

By: Schaefer

H.B. No. 82

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a parent-directed supplemental services and
3 instructional materials program for public school students;
4 authorizing a fee.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 29, Education Code, is amended by adding
7 Subchapter R to read as follows:

8 SUBCHAPTER R. PARENT-DIRECTED SUPPLEMENTAL SERVICES PROGRAM

9 Sec. 29.751. DEFINITIONS. In this subchapter:

10 (1) "Parent" has the meaning assigned by Section
11 29.041.

12 (2) "Supplemental instructional materials" includes
13 textbooks, computer hardware or software, other technological
14 devices, and other materials suitable for addressing an educational
15 need of a public school student.

16 (3) "Supplemental services" means an additive service
17 that provides an educational benefit to a public school student
18 including:

19 (A) virtual, advanced, and trade-related
20 programs;

21 (B) extracurricular activities;

22 (C) private tutoring and other supplemental
23 private instruction or programs; and

24 (D) college credit.

1 Sec. 29.752. ESTABLISHMENT AND ADMINISTRATION OF PROGRAM.

2 (a) The agency by rule shall establish and administer a
3 parent-directed program for public school students through which a
4 parent of a student who meets the eligibility requirements for
5 participation in the program may select supplemental services and
6 supplemental instructional materials for use by the parent's
7 student. From funds appropriated for the purpose, the agency shall
8 provide each student approved for participation in the program
9 under this subchapter a grant as provided by Section 48.305 to
10 purchase supplemental services and supplemental instructional
11 materials.

12 (b) In administering the program, the agency shall maintain
13 a system of online accounts to provide to an eligible student's
14 parent access to the grant described by Subsection (a).

15 (c) The agency shall designate one or more regional
16 education service centers to administer the program under this
17 section.

18 (d) The agency shall establish a procedure by which a
19 student may initiate a transfer of control of the account, from the
20 parent to the student, for the use of unexpended money in the
21 account at the time of the student's graduation in accordance with
22 Section 29.756(d).

23 Sec. 29.753. APPLICATION FOR GRANT ON BEHALF OF STUDENT.

24 The agency shall establish an application process for an eligible
25 student's parent to apply for a grant held in an online account
26 maintained under Section 29.752(b) and assigned to the student
27 under Section 29.755.

1 Sec. 29.754. PROGRAM ELIGIBILITY CRITERIA. (a) The agency
2 shall establish eligibility criteria for the approval of an
3 application submitted under Section 29.753. The criteria must
4 require that the student be enrolled in the current school year at a
5 school district or open-enrollment charter school.

6 (b) The eligibility criteria established under this section
7 must also prioritize students for whom a school district or
8 open-enrollment charter school is entitled to the compensatory
9 education allotment under Section 48.104.

10 (c) A student may receive a grant once under this subchapter
11 while enrolled in kindergarten through grade 12. A student may
12 receive an additional grant under this subchapter if the
13 legislature appropriates money for that purpose.

14 Sec. 29.755. APPROVAL OF APPLICATION; ASSIGNMENT OF
15 ACCOUNT. The agency shall approve each student who meets the
16 program eligibility criteria established under Section 29.754 and
17 assign to the student an account maintained under Section
18 29.752(b). The account may only be used by the student's parent or
19 the student as provided by Section 29.752(d) to purchase
20 supplemental services or supplemental instructional materials for
21 the student, subject to Sections 29.756 and 29.757.

22 Sec. 29.756. ACCOUNT USE RESTRICTION. (a) Money in an
23 account assigned to a student under Section 29.755 may be used only
24 for supplemental services, supplemental instructional materials,
25 and expenditures for tuition and fees as authorized under
26 Subsection (d).

27 (b) Any supplemental services purchased under the program

1 under this subchapter must be provided by an agency-approved
2 provider.

3 (c) If the agency has approved vendors for a category of
4 supplemental instructional materials under Section 29.757,
5 supplemental instructional materials must be purchased from an
6 agency-approved vendor for that category of supplemental
7 instructional materials. If the agency does not establish criteria
8 for agency approval for a category of supplemental instructional
9 materials, money in the student's account may be used to purchase
10 the supplemental instructional materials from any vendor.

