S.B. No. 1871 1-1 By: Davis (In the Senate - Filed March 11, 2011; March 24, 2011, read first time and referred to Committee on Education; May 12, 2011, reported adversely, with favorable Committee Substitute by the 1-2 1-3 1-4 1-5 following vote: Yeas 5, Nays 3; May 12, 2011, sent to printer.) COMMITTEE SUBSTITUTE FOR S.B. No. 1871 1-6 By: Davis 1-7 A BILL TO BE ENTITLED 1-8 AN ACT relating to a contracted services program for certain students with 1-9 1-10 a severe pervasive developmental disorder or a severe intellectual 1-11 disability. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 1-12 SECTION 1. Chapter 29, Education Code, is amended by adding 1-13 1**-**14 1**-**15 Subchapter M to read as follows: SUBCHAPTER M. CONTRACTED SERVICES PROGRAM 1-16 29.501. DEFINITIONS. In this subchapter: Sec. (1) "Parent" includes a guardian, custodian, or other 1-17 person with authority to act on behalf of a student. (2) "Pervasive developmental disorder" includes, as defined by the most recent edition of the Diagnostic and 1-18 1**-**19 1**-**20 1-21 Statistical Manual of Mental Disorders: autism; 1-22 (A) (B) 1-23 Asperger's syndrome; 1-24 1-25 Rett's syndrome; childhood disintegrative disorder; and (C) (D) 1-26 (E) a pervasive developmental disorder, not 1-27 otherwise specified. "Program" means the contracted services program 1-28 (3) for eligible students created by this subchapter. (4) "Qualifying institution": 1-29 1-30 1-31 (A) means a nongovernmental community-based 1-32 educational and therapeutic establishment that: 1-33 (i) provides for the educational and 1-34 therapeutic needs of students with a severe pervasive developmental disorder or severe intellectual disability; 1-35 1-36 (ii) gualifies for participation in the program, as provided by Section 29.507; and 1-37 (iii) is eligible Medicaid payments made on 1-38 <u>rec</u>eive t_0 insurance 1-39 behalf of an eligible payments or 1-40 student; and 1-41 (B) does not include a school that solely 1-42 provides education in a home setting or that limits enrollment to relatives of the school's staff. Sec. 29.502. CONTRACTED 1-43 CONTRACTED SERVICES PROGRAM. (a) An eligible Sec. 29.502. CONTRACTED S student under Section 29.503 may: 1-44 1-45 attend any public school in the district in which 1-46 (1) 1-47 the student resides; 1-48 (2) attend a public school in a district other than the district in which the student resides; or (3) receive contracted services through a qualifying 1-49 1-50 1-51 institution. (b) Each school year, a school district or open-enrollment charter school shall provide written notice of the program to the parent of a student who is eligible to participate in the program under Section 29.503. Notice under this subsection must: 1-52 1-53 1-54 1-55 1-56 (1) include information explaining that the 1-57 Individuals with Disabilities Education Act (20 U.S.C. Section 1400 1-58 et seq.) does not apply to a qualifying institution participating 1-59 in the program and that a student attending a qualifying institution under this subchapter waives any rights under the Act; 1-60 1-61 and <u>studen</u>t's 1-62 require that the sign (2) parent а confirmation of receipt of the notice and return the confirmation 1-63

