

BILL ANALYSIS

C.S.H.B. 2984
By: Hupp
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Communities In Schools (CIS) program is designed to help young people of Texas stay in school and successfully learn to prepare for life by coordinating needed community resources in the school setting. Currently, Communities In Schools is operated under the Department of Protective and Regulatory Services (DPRS). House Bill 2984 would transfer the CIS program from DPRS to the Texas Education Agency (TEA). Moving the CIS program from DPRS to TEA would allow for better utilization of this program.

RULEMAKING AUTHORITY

This bill expressly delegates rulemaking authority to the Texas Education Agency in SECTION 1 (Section 33.155, Education Code) and to the secretary of state in SECTION 3 of this bill.

ANALYSIS

CSHB 2984 amends the Family Code by setting forth definitions pertaining to the meaning of “Department,” “Communities In Schools (CIS) program,” “delinquent conduct,” and a “student at risk of dropping out of school.” The bill provides for the operation of the CIS program under Chapter 305, Labor Code as that chapter existed on August 31, 1999, and programs established under this subchapter will remain eligible to participate in CIS if funds are available and if their performance meets agency criteria. The bill provides that the commissioner designate a state director for the CIS program.

CSHB 2984 requires the Department of Protective and Regulatory Services (DPRS), the Texas Education Agency (TEA), and CIS to work together to maximize the effectiveness of the CIS program. The bill provides for the roles of the agency and department, and requires TEA to develop and implement an equitable formula for funding of local CIS programs. The bill requires an elementary or secondary school receiving funding to participate in a local CIS program under certain circumstances. The bill authorizes the TEA to accept donations of services or money or other property and requires the TEA to report and maintain certain information about donations in its public records. The bill provides that block grant funding under this section does not apply to certain programs and to the CIS program under Subchapter E, Chapter 33, Education Code, to the extent that funds are available to the commission for that program.

CSHB 2984 requires that on September 1, 2003:

- all powers, duties, functions, and activities relating to the CIS program assigned to or performed by the DPRS transferred to the Texas Education Agency;
- all funds, rights, obligations, and contracts of the DPRS related to the CIS program are transferred to the Texas Education Agency;
- all property and records in the custody of the DPRS related to the CIS program are transferred to the TEA; and
- all employees of the DPRS who primarily perform duties related to the CIS program become

employees of the TEA, to be assigned duties related to the CIS program.

CSHB 2984 provides that all full-time equivalent positions for the CIS are transferred to the TEA. The bill provides that a reference in law or administrative rule to the DPRS or the DPRS' executive director that relates to the CIS program means the TEA and the commissioner of education, respectively. The bill provides that a rule of the DPRS relating to the CIS program continues in effect as a rule of the commissioner of education until superseded by rule of the commissioner of education, and the secretary of state is authorized to adopt rules as necessary to expedite the implementation of this subsection. The bill provides that the transfer of the CIS program and associated powers, duties, functions, and activities under this Act does not affect or impair any act done, any obligation, right, order, license, permit, rule, criterion, standard, or requirement existing, and investigation begun, or any penalty accrued from law, and that law remains in effect for any action concerning these matters. The bill provides that an action brought or proceeding commenced before September 1, 2003, including a contested case or a remand of any action or proceeding by a reviewing court, is governed by the law and rules applicable to the action or proceeding immediately before September 1, 2003.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2984 varies from the original by adding definitions pertaining to the meaning of "Department," "Communities In Schools (CIS) program," "delinquent conduct," and a "student at risk of dropping out of school." The bill provides for the operation of the CIS program under Chapter 305, Labor Code as that chapter existed on August 31, 1999, and programs established under this subchapter will remain eligible to participate in CIS if funds are available and if their performance meets agency criteria.

CSHB 2984 requires the Department of Protective and Regulatory Services (DPRS), the Texas Education Agency (TEA), and CIS to work together to maximize the effectiveness of the CIS program. The bill provides for the roles of the agency and department, and requires TEA to develop and implement an equitable formula for funding of local CIS programs. The bill requires an elementary or secondary school receiving funding to participate in a local CIS program under certain circumstances. HB 2984 provided that the TEA and DPRS, not later than January 1, 2004, enter into a memorandum of understanding under which the CIS program was transferred to the TEA, using a memorandum of understanding to transfer certain items from the DPRS to the TEA.

CSHB 2984 provides that block grant funding under this section does not apply to certain programs and to the CIS program under Subchapter E, Chapter 33, Education Code, to the extent that funds are available to the commission for that program. The bill requires the transfer of all powers, duties, functions, rights, activities, funds, obligations, contracts, property, records, employees, references in law or administrative rule related to the CIS program and currently assigned to the DPRS or its executive director to the TEA or its commissioner of education on September 1, 2003. The bill provides that the transfer of the CIS program and associated powers, duties, functions, and activities under this Act does not affect or impair any act done, any obligation, right, order, license, permit, rule, criterion, standard, or requirement existing, and investigation begun, or any penalty accrued from law, and that law remains in effect for any action concerning these matters. The bill provides that a rule of the DPRS relating to the CIS program continues in effect as a rule of the commissioner of education until superseded by rule of the commissioner of education, and the secretary of state is authorized to adopt rules as necessary to expedite the implementation of this subsection. The bill provides that an action brought or proceeding commenced before September 1, 2003, including a contested case or a remand of any action or proceeding by a

reviewing court, is governed by the law and rules applicable to the action or proceeding immediately before September 1, 2003.