

TESTIMONY BY

Rene Gonzalez  
TMC

Corporate Communications Manager

Senate Committee on Education  
May 17, 2011

Chair Shapiro, Vice-Chair Patrick, members of the Senate Committee on Education, my name is Rene Gonzalez and I am the Corporate Communications Manager at TMC. Thank you for allowing TMC to testify before you today.

TMC, formerly the Texas Migrant Council, is a non-profit corporation committed to empowering children and families by creating opportunities for advancement through education, training and other resources in collaboration with public and private partners. Recognized as one of the Top 10 Super Head Start Programs in the nation, TMC serves 6,000 children of migrant and seasonal farm workers in Texas. Also, our programs serve approximately 800 Head Start and Early Head Start children and over 20,000 families within our child care and workforce development programs. TMC operates programs in Texas, Ohio, Indiana, Wisconsin, Oklahoma, Nevada, Iowa and New Mexico.

Technology has the great power to enhance education. The Federal Communication Commission through its Universal Services Administrative Company (USAC) is working to bring every school and library in America into the information age through its E-Rate program.

The E-Rate program has generated billions of dollars, helping America's schools and libraries by providing affordable access to modern telecommunication and information services to millions of school children and library patrons across the country.

E-Rate is a discount program not a grant. Requests for E-Rate funding are not competitive. All schools who are eligible receive funding. Funded up to \$2.25 billion annually, the E-Rate program provides discounts up to 90% on telecommunications services, Internet access and internal network connections.

Through the E-Rate program TMC has applied to join elementary and secondary schools, libraries, and health care providers in accessing advanced telecommunications services. Head Start students are now considered eligible for E-Rate funding if the law in the state includes Head Start education within its definition of "school" (Attachment A – Eligible States).

During the 81<sup>st</sup> Legislative Session, the House and Senate passed HB 635. HB 635 authorized the Commissioner of Education to determine whether a Head Start program operating outside of a public school facility is eligible for certain federal grants for the purpose of technology service and support, and that a Head Start program operated in this State by a school district or

community based organization serves the function of an elementary school by providing elementary education at one or more program facilities.

The passage of HB 635 was wonderful news! TMC applied to receive the technology discount hoping to join elementary schools throughout the Country in accessing advanced telecommunications services. Thanks to HB 635 our application included Commissioner Scott's certification of TMC being considered a stand alone school (Attachment B). We were disillusioned when we received a response from USAC denying our application. The federal government stated that "our Centers do not meet the State of Texas statutory requirements for elementary education. Consistent with FCC guidance, state law definitions that apply only for the purpose of receiving E-rate discounts are not acceptable. Therefore, Head Start remains ineligible in the State of Texas" (Attachment C).

Senators, in 2010 our long distance bill in Texas was close to \$500,000. Imagine what we could accomplish for the success of our 70 Head Start programs in Texas if we received the 90% discount. In today's environment, these savings could be used to purchase buses, equipment, or hire additional teachers. SB 1813 will press the federal government to honor any application that a Texas Head Start submits.

Your support for SB 1813 authored by Senator Zaffirini will allow for the State of Texas to accept, determine eligibility and allow for the distribution of noncompetitive federal grants that are available, but are not being taken advantage of, for the benefit of early education.

This critical legislation will allow stand alone Head Start programs, who apply for this grant, to meet the federal requirement definition of a public school and receive federal funds from USAC, which without this legislation Head Starts would not otherwise be eligible.

Head Start students are now considered eligible for E-Rate funding if the law in the state includes Head Starts within its definition of "school". SB 1813 empowers the commissioner to determine that a Head Start program operated in this state 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, regardless of whether the Head Start program facilities are located on a school district campus.

As I mentioned earlier, requests for E-Rate funding are not competitive. All schools who are eligible receive funding. Our hope is that the Committee and the Senate will support giving the opportunity to Texas Head Starts to receive federal dollars that at this time the State is not allowed to receive since the definition of school is not inclusive of stand alone Head Starts. You can help accomplish this by supporting SB 1813.

Thank you for allowing me to appear before the Committee. I will be happy to answer any questions.

## E-Rate Eligibility

Head Start grantees in the following states are eligible for E-Rate:

- California
- Colorado
- Connecticut
- Florida
- Hawaii
- Maryland
- Minnesota
- New Jersey
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Utah
- Washington
- West Virginia
- Wisconsin

Head Start grantees that are public school are eligible in these six states:


- Illinois
- Louisiana
- Missouri
- Pennsylvania
- South Dakota
- Texas

**TEA**

1701 North Congress Ave. • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • www.tea.state.tx.us

## MEMORANDUM

TO: Christine James

FROM: Robert Scott, Commissioner of Education 

DATE: June 24, 2009

SUBJECT: Texas Head Start Certification

Please find enclosed a new certification form for Texas Head Start programs. The 81<sup>st</sup> Texas Legislature passed House Bill 635 in June 2009. The governor signed the bill in June. The legislation has immediate effect since it passed both houses of the Legislature by a two-thirds majority vote. A copy of this legislation is attached to the certification form.

H.B. 635 authorizes the commissioner of education to determine whether a Head Start program operated outside of a public school facility is eligible for certain federal grants.

Specifically, H.B. 635 amends the Texas Education Code at Section 7.031 as stated below.

Sec. 7.031. GRANTS. (a) The agency may 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.

(b) Unless otherwise prohibited by federal law, the commissioner may determine, solely for purposes of the program's eligibility to receive federal grant funds, for the purpose of technology services and support, that a Head Start program operated in this state 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.