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2-1	to the district.
2-2	Sec. 29.503. ELIGIBLE STUDENT. (a) A student is eligible
2-3 2-4	to participate in the program if the student: (1) has sought public school services under an
2-4 2 - 5	(1) has sought public school services under an individualized education plan at the time the parent applies for
2-6	the program;
2-7	(2) is eligible to participate in a school district's
2-8	special education program under Section 29.003;
2-9	(3) has been diagnosed by a medical doctor with:
2-10	(A) a severe pervasive developmental disorder;
2-11	<u>or</u>
2-12	(A) (B) a severe intellectual disability; and
2-13 2-14	(4) requires a limited duration of intense services for the purpose of attaining school readiness skills to participate
2-14	in a classroom. School readiness skills shall include the
2-16	following skills:
2-17	(A) spontaneous imitation of their peers basic
2-18	functions;
2-19	(B) the ability to sit and attend quietly for at
2-20	least five minutes in a group setting;
2-21 2-22	(C) basic communication skills;
2-22	(D) basic social skills such as: (i) sharing; and
2-24	(ii) responding to peers;
2-25	(E) compliance skills; and
2-26	(F) maladaptive behaviors at a rate, frequency,
2-27	and intensity that does not disrupt the class.
2-28	(b) For a student who attends a qualifying institution under
2-29	this subchapter, the school district in which the student resides,
2-30 2-31	the qualifying institution, and the student's parent shall annually review:
2-31	(1) the continued applicability of the student's
2-33	original diagnosis;
2-34	(2) the student's continued eligibility for
2-35	participation in the program;
2-36	(3) the plan for transition of the student to a public
2-37 2-38	school; and (4) the goals actablished and accomments
2-38	(4) the goals established and assessments administered under Section 29.510.
2-40	(c) If the parent and the school district disagree as to
2-41	whether a student continues to meet the qualifications for an
2-42	eligible student under Subsection (a), the parent may seek a second
2-43	diagnosis as established under Subsection (d).
2-44	(d) If the parent and the school district disagree as to
2-45	whether a student meets the requirements for eligibility under
2 - 46 2 - 47	Subsection (a)(4), the parent may seek a second diagnosis by a second medical doctor to determine whether the student requires a
2-48	limited duration of intense services for the purpose of attaining
2-49	school readiness skills. Not later than the 30th day following the
2-50	second diagnosis as provided by this subsection, the school
2-51	district and the parent shall meet to discuss the results of the
2-52	second diagnosis. The second diagnosis determines whether the
2-53	student meets the eligibility requirements under Subsection
2 - 54 2 - 55	(a)(4). The parent shall be responsible for the costs and effort in obtaining a second diagnosis.
2-56	Sec. 29.504. TRANSFER OF STATE AID BETWEEN SCHOOL
2-57	DISTRICTS. Except as provided by Section 29.505, an eligible
2-58	student who, as provided by Section 29.502(a)(2), attends a public
2-59	school in a school district other than the district in which the
2-60	student resides is included in the average daily attendance of the
2-61	district in which the student resides for purposes of Chapters 41
2-62 2-63	and 42. Sec. 29.505. STATE AID IN CERTAIN CIRCUMSTANCES. An
2 - 63 2 - 64	eligible student who, as provided by Section 29.502(a)(2), attends
2-65	a public school in a school district other than the district in
2-66	which the student resides is counted in the average daily
2-67	attendance of the school district in which the student attends
2-68	school if the total amount of state aid that the enrolling district
2-69	would receive by counting the student in the district's average

