

By: Barrientos

S.B. No. 1038

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of the Communities In Schools program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 264, Family Code, is transferred to Chapter 33, Education Code, is redesignated as Subchapter E, Chapter 33, Education Code, and is amended to read as follows:

SUBCHAPTER E [~~I~~]. COMMUNITIES IN SCHOOLS PROGRAM

Sec. 33.151 [~~264.751~~]. DEFINITIONS. In this subchapter:

(1) "Department" [~~"Agency"~~] means the Department of Protective and Regulatory Services [~~Texas Education Agency~~].

(2) "Communities In Schools program" means an exemplary youth dropout prevention program.

(3) "Delinquent conduct" has the meaning assigned by Section 51.03, Family Code.

(4) "Student at risk of dropping out of school" means:

(A) a student at risk of dropping out of school as defined [~~has the meaning assigned~~] by Section 29.081;

(B) [~~Education Code, or means~~] a student who is eligible for a free or reduced lunch; or

(C) a student who is in family conflict or crisis.

Sec. 33.152 [~~264.752~~]. STATEWIDE OPERATION OF PROGRAM. It is the intent of the legislature that the Communities In Schools

1 program operate throughout this state. It is also the intent of the
2 legislature that programs established under Chapter 305, Labor
3 Code, as that chapter existed on August 31, 1999, and its
4 predecessor statute, the Texas Unemployment Compensation Act
5 (Article 5221b-9d, Vernon's Texas Civil Statutes), and programs
6 established under this subchapter shall remain eligible to
7 participate in the Communities In Schools program if funds are
8 available and if their performance meets the criteria established
9 by the agency [~~department~~] for renewal of their contracts.

10 Sec. 33.153 [~~264.753~~]. STATE DIRECTOR. The commissioner
11 [~~executive director of the department~~] shall designate a state
12 director for the Communities In Schools program.

13 Sec. 33.154 [~~264.754~~]. DUTIES OF STATE DIRECTOR. The
14 state director shall:

15 (1) coordinate the efforts of the Communities In
16 Schools program with other social service organizations and
17 agencies and with public school personnel to provide services to
18 students who are at risk of dropping out of school or engaging in
19 delinquent conduct, including students who are in family conflict
20 or emotional crisis;

21 (2) set standards for the Communities In Schools
22 program and establish state performance goals, objectives, and
23 measures for the program;

24 (3) obtain information to determine accomplishment of
25 state performance goals, objectives, and measures;

26 (4) promote and market the program in communities in
27 which the program is not established;

1 (5) help communities that want to participate in the
2 program establish a local funding base; and

3 (6) provide training and technical assistance for
4 participating communities and programs.

5 Sec. 33.155 [~~264.755~~]. DEPARTMENT [~~AGENCY~~] COOPERATION;
6 MEMORANDUM OF UNDERSTANDING. (a) The agency, the department, and
7 Communities In Schools, Inc. shall work together to maximize the
8 effectiveness of the Communities In Schools program.

9 (b) The agency and the department shall develop and
10 [~~mutually~~] agree to a memorandum of understanding to clearly define
11 the responsibilities of the agency and of the department under this
12 subchapter. The memorandum must address:

13 (1) the roles [~~role~~] of the agency and department in
14 encouraging local business to participate in local Communities In
15 Schools programs;

16 (2) the role of the agency in obtaining information
17 from participating school districts;

18 (3) the use of federal or state funds available to the
19 agency or the department for programs of this nature; and

20 (4) other areas identified by the agency and the
21 department that require clarification.

22 (c) The agency and the department shall adopt rules to
23 implement the memorandum and shall update the memorandum and rules
24 annually.

25 Sec. 33.156 [~~264.756~~]. FUNDING; EXPANSION OF PARTICIPATION.
26 (a) The agency [~~department~~] shall develop and implement an
27 equitable formula for the funding of local Communities In Schools

1 programs. The formula may provide for the reduction of funds
2 annually contributed by the state to a local program by an amount
3 not more than 50 percent of the amount contributed by the state for
4 the first year of the program. The formula must consider the
5 financial resources of individual communities and school
6 districts. Savings accomplished through the implementation of the
7 formula may be used to extend services to counties and
8 municipalities currently not served by a local program or to extend
9 services to counties and municipalities currently served by an
10 existing local program.

11 (b) Each local Communities In Schools program shall develop
12 a funding plan which ensures that the level of services is
13 maintained if state funding is reduced.

14 (c) A local Communities In Schools program may accept
15 federal funds, state funds, private contributions, grants, and
16 public and school district funds to support a campus participating
17 in the program.

