

1-1 By: Barrientos S.B. No. 1038
1-2 (In the Senate - Filed March 7, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Education; May 2, 2003,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; May 2, 2003, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1038 By: Zaffirini

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the transfer of the Communities In Schools program.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter I, Chapter 264, Family Code, is
1-12 transferred to Chapter 33, Education Code, is redesignated as
1-13 Subchapter E, Chapter 33, Education Code, and is amended to read as
1-14 follows:

1-15 SUBCHAPTER E [±]. COMMUNITIES IN SCHOOLS PROGRAM

1-16 Sec. 33.151 [~~264.751~~]. DEFINITIONS. In this subchapter:

1-17 (1) "Department" [~~"Agency"~~] means the Department of
1-18 Protective and Regulatory Services [~~Texas Education Agency~~].

1-19 (2) "Communities In Schools program" means an
1-20 exemplary youth dropout prevention program.

1-21 (3) "Delinquent conduct" has the meaning assigned by
1-22 Section 51.03, Family Code.

1-23 (4) "Student at risk of dropping out of school" means:

1-24 (A) a student at risk of dropping out of school as
1-25 defined [~~has the meaning assigned~~] by Section 29.081;

1-26 (B) [~~, Education Code, or means~~] a student who is
1-27 eligible for a free or reduced lunch; or

1-28 (C) a student who is in family conflict or
1-29 crisis.

1-30 Sec. 33.152 [~~264.752~~]. STATEWIDE OPERATION OF PROGRAM. It
1-31 is the intent of the legislature that the Communities In Schools
1-32 program operate throughout this state. It is also the intent of the
1-33 legislature that programs established under Chapter 305, Labor
1-34 Code, as that chapter existed on August 31, 1999, and its
1-35 predecessor statute, the Texas Unemployment Compensation Act
1-36 (Article 5221b-9d, Vernon's Texas Civil Statutes), and programs
1-37 established under this subchapter shall remain eligible to
1-38 participate in the Communities In Schools program if funds are
1-39 available and if their performance meets the criteria established
1-40 by the agency [~~department~~] for renewal of their contracts.

1-41 Sec. 33.153 [~~264.753~~]. STATE DIRECTOR. The commissioner
1-42 [~~executive director of the department~~] shall designate a state
1-43 director for the Communities In Schools program.

1-44 Sec. 33.154 [~~264.754~~]. DUTIES OF STATE DIRECTOR. The
1-45 state director shall:

1-46 (1) coordinate the efforts of the Communities In
1-47 Schools program with other social service organizations and
1-48 agencies and with public school personnel to provide services to
1-49 students who are at risk of dropping out of school or engaging in
1-50 delinquent conduct, including students who are in family conflict
1-51 or emotional crisis;

1-52 (2) set standards for the Communities In Schools
1-53 program and establish state performance goals, objectives, and
1-54 measures for the program;

1-55 (3) obtain information to determine accomplishment of
1-56 state performance goals, objectives, and measures;

1-57 (4) promote and market the program in communities in
1-58 which the program is not established;

1-59 (5) help communities that want to participate in the
1-60 program establish a local funding base; and

1-61 (6) provide training and technical assistance for
1-62 participating communities and programs.

1-63 Sec. 33.155 [~~264.755~~]. DEPARTMENT [~~AGENCY~~] COOPERATION;

MEMORANDUM OF UNDERSTANDING. (a) The agency, the department, and Communities In Schools, Inc. shall work together to maximize the effectiveness of the Communities In Schools program.

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

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

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

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

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

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

Sec. 33.156 ~~[264.756]~~. FUNDING; EXPANSION OF PARTICIPATION.

(a) The agency ~~[department]~~ shall develop and implement an equitable formula for the funding of local Communities In Schools programs. The formula may provide for the reduction of funds annually contributed by the state to a local program by an amount not more than 50 percent of the amount contributed by the state for the first year of the program. The formula must consider the financial resources of individual communities and school districts. Savings accomplished through the implementation of the formula may be used to extend services to counties and municipalities currently not served by a local program or to extend services to counties and municipalities currently served by an existing local program.