11 (d) The commissioner by rule shall authorize the use of
12 money in an account assigned to a student under Section 29.755 to be
13 spent on tuition and fees at an institution of higher education or
14 private or independent institution of higher education, including
15 any unexpended money in a student's account at the time of the
16 student's graduation. Any remaining unexpended money in a
17 student's account on the sixth anniversary of the student's
18 graduation shall be returned to the agency for purposes of the
19 program.

20 Sec. 29.757. AGENCY-APPROVED PROVIDERS AND VENDORS:
21 CRITERIA AND APPLICATION. (a) The agency shall establish criteria
22 necessary for agency approval for each category of provider of a
23 professional service that is a supplemental service, as identified
24 by the agency.

25 (b) The criteria established under this section must
26 require a provider of a category of professional service to be
27 appropriately licensed or accredited in this state to provide that

1 service.

2 (c) The agency shall provide a procedure for providers of
3 supplemental services to apply to the agency to become an
4 agency-approved provider.

5 (d) The agency may establish criteria for agency approval of
6 vendors for each category of supplemental instructional materials
7 identified by the agency.

8 (e) If the agency establishes criteria for agency approval
9 for a vendor of a category of supplemental instructional materials,
10 the agency shall provide a procedure for vendors of that category to
11 apply to the agency to become an agency-approved vendor.

12 Sec. 29.758. PUBLIC SCHOOL PROVIDERS. A school district or
13 open-enrollment charter school provider approved under Section
14 29.757 may charge a fee for supplemental instructional materials or
15 supplemental services provided to a student under this subchapter
16 that otherwise would not have been provided to the student by the
17 district or school.

18 Sec. 29.759. ADMISSION, REVIEW, AND DISMISSAL COMMITTEE
19 DUTIES. (a) A student's admission, review, and dismissal
20 committee shall develop a student's individualized education
21 program under Section 29.005, in compliance with the Individuals
22 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.),
23 without consideration of any supplemental services or supplemental
24 instructional materials that may be provided under the program
25 under this subchapter.

26 (b) Unless the district determines that an account has been
27 assigned to the student under Section 29.045, the admission,

1 review, and dismissal committee of a student approved for
2 participation in the program shall provide to the student's parent
3 at an admission, review, and dismissal committee meeting for the
4 student:

5 (1) information regarding the types of supplemental
6 services or supplemental instructional materials available under
7 the program and provided by agency-approved providers for which an
8 account maintained under Section 29.752(b) for the student may be
9 used; and

10 (2) instructions regarding accessing an account
11 described by Subdivision (1).

12 Sec. 29.760. DETERMINATION OF COMMISSIONER FINAL.
13 Notwithstanding Section 7.057, a determination of the commissioner
14 under this subchapter is final and may not be appealed.

15 Sec. 29.761. RULES. The commissioner shall adopt rules as
16 necessary to administer the supplemental services and
17 instructional materials program under this subchapter.

18 SECTION 2. Subchapter G, Chapter 48, Education Code, is
19 amended by adding Section 48.305 to read as follows:

20 Sec. 48.305. PARENT-DIRECTED SUPPLEMENTAL SERVICES PROGRAM
21 GRANT. (a) A student to whom the agency awards a grant under
22 Subchapter R, Chapter 29, is entitled to receive a grant equal to
23 \$1,000 or a greater amount provided by appropriation.

24 (b) The agency shall use money appropriated to the agency
25 for purposes of this section to award grants under Subchapter R,
26 Chapter 29.

27 SECTION 3. Not later than December 1, 2023, the

1 commissioner of education shall adopt all rules necessary for the
2 establishment and administration of the parent-directed
3 supplemental services program required under Subchapter R, Chapter
4 29, Education Code, as added by this Act.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect on the 91st day after the last day of the
10 legislative session.