

## **BILL ANALYSIS**

C.S.H.B. 635  
By: Guillen  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

For a Head Start program to be eligible for the federal E-Rate program, which helps schools obtain affordable telecommunications services, the Head Start program must be defined in state law as an elementary or secondary school.

C.S.H.B. 635 makes it easier for a Head Start program to receive federal grants for technology services and support by codifying the authority of the commissioner of education to define a Head Start program as an elementary school and the Texas Education Agency's ability, as already established by rider, to seek, accept, determine eligibility for, and distribute federal grants.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 635 amends the Education Code to authorize the Texas Education Agency to seek, accept, and distribute grants awarded by the federal government or any other public or private entity for the benefit of public education, subject to the limitations or conditions imposed by the terms of the grants or by other law. The bill authorizes the commissioner of education, unless otherwise prohibited by federal law, to determine, solely for purposes of a Head Start program's eligibility to receive federal grants funds, for the purpose of technology services and support, that a Head Start program operated in Texas by a school district or a community-based organization serves the function of an elementary school by providing elementary education at one or more program facilities. The bill specifies that a determination by the commissioner does not entitle a Head Start program to receive state funds for which the program would not otherwise be eligible, may not reduce the amount of federal grant funds available for school districts and open-enrollment charter schools, and that such determination is not subject to appeal.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 635 differs from the original by specifying that the Texas Education Agency's authority to seek, accept, and distribute grants is for the benefit of public education, rather than public elementary or secondary education as in the original.

C.S.H.B. 635 differs from the original by specifying that a determination by the commissioner

that a Head Start program in Texas serves the function of an elementary school is solely for the purpose of the program's eligibility to receive federal funds, for the purpose of technology services and support, unless the commissioner's authority to make such a determination is otherwise prohibited by federal law, whereas the original authorizes the commissioner to make such determination specifically for purposes of eligibility for federal grant funds, including funds provided through the Schools and Libraries Program ("E-rate" program) or another federal Universal Service Fund program and does not address any federal prohibitions. The substitute omits a provision in the original providing that a determination that a Head Start program serves the function of a public elementary school is a determination that the program serves that function under state law.

C.S.H.B. 635 adds a provision not in the original prohibiting a determination by the commissioner from reducing the amount of federal grant funds available for school districts and charter schools.