

Chapter 827. Communities in Schools

Subchapter D. Funding of CIS Local Programs

40 TAC §§827.31, 827.33, 827.34

The Texas Workforce Commission (Commission) proposes amendments to §§827.31 and 827.33 and new §827.34 concerning the funding of Communities In Schools (CIS) Local Programs.

The purpose of the amendments and new rule is to continue applying the method of allocation for the CIS program used in fiscal year 1999, to fiscal year 2000, and following. The purpose of the amendments and new rule is also to ensure that the CIS program operates on a statewide basis to fulfill the CIS program's mission. The CIS program's mission is to ensure that at-risk youth throughout the state have access to this much needed and worthwhile program that helps young Texans stay in school, successfully learn and prepare for life by coordinating the connection of needed community resources in the school setting. The specific allocation amounts will be determined during the budgetary process of the Commission based on the factors set forth in these rules and applicable appropriations to the program.

Section 827.31 sets forth the factors used for allocating Compensatory Education Funds for the CIS program.

Section 827.33 sets forth the factors used for allocating Temporary Assistance to Needy Families (TANF) funds for the CIS program.

New §827.34 is added to set forth the factors used for allocating any other funds that may become available for use in administering the CIS program.

The specific changes are as follows.

The references to fiscal year 1999 are removed to allow for use of the criteria applicable for fiscal year 1999 to be applicable to fiscal year 2000 and following.

The reference to the 1996 data from the Comptroller regarding property value is changed to allow for use of updated information.

The provision in §827.31(f) is added to clarify the factors to be used to allocate funds for programs started since 1997.

The references to "TANF carry-over funds" are removed because carry-over funds may not exist in the first year of a state biennium and other TANF funds may become available.

Randy Townsend, Director of Finance, has determined that for each year of the first five years the amendments and new rule will be in effect the following statements will apply:

there are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules;

there are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules;

there are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules;

there are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rules; and

there are no anticipated economic costs to persons required to comply with the rules.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering these rules because small businesses are not regulated by or required to do anything by these rules.

Mark Hughes, Director of Labor Market Information, has determined that the proposed rules would have no impact upon public or private employment.

Jean Mitchell, Director of Workforce Development, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be to help ensure a more effective use of funds on a statewide basis to assist at-risk youth throughout Texas with staying in school, successfully learning and preparing for life.

Comments on the proposals may be submitted to Sandra Boulden, Program Planning and Development, Texas Workforce Commission Building, 101 East 15th Street, Room 434-T, Austin, Texas 78778, phone (512) 463-2692. Comments may also be submitted to Ms. Boulden via e-mail to Sandra.Boulden@twc.state.tx.us or facsimile to (512) 463-7379.

The new rule and amendments are proposed under Texas Labor Code, §301.061 which provides the Texas Workforce Commission with the authority to adopt such rules as it deems necessary for the effective administration of the Act.

Texas Labor Code, Chapter 305 will be affected by the amendments and new rule.

§827.31. Compensatory Education Funds.

(a) The state will retain an amount, to be determined by the Commission, for replication of the program in local workforce development areas of the state that are not served by a participating CIS program. Replication funds may be made available through a competitive Request for Proposal process using the following criteria:

(1) (No change.)

(2) the local financial resources in the local workforce development area, defined as the area's total taxable property value [~~in 1996~~] as determined by the Comptroller's Property Tax Division's most recent report reflecting such data [~~Division~~], divided by the total number of students in the area in the corresponding year [~~1996-1997~~].

(b) In the absence of responsive bids in the Request for Proposal process, funds not awarded may be allocated to contracted CIS programs for expansion based on the following criteria:

(1) (No change.)

(2) the weighted financial resources of individual communities and school districts, if less than the state average, as reflected in the statewide average of taxable property value per pupil in the state's independent school districts, as determined [~~in 1996~~] by the Comptroller's Property Tax Division's most recent report reflecting such data [~~Division~~].

(c) Funds not awarded for replication or expansion will be distributed to existing CIS programs, utilizing the criteria [~~the CIS programs existing as of August 31, 1995,~~] as outlined in subsection (d) of this section.

(d) The [~~For FY99, the~~] Commission will allocate an amount of Compensatory Education Funds, to be determined by the Commission, among CIS programs existing as of 1997 [~~August 31, 1995~~], based on the following criteria:

(1) no less than 50%, or more than 70%, shall be distributed to the individual CIS programs based on the relative proportion of the number of at-risk students attending school districts served by the respective program compared to the number of at-risk students in all school districts served by CIS, and

(2) no less than 10%, or more than 25%, shall be distributed on the basis of the weighted financial resources of individual communities and school districts, if less than the state average, as reflected in the statewide average of taxable property value per pupil in the state's independent school districts, as determined [~~in 1996~~] by the Comptroller's Property Tax Division's most recent report reflecting such data [~~Division~~].

(e) The [~~For FY99, the~~] Commission may adjust Compensatory Education funding to existing CIS programs if a CIS program receives less than 90% or more than 125% of Compensatory Education funds initially distributed in the preceding fiscal year [~~FY98~~].

(f) The state will retain an amount, to be determined by the Commission, for programs started after 1997, based upon the following criteria:

(1) the relative number of at-risk students in the local workforce development area compared to the number of at-risk students in the local workforce development areas served by a CIS program started after 1997.

(2) the local financial resources in the local workforce development area, as the area's total taxable property value as determined by the Comptroller's Property Tax Division's most recent report reflecting such data, divided by the total number of students in the area in the corresponding year.

§827.33. Temporary Assistance for Needy Families (TANF) Funding.

(a) The Commission may designate an amount of TANF funds for the State to retain [~~For FY99, the State will retain the FY98 TANF carry-over funds~~] for replication of the program in local workforce development areas of the state that are not served by a participating CIS program. TANF replication funds will be made available through a competitive Request for Proposal process.

(b) In the absence of responsive bids in the Request for Proposal process, designated TANF replication [~~FY98 TANF carry-over~~] funds not awarded will be allocated to contracted CIS programs for expansion based on the percentage of at-risk students in the respective program compared to the number of at-risk students in all school districts served by CIS programs.

(c) The Commission may designate an amount of TANF funds for CIS programs, [~~For FY99, the Commission will allocate \$3 million TANF funds among CIS programs existing as of August 31, 1995,~~] based on the percentage of at-risk students in the respective program compared to the number of at-risk students in all school districts served by CIS programs.

§827.34. Other Funding.

(a) The Commission may designate an amount of funding for the State to retain for replication of the program in local workforce development areas of the state that are not served by a participating CIS program. Such replication funds will be made available through a competitive Request for Proposal process.

(b) In the absence of responsive bids in the Request for Proposal process, funds not awarded will be allocated to contracted CIS programs for expansion based on the percentage of at-risk students in the respective program compared to the number of at-risk students in all school districts served by CIS programs.

(c) The Commission may designate an amount of funding for the State to retain to allocate to CIS programs based on the percentage of at-risk students in the respective program compared to the number of at-risk students in all school districts served by CIS programs.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State, on April 26, 1999.

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Texas Workforce Commission

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For further information, please call: (512) 463-8812