

BILL ANALYSIS

Senate Research Center
85R21850 PAM-D

C.S.S.B. 276
By: Watson
Education
4/7/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 276 eliminates the cap of 150 students for the adult high school diploma and industry certification charter school pilot program. This program allows adults who have not received a high school diploma to obtain that credential in order to increase their earning potential and have greater success in the job market. There are hundreds of students currently on the waiting list for this program.

The committee substitute also makes some changes to this program which remove a burdensome report created by the Texas Education Agency annually, while preserving the information under more traditional performance reporting. Additionally, under the bill as substituted, the school will be required to adhere to the requirements of a traditional charter school except in limited instances where the school will perform additional reporting on metrics more specific to a school such as this, like increases in student salaries and successful enrollment in an institution of higher education. Finally, the substitute clarifies that the program cannot be expanded unless an appropriation is provided for such a purpose in the budget.

C.S.S.B. 276 amends current law relating to an adult high school diploma and industry certification charter school pilot program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.259, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.259, Education Code, by amending Subsections (d) and (i) and adding Subsections (n), (o), (p), and (q), and (r), as follows:

(d) Authorizes the commissioner of education (commissioner), rather than a charter under the pilot program, notwithstanding any other law and in addition to the number of charters allowed under Subchapter D (Open-Enrollment Charter School), Chapter 12 (Charters), to, on the basis of an application submitted, grant a charter under the pilot program to a single nonprofit entity described by Subsection (e) (relating to certain conditions necessary for the granting of a charter to a nonprofit entity) to provide an adult education program for individuals described by Subsection (g) (relating to requirements for eligibility to enroll in the program), rather than an adult education program for not more than 150 individuals described by Subsection (g), to successfully complete certain programs or courses. Makes a nonsubstantive change.

(i) Requires a charter granted under this section (Adult High School Diploma and Industry Certification Charter School Pilot Program) to:

(1) makes no changes to this subdivision;

(2) establish specific, objective standards for receiving a high school diploma, including:

(A) successful completion of, if applicable to the program participant, the curriculum requirements under Section 28.025 (High School Diploma and Certificate; Academic Achievement Record) or the appropriate curriculum requirements applicable to the program participant; and

(B) creates this paragraph from existing text and makes no further changes to this paragraph.

(n) Provides that an adult education program operated under a charter granted under this section is subject to:

(1) a provision of this title (Public Education) establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary as determined by the commissioner to monitor compliance with this section and, as applicable, Subchapter D, Chapter 12;

(B) criminal history records under Subchapter C (Criminal History Records), Chapter 22 (School District Employees and Volunteers);

(C) high school graduation requirements under Section 28.025, to the extent applicable to a program participant;

(D) special education programs under Subchapter A (Special Education Program), Chapter 29 (Educational Programs);

(E) bilingual education under Subchapter B (Bilingual Education and Special Language Programs), Chapter 29;

(F) health and safety under Chapter 38 (Health and Safety);

(G) the requirement under Section 21.006 (Requirement to Report Misconduct); and

(H) the right of an employee to report a crime, as provided by Section 37.148 (Right to Report Crime).

(o) Requires the commissioner to develop and adopt performance frameworks that establish standards by which to measure the performance of an adult high school program operated under a charter granted under this section in a manner consistent with the requirements provided for an open-enrollment charter school under Sections 12.1181(a) (relating to requiring the commissioner to adopt rules relating to performance frameworks that establish certain standards) and (b) (relating to authorizing performance frameworks to include a variety of standards). Requires the commissioner to include in the performance frameworks adopted under this subsection the following performance indicators:

(1) the percentage of program participants who performed satisfactorily on the standardized secondary exit-level assessment instrument described by Subsection (c) (relating to requiring the Texas Education Agency to adopt and administer certain exit-level assessment instruments);

(2) the percentage of program participants who successfully completed the high school program and earned a high school diploma;

(3) the percentage of program participants who successfully completed career and technology education courses and obtained industry certification;

(4) the percentage of program participants who have enrolled in an institution of higher education (IHE) or private or independent IHE, as those terms are defined under Section 61.003 (Definitions); and

(5) the percentage of program participants who earned a wage, salary, or other income increase that was significant as determined and reported by the Texas Workforce Commission.

(p) Requires the commissioner, each year, to evaluate the performance of an adult high school program operated under a charter granted under this section based on the applicable performance frameworks adopted under Subsection (o).

(q) Requires the commissioner to adopt rules as necessary to implement and administer the reporting requirements under Subsection (n)(2)(A) and the evaluation provisions of Subsections (o) and (p).

(r) Authorizes the commissioner or an adult education program operated under a charter granted under this section to accept gifts, grants, or donations from any public or private source to be used for purposes of this section.

SECTION 2. Repealer: Section 29.259(l) (relating to requiring the Texas Education Agency to prepare and deliver a certain report), Education Code.

SECTION 3. Provides that Section 29.259(p), Education Code, as added by this Act, applies beginning with the 2017-2018 school year.

SECTION 4. Provides that Section 29.259(d), Education Code, as amended by this Act, takes effect only if a specific appropriation is provided for additional funding for the increase in the number of program participants above 150 in a general appropriations act of the 85th Legislature.

SECTION 5. Effective date: upon passage or September 1, 2017.