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3-1	daily attendance is greater than the amount of state aid the
3-2	district would receive as a result of receiving a transfer of funds
3-3	from the district in which the student resides under Section
3-4	29.504.
3-5	Sec. 29.506. FINANCING OF SERVICES PROVIDED BY QUALIFYING
3-6	INSTITUTION. (a) Except as provided by Subsection (b), for a
3-7	student who attends a qualifying institution under this subchapter,
3-8	
3-9	funding that is equal to the amount the institution would receive
3-10	for a student if the institution were an open-enrollment charter
3-11	school, as calculated under Sections 12.106(a)(2) and (a-1),
3-12	multiplied by 1.1.
3-13	(b) The commissioner may withhold a portion of the funding
3-14	to which a qualifying institution is entitled under Subsection (a)
3-15	to pay the costs of administering the program.
3-16	(c) A student's program funding under this section may not
3-17	be financed by:
3-18	(1) money appropriated from the available school fund;
3-19	or
3-20	(2) federal funds.
3-21	(d) The agency shall directly distribute funding to the
3-22	qualifying institution on a monthly basis. The agency may not
3-23	distribute funding to the qualifying institution the student
3-24	attends until after services have been provided.
3-24 3-25	(e) The agency shall require that the qualifying
3-25	institution submit documentation of the student's attendance
3-27	
3-28	institution. The qualifying institution shall submit the
3-29	documentation to the agency on a monthly basis, and the agency shall
3-30	distribute funding to the qualifying institution not later than the
3-31	30th day after the date of receiving the documentation.
3-32	(f) A qualifying institution may not share a student's
3-33	program funding with or refund or rebate a student's program
3-34	funding to the parent, the student, or a nonqualifying institution
3-35	in any manner.
3-36	Sec. 29.507. PARTICIPATION BY QUALIFYING INSTITUTIONS.
3-37	(a) To participate in the program, a qualifying institution:
3-38	<u>(1)</u> must:
3-39	(A) comply with all health and safety laws
3-40	applicable to nongovernmental schools;
3-41	(B) hold a valid occupancy permit if required by
3-42	the municipality in which the institution is located;
3-43	(C) employ a health care practitioner described
3-44	by Section 1355.015(b), Insurance Code; and
3-45	(D) comply with all state laws regarding criminal
3-46	background checks for employees and may not employ a person who is
3-47	not authorized under state law to work in a public school district
3-48	or open-enrollment charter school; qualifying institutions shall
3-49	follow and have access to the same procedures and information as
(-5)	
3-50 3-51	established by Section 22.083; and
3-51	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or
3 - 51 3 - 52	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity,
3-51 3-52 3-53	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion.
3-51 3-52 3-53 3-54	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a
3-51 3-52 3-53 3-54 3-55	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in
3-51 3-52 3-53 3-54 3-55 3-56	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative
3-51 3-52 3-53 3-54 3-55 3-56 3-57	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and
3-51 3-52 3-53 3-54 3-55 3-56 3-57 3-58	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the
3-51 3-52 3-53 3-54 3-55 3-56 3-57 3-58 3-59	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the Department of Assistive and Rehabilitative Services shall have
3-51 3-52 3-53 3-54 3-55 3-56 3-57 3-58 3-59 3-60	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the Department of Assistive and Rehabilitative Services shall have equal input in the request for qualification process and selection
3-51 3-52 3-53 3-54 3-55 3-55 3-57 3-58 3-59 3-60 3-61	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the Department of Assistive and Rehabilitative Services shall have equal input in the request for qualification process and selection of qualifying institutions.
3-51 3-52 3-53 3-54 3-55 3-56 3-57 3-58 3-59 3-60 3-61 3-62	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the Department of Assistive and Rehabilitative Services shall have equal input in the request for qualification process established under (c) The request for qualification process established under
3-51 3-52 3-53 3-54 3-55 3-56 3-57 3-58 3-59 3-60 3-61 3-62 3-63	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the Department of Assistive and Rehabilitative Services shall have equal input in the request for qualification process and selection of qualifying institutions. (c) The request for qualification process established under Subsection (b) may include provisions considering whether an
3-51 3-52 3-53 3-54 3-55 3-56 3-57 3-58 3-59 3-60 3-61 3-62 3-63 3-64	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the Department of Assistive and Rehabilitative Services shall have equal input in the request for qualification process and selection of qualifying institutions. (c) The request for qualification process established under Subsection (b) may include provisions considering whether an institution:
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3-51 3-52 3-53 3-54 3-55 3-56 3-57 3-58 3-59 3-60 3-61 3-62 3-63 3-64 3-65 3-66	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the Department of Assistive and Rehabilitative Services shall have equal input in the request for qualification process and selection of qualifying institutions. (c) The request for qualification process established under Subsection (b) may include provisions considering whether an institution: (1) is accredited by an accrediting association recognized by the commissioner to accredit nongovernmental schools
3-51 3-52 3-53 3-54 3-55 3-55 3-57 3-58 3-59 3-60 3-61 3-62 3-63 3-64 3-65 3-66 3-67	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the Department of Assistive and Rehabilitative Services shall have equal input in the request for qualification process established under Subsection (b) may include provisions considering whether an institution: (1) is accredited by an accrediting association recognized by the commissioner to accredit nongovernmental schools in this state;
3-51 3-52 3-53 3-54 3-55 3-55 3-57 3-58 3-59 3-60 3-61	established by Section 22.083; and (2) may not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion. (b) Qualifying institutions shall be determined through a request for qualification process established by the agency, in collaboration with the Department of Assistive and Rehabilitative Services, and subject to public comment as to the criteria and standards to be used to establish qualification. The agency and the Department of Assistive and Rehabilitative Services shall have equal input in the request for qualification process and selection of qualifying institutions. (c) The request for qualification process established under Subsection (b) may include provisions considering whether an institution: (1) is accredited by an accrediting association recognized by the commissioner to accredit nongovernmental schools

