

BILL ANALYSIS

Senate Research Center

S.B. 1158
By: Luna
Education
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As Filed

DIGEST

Currently, Texas law establishes certain provisions regarding the operation of regional education service centers. However, the 20 regional education centers already established are to be abolished on August 31, 1997 and Chapter 8, Education Code, repealed unless continuing legislative action occurs. This bill establishes provisions for the continuation of regional education service centers.

PURPOSE

As proposed, S.B. 1158 establishes provisions for the continuation of regional education service centers.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the commissioner of education in SECTION 1 (Sections 8.003 and 8.123, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 8, Education Code, as follows:

CHAPTER 8. REGIONAL EDUCATION SERVICE CENTERS SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8.001. ESTABLISHMENT. Requires the commissioner of education (commissioner), rather than the Texas Education Agency, to provide for the establishment and operation of a system of, rather than not more than 20, regional education service centers (centers). Requires the centers to meet the accountability standards of the commissioner. Authorizes the commissioner to decide any matter concerning the operation or administration of the system of the centers. Sets forth matters concerning the operation of the centers. Sets forth certain services not provided by this chapter.

Sec. 8.002. PURPOSE. Requires the centers to assist school districts in improving student performance in each region of the system, enable school districts to operate more efficiently and economically, and implement initiatives assigned by the legislature or the commissioner. Deletes certain provisions regarding requirements of the centers at the direction of the commissioner, and core services a center must offer. Makes conforming and nonsubstantive changes.

Sec. 8.003. GOVERNANCE. Requires the commissioner to adopt rules, rather than recommend adoption of uniform rules to the State Board of Education. Requires adopted policies to be consistent with Section 8.002. Deletes a provision requiring the board of directors to be directly involved in the planning and evaluation of programs. Requires each center to adopt an annual budget for the following year after conducting a public hearing on the center's performance during the preceding year on standards established by the commissioner under Section 8.101.

Sec. 8.004. EXECUTIVE DIRECTOR. Provides that the selection and dismissal of the executive director is subject to the approval of the commissioner.

Sec. 8.005. EXEMPTION FROM TAXATION. Provides that a center and its employees are subject to or exempt from taxation in the same manner as a school district and school district employees.

Sec. 8.006. IMMUNITY FROM LIABILITY. Provides immunity for an employee or volunteer of a center to the same extent as an employee or volunteer of a school district.

Sec. 8.007. PERSONAL LEAVE. Sets forth conditions for which a center may accept personal leave accrued by a center employee. Requires a school district or the state to accept the personal leave accrued by an employee who was formerly employed by a center.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8.051. New heading: SERVICES TO IMPROVE PERFORMANCE. Requires each center to use funds to develop, maintain, and deliver services identified under this section to improve student and school district performance. Requires each center to develop and submit plans for improvement to the commissioner annually. Sets forth purposes and description requirements of the plan. Requires each center to provide services enabling school districts to operate more efficiently and economically. Deletes existing text providing the core services to be purchased by school districts and campuses.

Sec. 8.052. STATE INITIATIVES. Requires each center to use funds distributed under Section 8.123 to implement initiatives identified by the legislature, as directed by the commissioner.

Sec. 8.053. ADDITIONAL SERVICES. Authorizes a center to offer certain services, in addition to the services provided, rather than the core services listed, under Section 8.051 and the initiative implemented under Section 8.052. Deletes existing subsection.

Sec. 8.054. PROHIBITION ON REGULATORY FUNCTION. Makes no change.

Sec. 8.055. REGIONAL EDUCATION SERVICE CENTER PROPERTY. Authorizes each center to purchase, lease or acquire property through a lease-purchase agreement and to incur debts for that purpose. Authorizes the board of directors to approve a transaction under this subsection, with the commissioner's approval. Authorizes each center to dispose of property in the manner and on the terms that the board of directors determines.

SUBCHAPTER C. EVALUATION AND ACCOUNTABILITY

Sec. 8.101. PERFORMANCE STANDARDS AND INDICATORS. Requires the commissioner to establish performance standards and indicators for centers that measure the achievement of the objective in Section 8.002. Sets forth indicators for performance standards to measure.

Sec. 8.102. DATA REPORTING. Requires each center to report audited or budgeted financial information and any other information requested by the commissioner to assess the performance of the center. Requires the commissioner to report audited financial data, indicators adopted under Section 8.101, and information on client satisfaction with services provided under Subchapter B.

Sec. 8.103. ANNUAL EVALUATION. Requires the commissioner to conduct an evaluation containing a review of the center's performance on indicators adopted under Section 8.101, rather than academic excellence indicators identified in Section 39.051 of each school district and campus in the center's region. Makes conforming and nonsubstantive changes.

Sec. 8.104. SANCTIONS. Requires the commissioner to develop, rather than make recommendations to the State Board of Education for approval, a system of corrective actions under Section 8.103, rather than 8.102. Sets forth corrective actions in increasing order of

severity, with conducting an on-site investigation of the center as the primary corrective action. Deletes a provision requiring conducting an on-site investigation of the center. Makes a conforming change.

SUBCHAPTER D. FUNDING

Sec. 8.121. New heading: FUNDING FOR SERVICES TO IMPROVE PERFORMANCE. Provides that centers receive state financial support for services provided under Section 8.051. Requires the commissioner to distribute money to each center for the cost of providing those services based on certain requirements, including an additional amount of money that reflects the size and number of campuses served by the center under Section 8.051. Prohibits allotments authorized by Subsection (a) in any year from being less than 0.4 percent of the amount appropriated for purposes of the Foundation School Program for that year. Makes conforming and nonsubstantive changes.

Sec. 8.122. INCENTIVE FUNDING FOR DISTRICT EFFICIENCIES. Authorizes the legislature to appropriate money from the foundation school fund to establish an incentive fund to encourage efficiency in the provision of services by the system of centers. Authorizes the commissioner to submit to each regular session of the legislature an incentive funding report and plan that includes certain provisions. Requires the commissioner to determine the method by which money appropriated under this section is distributed to centers. Authorizes the board of trustees of a school district to delegate purchasing or other administrative functions to a center to the extent necessary to achieve efficiencies under this section. Deletes existing section.

Sec. 8.123. New heading: FUNDING FOR STATE INITIATIVES. Authorizes the legislature to appropriate money from the foundation school fund or other sources to implement initiatives identified by the legislature. Authorizes the commissioner to adopt rules governing certain matters.

Sec. 8.124. INNOVATIVE AND EMERGENCY GRANTS. Makes conforming changes.

Sec. 8.125. CONTRACTS FOR GRANTS. Authorizes each center to enter into a contract under rules adopted by the commissioner, rather than the State Board of Education.

SECTION 2. Amends Section 7.102, Education Code, to set forth powers of the board as provided by Subsection (c). Deletes a provision requiring the board to adopt rules. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 39.183, Education Code, to require a regional and district level report to include an evaluation of the performance of the system of centers based on the indicators adopted under Section 8.101 and client satisfaction with services provided under Chapter 8B. Deletes a provision requiring a summary of services offered by the center with an evaluation of the effectiveness of those services.

SECTION 4. Repealer: Chapter 260, Section 59 (Repeal of Chapter 8, Education Code).

SECTION 5. (a) Effective date: upon passage, except as provided by Subsection (b).

(b) Effective date for Section 8.121, Education Code: September 1, 1997.

SECTION 6. Emergency clause.