ATTACHMENT I

Statutory Citations Relating to Discussion of Proposed Revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter B, Adult Basic and Secondary Education

Texas Education Code, §7.102, State Board of Education Powers and Duties (excerpt).

(c)(16) The board shall adopt rules for approving adult education programs as required under Section 29.253 and may establish an adult education advisory committee under Section 29.254.

Texas Education Code, §29.253, Provision of Adult Education Programs.

Adult education programs shall be provided by public school districts, public junior colleges, public universities, public nonprofit agencies, and community-based organizations approved in accordance with state statutes and rules adopted by the State Board of Education. The programs must be designed to meet the education and training needs of adults to the extent possible within available public and private resources. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development.

General Appropriations Act, Senate Bill 1, Article III, Education, Rider 46, Adult Education, 81st Texas Legislature, 2009 (excerpt).

It is the intent of the Legislature that the agency shall allocate state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development, based on need for persons 18 years of age or older who have not received a high school diploma. Funds available to a service area in which there is no eligible service provider providing student contact hours shall be distributed proportionally by the agency to other eligible service providers in the county. If there are no other eligible service providers in the county, the funds allocated for that county shall be distributed proportionally by the agency throughout the state to eligible service providers by service area. Service providers providing student contact hours for the 2008-09 school year are entitled to at least the same level of student contact hours in the 2009-2010 and 2010-2011 school years as the service provider provided in the 2008-09 school year. It is the intent of the Legislature that the agency by rule or the Legislature by enactment of an Act of the Eighty-first Legislature, Regular Session, shall establish that service providers of adult education shall be paid on a student contact hour and student performance basis and shall require that the total number of eligible student contact hours must be based on the student's level of performance on a designated literacy or basic skills test so that the number of eligible student contact hours funded is increased for a student with a lower performance level.