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4-1	been withdrawn, denied, or left pending for more than 18 months; or
4-2	(3) has previously provided contracted services for
4-3	individuals with pervasive developmental disorders or intellectual
4-4	disabilities for the Department of Assistive and Rehabilitative
4-5	Services.
4-6	(d) A nongovernmental community-based educational
4-7	establishment that provides for the educational needs of students
4-8	with severe pervasive developmental disorders or severe
4-9	intellectual disabilities may apply to the agency to participate in
4-10	the program as a qualifying institution. The agency, in
4-11	consultation with the Department of Assistive and Rehabilitative
4-12	Services, shall create and maintain a list of participating
4-13 4-14	qualifying institutions and ensure that the list is available to the public.
4-14 4 - 15	(e) A sectarian institution may not be a qualifying
4-16	institution under this subchapter.
4-17	Sec. 29.508. APPLICATION FOR CONTRACTED SERVICES THROUGH
4-18	PROGRAM. (a) For an eligible student to participate in the
4-19	program and receive contracted services through a qualifying
4-20	institution, the parent of the student must apply to the agency on
4-21	behalf of the student. The application must specify the qualifying
4-22	institution the student plans to attend and demonstrate that the
4-23	student has been accepted for admission by that institution.
4-24	(b) On receiving the application from the parent of an
4-25	eligible student, the agency shall verify a student's eligibility.
4-26	If the agency verifies that the student is eligible for
4-27	participation in the program, the agency shall notify the student's
4-28	parent of the student's eligibility.
4-29	(c) A verification of student eligibility by the agency
4-30	under Subsection (b) is for review purposes only and does not
4-31	preempt the decision made at the local level on whether a student
4-32	qualifies for contracted services under the program.
4-33	(d) A parent may apply on behalf of the student to
4-34	participate in the program at any time.
4-35 4-36	Sec. 29.509. ADMISSIONS. (a) In order to receive funding under Section 29.506, a qualifying institution may not deny
4-30 4 - 37	admission by discriminating on the basis of the student's race,
4-38	ethnicity, religion, creed, or national origin and must comply with
4-39	the requirements of:
4-40	(1) Title VI, Civil Rights Act of 1964 (42 U.S.C.
4-41	Section 2000d et seq.) with respect to discrimination on the basis
4-42	of race, color, or national origin; and
4-43	(2) Section 504, Rehabilitation Act of 1973 (29 U.S.C.
4-44	Section 794), with respect to nondiscrimination on the basis of
4-45 4-46	disability.
4-40 4-47	(b) A qualifying institution or a school district or campus that has more qualified program applicants for attendance under
4-48	this subchapter than available positions must fill the available
4-49	
	program positions in the order the institution, district, or campus
4-50	program positions in the order the institution, district, or campus receives the applications. In considering whether the school
4-50 4-51	receives the applications. In considering whether the school
4-51	receives the applications. In considering whether the school district, public school, or qualifying institution has more
4-51 4-52	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants,
4-51	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and
4-51 4-52 4-53	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space.
4-51 4-52 4-53 4-54	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and
4-51 4-52 4-53 4-54 4-55	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another
4-51 4-52 4-53 4-54 4-55 4-56	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that
4-51 4-52 4-53 4-54 4-55 4-56 4-57 4-58 4-59	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that admittance would require additional staff, financial resources, or facility space. (d) A qualifying institution may submit a written request
4-51 4-52 4-53 4-54 4-55 4-56 4-57 4-58 4-59 4-60	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that admittance would require additional staff, financial resources, or facility space. (d) A qualifying institution may submit a written request for student records from the school district or open-enrollment
4-51 4-52 4-53 4-54 4-55 4-56 4-57 4-58 4-59 4-60 4-61	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that admittance would require additional staff, financial resources, or facility space. (d) A qualifying institution may submit a written request for student records from the school district or open-enrollment charter school previously attended by an eligible student, if
4-51 4-52 4-53 4-54 4-55 4-56 4-57 4-58 4-59 4-60 4-61 4-62	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that admittance would require additional staff, financial resources, or facility space. (d) A qualifying institution may submit a written request for student records from the school district or open-enrollment charter school previously attended by an eligible student, if applicable. Not later than the 10th working day after the date the
4-51 4-52 4-53 4-54 4-55 4-56 4-57 4-58 4-59 4-60 4-61 4-62 4-63	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that admittance would require additional staff, financial resources, or facility space. (d) A qualifying institution may submit a written request for student records from the school district or open-enrollment charter school previously attended by an eligible student, if applicable. Not later than the 10th working day after the date the district or school receives the request, the district or school
4-51 4-52 4-53 4-54 4-55 4-55 4-57 4-58 4-59 4-60 4-61 4-62 4-63 4-64	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that admittance would require additional staff, financial resources, or facility space. (d) A qualifying institution may submit a written request for student records from the school district or open-enrollment charter school previously attended by an eligible student, if applicable. Not later than the 10th working day after the date the district or school receives the request, the district or school shall deliver to the qualifying institution a copy of the school's
4-51 4-52 4-53 4-54 4-55 4-56 4-57 4-58 4-59 4-60 4-61 4-62 4-63 4-64 4-65	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that admittance would require additional staff, financial resources, or facility space. (d) A qualifying institution may submit a written request for student records from the school district or open-enrollment charter school previously attended by an eligible student, if applicable. Not later than the 10th working day after the date the district or school receives the request, the district or school shall deliver to the qualifying institution a copy of the school's complete student records for that student, including attendance
4-51 4-52 4-53 4-54 4-55 4-56 4-57 4-58 4-59 4-60 4-61 4-62 4-63 4-65 4-66	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that admittance would require additional staff, financial resources, or facility space. (d) A qualifying institution may submit a written request for student records from the school district or open-enrollment charter school previously attended by an eligible student, if applicable. Not later than the 10th working day after the date the district or school receives the request, the district or school shall deliver to the qualifying institution a copy of the school's complete student records for that student, including attendance records, disciplinary records, results of any assessment
4-51 4-52 4-53 4-55 4-55 4-55 4-57 4-58 4-59 4-60 4-61 4-62 4-63 4-65 4-65 4-65 4-67	receives the applications. In considering whether the school district, public school, or qualifying institution has more qualified applicants than availability for qualified applicants, the entity may consider staff needs, financial resources, and facility space. (c) A qualifying institution or public school in another district may refuse an eligible student if it determines that admittance would require additional staff, financial resources, or facility space. (d) A qualifying institution may submit a written request for student records from the school district or open-enrollment charter school previously attended by an eligible student, if applicable. Not later than the 10th working day after the date the district or school receives the request, the district or school shall deliver to the qualifying institution a copy of the school's complete student records for that student, including attendance records, disciplinary records, results of any assessment instruments administered to the student, the student's
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district or school that is required to release student records 5-1 under this subsection shall comply with any applicable provision of 5-2 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 5-3 5-4

