.

SECTION 5. Reenacts and amends Section 29.259(d), Education Code, as amended by Chapter 98 (S.B. 276), Acts of the 85th Legislature, Regular Session, 2017, to replace a reference to the pilot program with a reference to the program.

SECTION 6. Amends Section 39.053, Education Code, by adding Subsection (g-4), as follows:

(g-4) Requires the commissioner, for purposes of the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix) (relating to evaluating school districts and campuses based on student achievement indicators, including performance of high school campus graduation rates), to exclude a student who was reported as having dropped out of school under Section 42.006(a-9), and prohibits the student from being considered to have dropped out from the school district or campus in which the student was last enrolled.

SECTION 7. Amends Section 42.003(a), Education Code, to delete existing text that entitles a student to the benefits of the Foundation School Program if, on September 1 of the school year, the student is at least 19 years of age and under 26 years of age. Makes a conforming change.

SECTION 8. Amends Section 42.006, Education Code, by adding Subsections (a-8) and (a-9), as follows:

(a-8) Requires the commissioner by rule to require each school district and open-enrollment charter school to annually report through the Public Education Information Management System (PEIMS) information regarding the number of students who are enrolled in a high school equivalency program, a dropout recovery school, or an adult education program provided under a high school diploma and industry certification charter school program provided by the district or school and who:

- (1) are at least 18 years of age and under 26 years of age;
- (2) have not previously been reported to the Texas Education Agency as dropouts; and
- (3) enroll in the program at the program at the district or school after not attending school for a period of at least nine months.

(a-9) Requires a student reported under Subsection (a-8) as having enrolled in a high school equivalency program, a dropout recovery school, or an adult education program provided under a high school diploma and industry certification charter school program to be reported through the PEIMS as having previously dropped out of school.

SECTION 9. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 10. Requires the commissioner, to ensure accurate funding for students enrolled in an adult high school diploma and industry certification charter school program under Section 29.259, Education Code, as amended by this Act, and the accurate collection, analysis, and reporting of information regarding those students, as soon as practicable after the effective date of this Act, to update the PEIMS as necessary to accommodate the reporting through the system of information regarding students who are at least 26 years of age and not more than 50 years of age enrolled in such programs.

SECTION 11. Effective date: upon passage or September 1, 2019.