

BILL ANALYSIS

S.B. 1038
By: Barrientos
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Communities In Schools (CIS) program is housed in the Texas Department of Protective and Regulatory Service (DPRS). The primary function of CIS is to prevent public school dropout and is an effective program, with 92 percent of the students managed by the CIS remaining in school. S.B. 1038 moves CIS to the Texas Education Agency (TEA). Moving the CIS program from DPRS to TEA and housing it in the Dropout Division of TEA, allows the state to better utilize this program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 3 of this bill. Rules adopted under rulemaking authority previously granted to the Department of Protective and Regulatory Services relating to the Communities In Schools program are continued as rules of the commissioner of education until superseded by rules of the commissioner of education in SECTION 3 of this bill.

ANALYSIS

SECTION 1. Amends, Subchapter I, Chapter 264, Family Code, by transferring it to Chapter 33, Education Code, and redesignating it as Subchapter E, Chapter 33, Education Code, and amending it to read as follows: SUBCHAPTER E. COMMUNITIES IN SCHOOLS PROGRAM

Sec. 33.151. Redesignated from 264.751. DEFINITIONS. Defines "department." Redefines "delinquent conduct" and "student at risk of dropping out of school."

Sec. 33.152. Redesignated from 264.752. STATEWIDE OPERATION OF PROGRAM. Provides that it is the intent of the legislature that programs established under Chapter 305 (Texas Career Opportunity Grant Program) Labor Code, as that chapter existed on August 31, 1999, and its predecessor statute, the Texas Unemployment Compensation Act (Article 5221b-9d, V.T.C.S), and programs established under this subchapter shall remain eligible to participate in the Communities In Schools program if funds are available and if their performance meets the criteria established by the Texas Education Agency (TEA), rather than the Department of Protective and Regulatory Services (DPRS), for renewal of their contracts.

Sec. 33.153. Redesignated from 264.753. STATE DIRECTOR. Requires the commissioner of education, rather than executive director of DPRS, to designate a state director for the Communities In Schools Program.

Sec. 33.154. Redesignated from 264.754. DUTIES OF STATE DIRECTOR. No changes in this section.

Sec. 33.155. Redesignated from 264.755. New heading: DEPARTMENT COOPERATION; MEMORANDUM OF UNDERSTANDING. Requires TEA, DPRS, and Communities In Schools, Inc. to develop and agree to a memorandum of understanding to clearly define the responsibilities of the TEA and of DPRS under this subchapter. Requires the memorandum to address the roles of TEA and DPRS in encouraging local business to participate in local Communities In Schools programs.

Sec. 33.156. Redesignated from 264.756. FUNDING; EXPANSION OF PARTICIPATION. Requires TEA, rather than DPRS, to develop and implement an equitable formula for the funding of local Communities In Schools programs.

Sec. 33.157. Redesignated from 264.757. PARTICIPATION IN PROGRAM. Requires an elementary or secondary school receiving funding, rather than designated, under Section 33.156, rather than Section 264.756, to participate in a local Communities In Schools program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least 10 percent of the number of

students in average daily attendance at the school, as determined by the TEA.

Sec. 33.158. Redesignated from 264.758. DONATIONS TO PROGRAM. Makes conforming changes.

SECTION 2. Amends Section 302.062(g), Labor Code, to include the Communities In School program under Subchapter E, Chapter 33, Education Code, rather than Subchapter I, Chapter 264, Family Code, to the extent that funds are available to the Texas Workforce Commission (commission) for that program.

SECTION 3. (a) Provides that on September 1, 2003, all powers, duties, functions, and activities relating to the Communities In Schools program assigned to or performed by DPRS immediately before September 1, 2003, are transferred to TEA; all funds, rights, obligations, and contracts of DPRS related to the Communities In Schools program are transferred to TEA for the Communities In Schools program; all property and records in the custody of DPRS related to the Communities In Schools program and all funds appropriated by the legislature for the Communities In Schools program are transferred to TEA for the Communities In Schools Program; and all employees of DPRS who primarily perform duties related to the Communities In Schools program become employees of TEA, to be assigned duties related to the Communities In Schools program.

(b) Provides that for the 2003 and 2004 state fiscal years, all full-time equivalent positions (FTEs) authorized by the General Appropriations Act for the Communities In Schools program are transferred to TEA and are not included in determining its compliance with any limitation on the number of full-time equivalent (FTEs) imposed by the General Appropriations act.

(c) Provides that a reference in law or administrative rule to DPRS that relates to the Communities In Schools program means TEA. Provides that a reference in law or administrative rule to the executive director of DPRS that relates to the Communities In Schools program means the commissioner of education.

(d) Provides that a rule of DPRS relating to the Communities In Schools program continues in effect as a rule of the commissioner of education until superseded by rule of the commissioner of education. Provides that the secretary of state is authorized to adopt rules as necessary to expedite the implementation of this subsection.

SECTION 4. (a) Provides that the transfer of the Communities In Schools 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, any investigation begun, or any penalty accrued under former law, and that law remains in effect for any action concerning those matters.

b) 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 court, is governed by the law and rules applicable immediately before September 1, 2003.

EFFECTIVE DATE

September 1, 2003.