<u>Section 1232g).</u> Sec. 29.510. Sec. 29.510. ACADEMIC ACCOUNTABILITY. (a) A qualifying institution, in collaboration with the school district in which the 5-5 5-6 5-7 student resides, shall establish academic and functional goals for 5-8 each eligible student receiving contracted services from the institution. The goals must be developed in a manner similar to an 5-9 5-10 individualized educational program developed under Section 29.005. 5-11 Each school year, a qualifying institution shall review and revise 5-12 the goals developed for the student under this subsection. At regular intervals not less than three times each academic year, 5-13 the 5-14 qualifying institution shall provide a report to the student's 5**-**15 5**-**16 parent describing the student's progress toward achieving the goals developed for the student under this subsection.

5-17 (b) Each spring semester, a qualifying institution that provides contracted services to a student under this subchapter 5-18 shall assess the student's progress. Under an agreement with the agency, the qualifying institution shall administer the 5-19 5-20 5-21 Β, appropriate assessment instrument adopted under Subchapter 5-22 Chapter 39. 5-23

The qualifying institution shall provide: (c)

(1) the student's results on assessment instruments administered under Subsection (b) to the student's parent; and (2) the aggregated results of assessment instruments 5-24

5-26 5-27 administered under Subsection (b) to the public, subject to the applicable provisions of the Family Educational Rights and Privacy 5-28 5-29

Act of 1974 (20 U.S.C. Section 1232g). Sec. 29.511. FINANCIAL SOLVENCY. The commissioner may adopt rules requiring a qualifying institution that accepts funding 5-30 5-31 under this subchapter to demonstrate financial solvency. 5-32

Sec. 29.512. QUALIFYING INSTITUTION AUTONOMY. 5-33 (a) А qualifying institution that accepts funding under this subchapter is not an agent or arm of the state or federal government. 5-34 5-35

(b) Except as provided by this subchapter, 5-36 the commissioner, the agency, the State Board of Education, or any 5-37 5-38 other state agency may not regulate the educational program of a 5-39 qualifying institution that accepts funding under this subchapter.

