

SUBJECT: Moving Windham School District funding stream from TEA to TDCJ

COMMITTEE: Corrections — favorable, without amendment

VOTE: 5 ayes — Madden, McReynolds, Haggerty, Jones, Oliveira

0 nays

2 absent — Hochberg, Dunnam

WITNESSES: None

BACKGROUND: The Windham School District was created in 1969 as a separate entity from the Texas Department of Criminal Justice (TDCJ) to provide educational and vocational training programs for anyone incarcerated by TDCJ who is not a high school graduate. The programs are paid for with money from the foundation school fund, which is the means by which state funding is distributed to school districts. If space is available, Windham's programs can be offered to offenders who are high school graduates. The Windham Board of Trustees is composed of the members of the Texas Board of Criminal Justice.

DIGEST: HB 281 would require that costs for Windham School District be paid from appropriations made to the Texas Department of Criminal Justice rather than from the foundation school fund. It also would replace references to the commissioner of education with references to TDCJ within the statutes governing the Windham School District.

The bill would take effect September 1, 2007.

SUPPORTERS SAY: HB 281 is necessary to facilitate moving the funding for the Windham School District to a more appropriate place in the general appropriations act. Currently Windham is funded through a strategy in the appropriation for the Texas Education Agency (TEA), and questions have been raised about whether Windham's budget receives the attention it deserves given that TEA has many other responsibilities.

While Windham's appropriation has been a part of TEA's bill pattern in Article 3 for a long time, there is no compelling reason to keep it there. TEA simply passes the appropriation through to Windham, and the agency does not administer any part of the school district.

HB 281 would move Windham's funding stream to a more appropriate and logical place, the Texas Department of Criminal Justice, which is found in Article 5. The funding simply would flow through TDCJ, rather than TEA, and it would make no difference in the daily operation of Windham. Anyone looking for Windham's funding would be more likely to look in TDCJ's bill pattern than in TEA's, and Windham's budget is more likely to receive the attention and scrutiny it deserves if it is in Article 5 with other state criminal justice agencies. Traditionally, TEA has not requested exceptional items for Windham or focused on it during the budget process. HB 281 would allow lawmakers working on funding for other public safety agencies who were familiar with Windham's mission to examine the district's budget request rather than lawmakers who were focused on education agencies.

An appropriations bill rider contingent on HB 281 would move Windham's appropriation to TDCJ, and HB 281 would make the technical changes in Windham's statute necessary to reflect the change in the location of its funding. The fiscal note for HB 281 assumes that Windham would continue to be funded by general revenue with no net fiscal change to the state. The current rate of funding, based on a rate per contact hour, would be continued, and the same policies requiring Windham to serve certain populations would continue.

Concerns that moving Windham's appropriation to TDCJ would deemphasize or shift the priorities of the district from education are unfounded. The district would continue to be governed by the same board of trustees, have the same performance measures, and have the same employees who would be part of the same retirement system. The unique population served by Windham and its role inside of the prison system lend support to the proposal to treat it differently from other educational entities by placing its funding in TDCJ's budget.

Any logistical problems in implementing HB 281 could be worked out with TDCJ. While Windham would remain an independent entity if HB 281 were approved, it also would continue to interact with TEA, as do all school districts.

OPPONENTS
SAY:

Moving the funding for Windham school district from TEA's budget to TDCJ's could diminish the emphasis on education that results from grouping Windham's budget with other educational institutions. Article 3 includes funding for the Texas School for the Deaf and Texas School for the Blind and Visually Impaired, other unique educational entities serving special populations. TDCJ's primary mission is public safety, not education, and no evidence suggests that Windham's budget would receive any more attention as part of TDCJ than it does as part of TEA.

TEA may be the best entity logistically for funding Windham. TEA has a system and structures for sending money to districts, which are independent entities, and TDCJ does not. Questions could arise about whether Windham would fall under other TDCJ policies and statutes.

NOTES:

The House engrossed version of HB 1 by Chisum includes in Article 11 a rider contingent on passage of HB 281 or similar legislation. The rider would reduce appropriations to TEA in rider B.2.4, Windham School District, by \$118.9 million for fiscal 2008-09 and increase TDCJ's appropriations in C.2.2., Academic and Vocational Training, by the same amount and require that the funds be used for Windham.