

By: Cain

H.B. No. 1892

A BILL TO BE ENTITLED

AN ACT

relating to improved educational efficiency by empowering parents through a program administered by the comptroller.

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

SECTION 1. SHORT TITLE. This Act may be cited as the Parental Empowerment Program Act of 2023.

SECTION 2. FINDINGS. The legislature finds that:

(a) parents should be empowered to direct the education of their child;

(b) there is not one best educational option for all Texas school children;

(c) children belong to their parents, not the government;

(d) the best education for Texas school children is one directed by their parents, with all educational options made available and accessible, wherein money follows the child to the educational option that best meets their unique educational needs;

(e) in *Espinoza v. Montana Department of Revenue* (2020) and in *Carson v. Makin* (2022), the United States Supreme Court found that state prohibitions on the use of generally available state tuition assistance programs for religious schools violates the Free Exercise Clause of the First Amendment of the United States Constitution; and

(f) this Act is intended to further provide for the general diffusion of knowledge and to empower parents of students in this

1 state to direct the education of their children.

2 SECTION 3. Chapter 403, Government Code, is amended by  
3 adding Subchapter S to read as follows:

4 SUBCHAPTER S. PARENTAL EMPOWERMENT PROGRAM

5 Sec. 403.504. PARENTAL EMPOWERMENT PROGRAM. (a) PURPOSE:

6 To increase efficiency by empowering parents to make the best  
7 decisions for their children's education. To enshrine parents as  
8 the primary decision makers in all matters involving their  
9 children. To fully fund schools while giving parents a choice about  
10 which school is right for their child.

11 (b) In this section:

12 (1) "Eligible student" means a school-age child who  
13 resides in the state.

14 (c) A parent or legal guardian of an eligible student who  
15 agrees to accept reimbursement in an amount that is less than the  
16 state average maintenance and operations expenditures per student  
17 may receive reimbursement from the state for the tuition paid for  
18 the enrollment of the eligible student at a private school in an  
19 amount that is the lesser of:

20 (1) the tuition paid; or

21 (2) 80 percent of the state average maintenance and  
22 operations expenditures per student.

23 (d) Money from the available school fund and federal funds  
24 may not be used for reimbursement under this section.

25 (e) Private schools that parents voluntarily choose to send  
26 their children, with or without governmental assistance, will not  
27 be required to comply with any state law or regulation governing its

1 educational program that was not in effect on January 1, 2023.

2 (f) The comptroller of public accounts shall make  
3 reimbursements to a parent or legal guardian, or their assigns, as  
4 authorized under this section.

5 (g) By October 1 of each year, the comptroller of public  
6 accounts shall provide notification to the commissioner of  
7 education and the Legislative Budget Board of the numbers of  
8 eligible students likely to participate by each independent school  
9 district or open enrollment charter they would have otherwise  
10 attended. By March 1 of each year, the comptroller of public  
11 accounts shall provide final numbers of the same information to the  
12 commissioner and the Legislative Budget Board.

13 (h) The Comptroller of Public Accounts, Legislative Budget  
14 Board, and Texas Education Agency shall use the calculations  
15 submitted in accordance with subsection (g) for purposes of  
16 modifying the estimates of student enrollment under Section  
17 42.253(b), Education Code, that are used to calculate Foundation  
18 School Program entitlements.

19 (i) Savings to the Foundation School Program, after funding  
20 the Parental Empowerment Program shall be distributed to public  
21 schools on a per capita basis in the subsequent school year upon  
22 approval by the governor and Legislative Budget Board.

23 (j) Administrative Costs: The comptroller may deduct from  
24 the distribution of funds to participants of the program an amount  
25 sufficient to cover state administrative costs of the program. Any  
26 such administrative cost deduction shall be the lesser of, two  
27 percent of the scheduled distribution to the participant, or the

1 actual pro rata cost to the state. This subsection expires on  
2 September 1, 2033.

3 SECTION 4. Subchapter G, Chapter 48, Education Code, is  
4 amended by adding Section 48.304 to read as follows:

5 48.304. PARENTAL EMPOWERMENT PROGRAM. (a) A person to whom  
6 the comptroller awards a grant under Subchapter S, Chapter 403.504,  
7 Government Code, is entitled to receive an amount equal to the  
8 amount of the grant as provided by that subchapter.

9 (b) The agency shall re-appropriate to the credit of the  
10 budget savings account established under Section 403.504,  
11 Government Code, the amount appropriated to the agency for purposes  
12 of this section for use by the comptroller in awarding grants as  
13 provided by Subchapter S, Chapter 403.504, Government Code.

14 SECTION 5. As soon as practicable, but not later than the  
15 45th day after the effective date of this Act, the comptroller,  
16 shall adopt rules to implement this Act, including rules to prevent  
17 fraud in financial transactions under the program. Such  
18 regulations shall reconcile payments for the Parental Empowerment  
19 Program grants within the same fiscal year, or one month after.

20 SECTION 6. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2023.