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

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

Sec. 33.157 ~~[264.757]~~. PARTICIPATION IN PROGRAM. An

elementary or secondary school receiving funding ~~[designated]~~ under Section 33.156 ~~[264.756]~~ shall 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 agency.

Sec. 33.158 ~~[264.758]~~. DONATIONS TO PROGRAM. (a) The

agency ~~[department]~~ may accept a donation of services or money or other property that the agency ~~[department]~~ determines furthers the lawful objectives of the agency ~~[department]~~ in connection with the Communities In Schools program.

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

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

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

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

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

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

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

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

- 3-1 (6) apprenticeship programs under Chapter 133,
- 3-2 Education Code;
- 3-3 (7) the continuity of care program under Section
- 3-4 501.095, Government Code;
- 3-5 (8) employment programs under Chapter 31, Human
- 3-6 Resources Code;
- 3-7 (9) the senior citizens employment program under
- 3-8 Chapter 101, Human Resources Code;
- 3-9 (10) the programs described by Section 302.021(b)(3);
- 3-10 (11) the community service program under the National
- 3-11 and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);
- 3-12 (12) the trade adjustment assistance program under
- 3-13 Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et
- 3-14 seq.);
- 3-15 (13) the programs to enhance the employment
- 3-16 opportunities of veterans; and
- 3-17 (14) the functions of the State Occupational
- 3-18 Information Coordinating Committee.

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

3-20 (1) all powers, duties, functions, and activities
3-21 relating to the Communities In Schools program assigned to or
3-22 performed by the Department of Protective and Regulatory Services
3-23 immediately before September 1, 2003, are transferred to the Texas
3-24 Education Agency;

3-25 (2) all funds, rights, obligations, and contracts of
3-26 the Department of Protective and Regulatory Services related to the
3-27 Communities In Schools program are transferred to the Texas
3-28 Education Agency for the Communities In Schools program;

3-29 (3) all property and records in the custody of the
3-30 Department of Protective and Regulatory Services related to the
3-31 Communities In Schools program and all funds appropriated by the
3-32 legislature for the Communities In Schools program are transferred
3-33 to the Texas Education Agency for the Communities In Schools
3-34 program; and

3-35 (4) all employees of the Department of Protective and
3-36 Regulatory Services who primarily perform duties related to the
3-37 Communities In Schools program become employees of the Texas
3-38 Education Agency, to be assigned duties related to the Communities
3-39 In Schools program.

3-40 (b) For the 2003 and 2004 state fiscal years, all full-time
3-41 equivalent positions (FTEs) authorized by the General
3-42 Appropriations Act for the Communities In Schools program are
3-43 transferred to the Texas Education Agency and are not included in
3-44 determining that agency's compliance with any limitation on the
3-45 number of full-time equivalent positions (FTEs) imposed by the
3-46 General Appropriations Act.

3-47 (c) A reference in law or administrative rule to the
3-48 Department of Protective and Regulatory Services that relates to
3-49 the Communities In Schools program means the Texas Education
3-50 Agency. A reference in law or administrative rule to the executive
3-51 director of the Department of Protective and Regulatory Services
3-52 that relates to the Communities In Schools program means the
3-53 commissioner of education.

3-54 (d) A rule of the Department of Protective and Regulatory
3-55 Services relating to the Communities In Schools program continues
3-56 in effect as a rule of the commissioner of education until
3-57 superseded by rule of the commissioner of education. The secretary
3-58 of state is authorized to adopt rules as necessary to expedite the
3-59 implementation of this subsection.

3-60 SECTION 4. (a) The transfer of the Communities In Schools
3-61 program and associated powers, duties, functions, and activities
3-62 under this Act does not affect or impair any act done, any
3-63 obligation, right, order, license, permit, rule, criterion,
3-64 standard, or requirement existing, any investigation begun, or any
3-65 penalty accrued under former law, and that law remains in effect for
3-66 any action concerning those matters.

3-67 (b) An action brought or proceeding commenced before
3-68 September 1, 2003, including a contested case or a remand of any
3-69 action or proceeding by a reviewing court, is governed by the law

4-1 and rules applicable to the action or proceeding immediately before
4-2 September 1, 2003.

4-3 SECTION 5. This Act takes effect September 1, 2003.

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