By: Riddle

H.B. No. 3042

A BILL TO BE ENTITLED

1   AN ACT

2 relating to a public education voucher program for elementary and

3 secondary students.

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

5   SECTION 1.   Chapter 29, Education Code, is amended by adding

6 Subchapter J to read as follows:

7   SUBCHAPTER J. PUBLIC EDUCATION VOUCHER PROGRAM

8   Sec. 29.351. DEFINITIONS. In this subchapter:

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

10   (2) "Private   school"   means   a   nongovernmental

11 educational establishment that exists for the general education of

12 elementary or secondary students.   The term does not include a

13 school that provides education in a home setting or by the parent or

14 that limits enrollment to relatives of the school's staff.

15   Sec. 29.352. PROGRAM; REQUIREMENTS. (a) An eligible child

16 under Section 29.353 is entitled to receive an elementary and

17 secondary education voucher that any private or public school may

18 accept for payment of tuition and fees required to attend the

19 school.

20   (b) A parent may apply for a voucher on behalf of the

21 parent's child by submitting an application to the commissioner.

22 The application must include sufficient information to determine a

23 child's eligibility for a voucher.

24   Sec. 29.353. ELIGIBLE CHILD. (a) A child is eligible to

1 participate in the program:

2   (1) if:

3   (A) the child is eligible to attend public school

4 in this state; and

5   (B) the child legally resides in this state; and

6   (2) if:

7   (A) the child attended a public school full time

8 during the final semester of the preceding school year; or

9   (B) the child received a voucher during the

10 preceding school year.

11   (b) The parent of an eligible child who receives a voucher:

12   (1) is not required to reapply for the voucher if the

13 child continues to be eligible for the voucher; and

14   (2) must provide written notice to the commissioner

15 not later than September 15 of each school year confirming that the

16 child will continue to participate in the program.

17   Sec. 29.354. ADMISSIONS. (a) A private school may reject

18 an application for admission of a child who is not academically

19 qualified for admission to the school, as determined by the school,

20 but the school may not reject an application on the basis of the

21 child's race, national origin, or ethnicity.

22   (b) A private school that has more academically qualified

23 applicants with vouchers than available positions must fill the

24 positions on a first-come, first-served basis.

25   Sec. 29.355. PARENTAL NOTIFICATION. At the end of each

26 school year, each school district shall notify in writing the

27 parent of each eligible child of the child's eligibility for the

1 program.

2   Sec. 29.356. AMOUNT OF VOUCHER; FINANCING. (a) Each

3 voucher must be:

4   (1) in the amount of $5,500, to be adjusted yearly

5 using the average of the Consumer Price Index for Urban Consumers

6 published by the Bureau of Labor Statistics of the United States

7 Department of Labor for Dallas and Houston for the preceding year;

8 and

9   (2) financed by legislative appropriation.

10   (b) On presentation of the voucher as payment to a school

11 that accepts the voucher, a parent of an eligible child may:

12   (1) designate an amount equal to part or all of the

13 voucher to pay part or all of the child's tuition and other fees

14 charged by the school; and

15   (2) supplement the voucher to pay any remaining

16 balance for tuition or other fees.

17   (c) On acceptance of a voucher as payment, a school is

18 entitled to receive the lesser of:

19   (1) the amount designated by the parent of the

20 eligible child under Subsection (b)(1);

21   (2) the amount of tuition and other fees charged by the

22 school; or

23   (3) the amount of the voucher, as determined under

24 Subsection (a)(1).

25   (d) On receipt of a voucher as payment, a school must submit

26 to the commissioner:

27   (1) the voucher;

1   (2) evidence of the child's enrollment at the school

2 for payment on a monthly, pro rata basis; and

3   (3) a statement of the school's regular charges for

4 tuition and other fees, including any fees for textbooks.

5   Sec. 29.357. VOUCHER ACCOUNT. (a) If a parent designates

6 less money for payment of tuition than the total voucher amount, or

7 a school's tuition and other fees are less than the total voucher

8 amount, the difference between the value of the voucher and the

9 amount of the tuition and fees shall be deposited in an account in

10 the child's name that shall be maintained by the comptroller.

11   (b) The voucher account balance, including interest but

12 excluding administrative fees, may be used to:

13   (1) pay tuition at an elementary or secondary school

14 if the school's tuition is greater than the value of the voucher; or

15   (2) pay tuition or fees at a college or university.

16   (c) If a child using a voucher has not obtained a high school

17 diploma before the child's 21st birthday, any remaining balance in

18 the child's voucher account must be deposited to the credit of the

19 foundation school fund.

20   (d) If a child using a voucher and holding a high school

21 diploma has not obtained a bachelor's degree before the child's 25th

22 birthday, any remaining balance in the child's voucher account

23 shall be deposited to the credit of the foundation school fund.

24   Sec. 29.358. ACADEMIC   REQUIREMENTS;   LIABILITY   FOR

25 REPAYMENT. (a) The parent of each child receiving a voucher shall

26 ensure that the child is tested annually by means of a nationally

27 recognized, norm-referenced assessment instrument adopted under

1 Section 39.026.

2 (b)   The certified test results must be submitted to the

3 commissioner.   If a parent fails to designate the commissioner as

4 a recipient of the results, the parent shall repay any money

5 expended for the child under this program, and the child is

6 ineligible for a voucher under this subchapter until the test

7 results are submitted to the commissioner.

8 Sec. 29.359.   DUTIES OF COMPTROLLER.   The comptroller shall

9 adopt rules, procedures, and forms for the payment of vouchers to

10 schools on behalf of students attending those schools with

11 vouchers.

12 Sec. 29.360.   RULES.   The commissioner may adopt rules as

13 necessary to implement this subchapter.

14 SECTION 2.   The commissioner of education shall implement

15 the public education voucher program as provided by Subchapter J,

16 Chapter 29, Education Code, as added by this Act, beginning with the

17 2005-2006 school year.

18 SECTION 3.   This Act takes effect September 1, 2005.