

By: Corte

H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to creation of a public education voucher pilot program for certain children.

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

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

SUBCHAPTER J. PUBLIC EDUCATION VOUCHER PILOT PROGRAM

Sec. 29.351. DEFINITIONS. In this subchapter:

(1) "Parent" includes a guardian or custodian.

(2) "Private school" means a nongovernmental educational establishment that exists for the general education of elementary or secondary students. The term does not include a school that provides education in a home setting or by the parent or that limits enrollment to relatives of the school's staff.

Sec. 29.352. ELIGIBLE CHILD. (a) A child is eligible for a voucher to be used to pay the costs of attending a private school if the child:

(1) is educationally disadvantaged;

(2) is eligible to attend school under Section 25.001 in a school district that is among the six largest districts in membership for the 2005-2006 school year, as determined by the commissioner;

(3) was enrolled in a public school district during the preceding school year or is enrolling in prekindergarten,

1 kindergarten, or first grade for the first time; and

2 (4) either:

3 (A) failed to perform satisfactorily on the most
4 recent assessment instrument administered to the child under
5 Section 39.023(a), (b), (c), or (l); or

6 (B) is eligible under Subchapter G to attend
7 another public school in the district in which the child resides or
8 to receive a public education grant to use to attend a public school
9 in another district, but has had an application to attend another
10 school in the child's district or in another district rejected.

11 (b) After a child establishes eligibility under Subsection
12 (a) and attends a private school using a voucher, the child is
13 entitled to continue receiving the voucher, regardless of whether
14 the child continues to meet the requirements of Subsection (a),
15 until the earlier of the date on which the child graduates from high
16 school or the child's 21st birthday, unless the child:

17 (1) enrolls in a public school district after using
18 the voucher; or

19 (2) changes residences and is no longer entitled under
20 Section 25.001 to attend school in the school district under which
21 the child's eligibility for a voucher was established.

22 Sec. 29.353. PARENTAL NOTIFICATION. (a) Not later than a
23 date established by the commissioner, a school district described
24 by Section 29.352(a)(2) shall notify in writing the parent of each
25 eligible child of the child's eligibility for a voucher.

26 (b) A parent may apply for a voucher on behalf of the
27 parent's child by notifying the school district by a date

1 established by the commissioner.

2 Sec. 29.354. AMOUNT OF VOUCHER; FINANCING. (a) A child's
3 voucher is an amount equal to the total average per student funding
4 amount in the school district the child would otherwise attend
5 during the preceding school year for maintenance and operations,
6 including state and local funding, but excluding money from the
7 available school fund.

8 (b) An eligible child who attends a private school in
9 compliance with this subchapter is entitled to 100 percent of the
10 child's voucher, unless the tuition charged by the school is less
11 than the amount of the voucher. In that event, the school district
12 the child would otherwise attend is entitled to the amount of the
13 voucher remaining after payment of tuition.

14 (c) An eligible child who attends a private school using a
15 voucher is included in determining the average daily attendance
16 under Section 42.005 of the school district in which the student
17 would otherwise attend school.

18 (d) A child's voucher is payable from the school district to
19 the private school on behalf of the child. A child's voucher is the
20 entitlement of the child, under the supervision of the child's
21 parent, is not an entitlement of any school, and is paid to a school
22 solely as a means of administrative convenience.

23 Sec. 29.355. ACCREDITATION. (a) Except as otherwise
24 provided by this section, a private school that accepts students
25 with vouchers must be accredited by a private organization
26 recognized by the commissioner.

27 (b) A newly established private school may receive voucher

1 funds without accreditation if the school applies for accreditation
2 before accepting students under the program.

3 (c) The commissioner may waive the requirements of this
4 section for good cause.

5 Sec. 29.356. ADMISSIONS. (a) A private school may not
6 refuse to enroll a child with a voucher on the basis of the child's
7 residence, race, national origin, ethnic background, religion,
8 disability, or academic achievement.

9 (b) A private school may refuse to enroll a child with a
10 voucher if the child:

11 (1) has been expelled from a public school; or

12 (2) has a criminal record.

13 (c) A private school may not consider the athletic ability
14 of a child with a voucher in any admission process relating to the
15 child.

16 (d) Except as provided by Subsection (e), a private school
17 that has more applicants with vouchers than available positions
18 must fill the positions by lottery. A private school must declare
19 the number of available positions and conduct the lottery for the
20 next school year not later than July 1 of each year.

21 (e) A private school may give preference to an enrolled
22 student to achieve continuity and to siblings of an enrolled
23 student or children residing in the same household as an enrolled
24 student for the convenience of the parents of those children.

25 Sec. 29.357. TUITION; ADDITIONAL CHARGES AND FEES. A
26 private school may not:

27 (1) charge an eligible child attending the school with

1 a voucher tuition:

2 (A) in addition to the voucher; or

3 (B) in an amount greater than the standard
4 tuition rate at the school; or

5 (2) assess any additional charge, other than a fee
6 that the board of trustees of a school district is authorized to
7 charge under Section 11.158, for providing an educational program
8 or service to the child.

9 Sec. 29.358. ACCOUNTABILITY. (a) A private school shall
10 administer to each student with a voucher who is enrolled in the
11 school the assessment instruments required under Section
12 39.023(a), (b), (c), or (l), or other comparable assessment
13 instruments approved by the commissioner, in the same manner as
14 those instruments are administered to public school students.

15 (b) A private school shall report to the commissioner
16 concerning the school's performance on the academic excellence
17 indicators under Section 39.051 for students with vouchers who are
18 enrolled in the school. The commissioner shall publish the school's
19 performance information and make it available to parents for
20 review.

21 Sec. 29.359. CERTIFICATION TO COMPTROLLER. To receive
22 voucher funds, a private school must certify to the comptroller
23 that the school has complied with the conditions imposed by Section
24 29.356.

25 Sec. 29.360. DUTIES OF COMPTROLLER. The comptroller shall
26 adopt rules, procedures, and forms for the payment of vouchers to
27 private schools on behalf of students attending those schools with

1 vouchers.

2 Sec. 29.361. EVALUATION AND REPORT. The commissioner, in
3 consultation with the school districts whose students are eligible
4 to participate in the pilot program, shall evaluate the program
5 established by this subchapter and report the evaluation, together
6 with recommendations, to the legislature not later than December 1,
7 2008.

8 Sec. 29.362. EXPIRATION. This subchapter expires
9 September 1, 2009, and vouchers may not be issued for the 2009-2010
10 or a later school year.

11 SECTION 2. The commissioner of education and the
12 comptroller shall implement the public education voucher pilot
13 program as provided by Subchapter J, Chapter 29, Education Code, as
14 added by this Act, beginning with the 2005-2006 school year.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2005.