(c) A qualifying institution that accepts funding under subchapter is not required to implement an individualized 5-40 5-41 this educational program developed for the student under Section 29.005. 5-42 The eligible student's parent and the qualifying institution shall 5-43 5-44 determine the services and educational program to be provided to 5-45

the eligible student. Sec. 29.513. RIGHTS AND RESPONSIBILITIES OF PARENTS 5-46 AND 5-47 STUDENTS. (a) It is the responsibility of the parent of an 5-48 eligible student to: 5-49

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 locate and select a qualifying institution; (2) apply for admission to the qualifying institution;

5-51 and 5-52 (3) apply in the manner provided under Section 29.508 5-53 for participation in the program.

(b) A student participating in the program must attend the qualifying institution each school day unless the student is excused by the school for illness or other good cause, as determined 5-54 5-55 5-56 5-57 by the institution.

(c) Participation in the program does not create a property for either the parents or the participating qualifying 5-58 5-59 right institution. Sec. 29.514. 5-60

TRANSFER. 5-61 (a) An eligible student 5-62 participating in the program may transfer to a public school or 5-63 another qualifying institution in the manner authorized by commissioner rule. If a student transfers to another school or 5-64 5-65 qualifying institution under this section after the beginning of the school year, the commissioner shall prorate the amount of the 5-66 student's program funding between the qualifying institutions or 5-67 5-68 the qualifying institution and the school district, as applicable, according to the length of the student's attendance at each entity. 5-69

 (b) The commissioner may adopt rules 'regarding the commissioner may not adopt rules regarding the aqualifying institution to another qualifying institution. (c) The commissioner may not adopt rules restricting the frequency with which a parent may transfer an eligible student from a qualifying institution to a public school. Sec. 23.515. KULES. The commissioner shall adopt rules as for a qualifying institution and distribution of payments for qualifying institutions. Sec. 23.515. KULES. The commissioner shall adopt rules as for a qualifying institution and distribution of payments for qualifying institutions and student participation in the program. Juncidual rules regarding: qualifying institutions and student participation in the program. Juncian and the proval procedures for qualifying institutions and student participation in the program. Juncian addition of a payments for a qualifying institution of a payments for sec. 23.516. FMOGRM COWNLANCE: (a) The agency may withhold funding from any disprict or qualifying institution in a payment be appealed. Sec. 23.516. FMOGRM COWNLANCE: (a) The agency may fill but to be available to a subchapter. Agency decisions are final and may not be appealed. fill has not met the requirements provide by this subchapter. dischapter. (c) If the commissioner revexes a qualifying institution's generalisation to participate in the program lift the commissioner discovers a qualifying institution. generalisation to participate in the program decision required by this subchapter. for any action arising as the result of a student's participation in the state in a timely maner any overpayment of program funding made to the institution's generalisation with experience in condition required in the program. for an action arising as the result of a student's participation in the program. for an action arising		C.S.S.B. No. 1871
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7-1 open-enrollment charter schools, and qualifying institutions shall 7-2 provide to the organization conducting an evaluation student 7-3 assessment instrument results and any other information necessary 7-4 to complete the evaluation.

7-5 (f) The agency may accept grants to assist in funding the 7-6 evaluation.

7-7 Sec. 29.519. APPLICATION OF SUNSET ACT. (a) The 7-8 contracted services program is subject to Chapter 325, Government Code (Texas Sunset Act), as if the program were a state agency. 7-9 7-10 Unless continued in existence as provided by that chapter, the , 7**-**11 program is abolished and this subchapter expires September 1, 2017.

7-12 (b) To the extent Chapter 325, Government Code (Texas Sunset 7-13 Act), imposes a duty on a state agency under review, the agency 7-14 shall perform that duty as it relates to the program, subject to 7-15 available financial resources. 7-16 SECTION 2. (a) The Texas Education Agency shall make the

7-16 SECTION 2. (a) The Texas Education Agency shall make the 7-17 contracted services program under Subchapter M, Chapter 29, 7-18 Education Code, as added by this Act, available for participation 7-19 beginning with the 2012-2013 academic school year.

7-20 (b) As soon as practicable, the commissioner of education 7-21 shall adopt and implement rules necessary for the administration of 7-22 the contracted services program.

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7-23 SECTION 3. This Act takes effect September 1, 2011.

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