18 Sec. 33.157 [~~264.757~~]. PARTICIPATION IN PROGRAM. An
19 elementary or secondary school receiving funding [~~designated~~]
20 under Section 33.156 [~~264.756~~] shall participate in a local
21 Communities In Schools program if the number of students enrolled
22 in the school who are at risk of dropping out of school is equal to
23 at least 10 percent of the number of students in average daily
24 attendance at the school, as determined by the agency.

25 Sec. 33.158 [~~264.758~~]. DONATIONS TO PROGRAM. (a) The
26 agency [~~department~~] may accept a donation of services or money or
27 other property that the agency [~~department~~] determines furthers the

1 lawful objectives of the agency [~~department~~] in connection with the
2 Communities In Schools program.

3 (b) Each donation, with the name of the donor and the
4 purpose of the donation, must be reported in the public records of
5 the agency [~~department~~].

6 SECTION 2. Subsection (g), Section 302.062, Labor Code, is
7 amended to read as follows:

8 (g) Block grant funding under this section does not apply
9 to:

10 (1) the work and family policies program under Chapter
11 81;

12 (2) a program under the skills development fund
13 created under Chapter 303;

14 (3) the job counseling program for displaced
15 homemakers under Chapter 304;

16 (4) the Communities In Schools program under
17 Subchapter E [~~I~~], Chapter 33 [~~264~~], Education [~~Family~~] Code, to the
18 extent that funds are available to the commission for that program;

19 (5) the reintegration of offenders program under
20 Chapter 306;

21 (6) apprenticeship programs under Chapter 133,
22 Education Code;

23 (7) the continuity of care program under Section
24 501.095, Government Code;

25 (8) employment programs under Chapter 31, Human
26 Resources Code;

27 (9) the senior citizens employment program under

1 Chapter 101, Human Resources Code;

2 (10) the programs described by Section 302.021(b)(3);

3 (11) the community service program under the National
4 and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);

5 (12) the trade adjustment assistance program under
6 Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et
7 seq.);

8 (13) the programs to enhance the employment
9 opportunities of veterans; and

10 (14) the functions of the State Occupational
11 Information Coordinating Committee.

12 SECTION 3. (a) On September 1, 2003:

13 (1) all powers, duties, functions, and activities
14 relating to the Communities In Schools program assigned to or
15 performed by the Department of Protective and Regulatory Services
16 immediately before September 1, 2003, are transferred to the Texas
17 Education Agency;

18 (2) all funds, rights, obligations, and contracts of
19 the Department of Protective and Regulatory Services related to the
20 Communities In Schools program are transferred to the Texas
21 Education Agency for the Communities In Schools program;

22 (3) all property and records in the custody of the
23 Department of Protective and Regulatory Services related to the
24 Communities In Schools program and all funds appropriated by the
25 legislature for the Communities In Schools program are transferred
26 to the Texas Education Agency for the Communities In Schools
27 program; and

1 (4) all employees of the Department of Protective and
2 Regulatory Services who primarily perform duties related to the
3 Communities In Schools program become employees of the Texas
4 Education Agency, to be assigned duties related to the Communities
5 In Schools program.

6 (b) For the 2003 and 2004 state fiscal years, all full-time
7 equivalent positions (FTEs) authorized by the General
8 Appropriations Act for the Communities In Schools program are
9 transferred to the Texas Education Agency and are not included in
10 determining that agency's compliance with any limitation on the
11 number of full-time equivalent positions (FTEs) imposed by the
12 General Appropriations Act.

13 (c) A reference in law or administrative rule to the
14 Department of Protective and Regulatory Services that relates to
15 the Communities In Schools program means the Texas Education
16 Agency. A reference in law or administrative rule to the executive
17 director of the Department of Protective and Regulatory Services
18 that relates to the Communities In Schools program means the
19 commissioner of education.

20 (d) A rule of the Department of Protective and Regulatory
21 Services relating to the Communities In Schools program continues
22 in effect as a rule of the commissioner of education until
23 superseded by rule of the commissioner of education. The secretary
24 of state is authorized to adopt rules as necessary to expedite the
25 implementation of this subsection.

26 SECTION 4. (a) The transfer of the Communities In Schools
27 program and associated powers, duties, functions, and activities

1 under this Act does not affect or impair any act done, any
2 obligation, right, order, license, permit, rule, criterion,
3 standard, or requirement existing, any investigation begun, or any
4 penalty accrued under former law, and that law remains in effect for
5 any action concerning those matters.

6 (b) An action brought or proceeding commenced before
7 September 1, 2003, including a contested case or a remand of any
8 action or proceeding by a reviewing court, is governed by the law
9 and rules applicable to the action or proceeding immediately before
10 September 1, 2003.

11 SECTION 5. This Act takes effect September 1, 2003.