(c) A determination by the commissioner under Subsection (b):

- (1) does not entitle a Head Start program to receive state funds for which the program would not otherwise be eligible;
- (2) may not reduce the amount of federal grant funds available for school districts and open-enrollment charter schools; and
- (3) may not be appealed.

In my capacity as Texas commissioner of education, I have determined that a Head Start program operated in this state 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.



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TO: Ms. Christine James  
Universal Service Administrative Company  
2000 L Street NW, Suite 200  
Washington, DC 20036

FROM: Robert Scott, Commissioner, Texas Education Agency

DATE: June 24, 2009

RE: Head Start Eligibility Certification in Texas

I certify that I have reviewed the Schools and Libraries Program eligibility determinations set forth below for Head Start Facilities in Texas. If applicable, I have enclosed copies of – or a list of citations to – relevant statutes or regulations that provide the legal support for these determinations. Based on my review of these sources, I have good faith basis for believing these facilities to be eligible for Schools and Libraries Program funding as set forth below.

**Does your state’s definition of “elementary school” or “secondary school” or “school” include Head Start student populations?**

- Yes (documentation attached)
  1. Supporting statute, regulation, law along with a brief explanation of the statute on your letterhead.
  2. Condition(s) under which Head Start are eligible:
    - Head Start is considered a school only when it is part of a school district.
    - Head Start facility is considered a school when it is a stand alone school that is recognized by the state.
    - Head Start schools are considered schools if they meet either of the above two conditions.
  3. Names and addresses of all Eligible Head Start Programs in the state.
- No (documentation not required)

I certify that I am authorized to make this certification on behalf of the Texas Education Agency.

Signature: Robert Scott  
Date: June 24, 2009  
Printed Name: Robert Scott  
Title: Commissioner  
Organization: Texas Education Agency  
Phone Number: 512 463-8985  
E-mail Address: commissioner@tea.state.tx.us  
Address: 1701 N. Congress Avenue Austin, TX 78701

FUNDING COMMITMENT REPORT  
 Billed Entity Name: TEXAS MIGRANT COUNCIL, INC.  
 BEN: 16039606  
 Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 628633  
 Funding Request Number: 1742921  
 Funding Status: Not Funded  
 Category of Service: Telecommunications Service  
 Form 470 Application Number: 656970000639765  
 SPIN: 143022137  
 Service Provider Name: AT&T Corp.  
 Contract Number: T  
 Billing Account Number: 821407863  
 Multiple Billing Account Numbers: N  
 Service Start Date: 07/01/2008  
 Service End Date: 06/30/2009  
 Contract Award Date: N/A  
 Contract Expiration Date: N/A  
 Shared Worksheet Number: 1008388  
 Number of Months Recurring Service Provided in Funding Year: 12  
 Annual Pre-discount Amount for Eligible Recurring Charges: \$436,001.28  
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
 Pre-discount Amount: \$436,001.28  
 Discount Percentage Approved by the USAC: 90%  
 Funding Commitment Decision: \$0.00 - Incl. entity receiving service  
 Funding Commitment Decision Explanation: DRI: The FRN is denied because the Head Start entities requesting service in this FRN: TEXAS MIGRANT COUNCIL, INC., LAREDO REGIONAL OFFICE, ALICE MSHS CENTER, FALFURRIAS MSHS CENTER, LAREDO INFANT/TODDLERS MSHS CENTER, LAREDO MSHS CENTER, PEARSALL MSHS CENTER, MATHIS MSHS CENTER, SAN ANTONIO MSHS CENTER, CRYSTAL CITY REGIONAL OFFICE CARRIZO SPRINGS MSHS CENTER, DEL RIO MSHS CENTER, EAGLE PASS II MSHS CENTER, UVALDE MSHS CENTER, CRYSTAL CITY MSHS CENTER, EAGLE PASS I MSHS CENTER, EAGLE PASS INFANT/TODDLERS MSHS CENTER, DONNA REGIONAL OFFICE BROWNSVILLE MSHS CENTER, EDCOUCH I MSHS CENTER, MERCEDÉS MSHS CENTER, WESLACO INFANT/TODDLERS MSHS CENTER, SAN BENITO MSHS CENTER, DONNA MSHS CENTER, EDCOUCH II MSHS CENTER, PROGRESO MSHS CENTER, RAYMONDVILLE MSHS CENTER, BROWNSVILLE INFANT/TODDLER MSHS CENTER, ALAMO MSHS CENTER, ALTON MSHS CENTER, MISSION MSHS CENTER, RIO GRANDE CITY MSHS CENTER, ROMA II MSHS CENTER, EDINBURG MSHS CENTER, ALTO BONITO MSHS CENTER, LAS MILPAS MSHS CENTER, MULESHÓE MSHS CENTER, PALMVIEW INFANT/TODDLERS MSHS CENTER, ROMA I MSHS CENTER, SAN JUAN MSHS CENTER, PANHANDLE REGIONAL OFFICE FLOYDADA MSHS CENTER, LUBBOCK MSHS CENTER, PLAINVIEW MSHS CENTER and HEREFORD MSHS CENTER do not meet the State of Texas statutory requirements for elementary education. Consistent with Federal Communications Commission guidance, state law definitions that apply only for the purposes of receiving E-rate discounts are not acceptable. Therefore, Head Start remains ineligible in the state of Texas.

FCDL Date: 01/13/2010

Wave Number: 077

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010