

By: Ratliff

H.B. No. 931

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for a public education grant of certain students receiving special education services.

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

SECTION 1. Section 29.202(a), Education Code, is amended to read as follows:

(a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus:

(1) at which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.023(a) or (c) in any two of the preceding three years; ~~or~~

(2) that, at any time in the preceding three years, failed to satisfy any standard under Section 39.054(e); or

(3) that is found by the agency under Section 29.010 to be in noncompliance with major requirements of the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.), federal regulations, state statutes, or agency requirements necessary to carry out federal law or regulations or state law related to special education, provided that the student received special education services at the campus for at least one school year or calendar year before the finding of noncompliance.

1 SECTION 2. Section 29.203(d), Education Code, is amended to
2 read as follows:

3 (d) A school district chosen by a student's parent under
4 Section 29.201 is entitled to accept or reject the application for
5 the student to attend school in that district but may not use
6 criteria that discriminate on the basis of a student's race,
7 ethnicity, academic achievement, athletic abilities, language
8 proficiency, sex, ~~or~~ socioeconomic status, or disability. A
9 school district that has more acceptable applicants for attendance
10 under this subchapter than available positions must give priority
11 to students at risk of dropping out of school as defined by Section
12 29.081 and students who are eligible under Section 29.202(a)(3),
13 and must fill the available positions by lottery. However, to
14 achieve continuity in education, a school district may give
15 preference over at-risk students and students eligible under
16 Section 29.202(a)(3) to enrolled students and to the siblings of
17 enrolled students residing in the same household or other children
18 residing in the same household as enrolled students for the
19 convenience of parents, guardians, or custodians of those children.

20 SECTION 3. Section 29.204, Education Code, is amended to
21 read as follows:

22 Sec. 29.204. NOTIFICATION. (a) Not later than January 1 of
23 each year the commissioner shall, based on the most recent
24 information available, provide notice to each school district in
25 which a campus described by Section 29.202(a)(1) or (2) [~~29.202~~] is
26 located that:

27 (1) identifies each campus in the district that meets

1 the description in Section 29.202(a)(1) or (2) [~~29.202~~]; and

2 (2) informs the district that the district must comply
3 with Subsection (b).

4 (a-1) As soon as possible after the agency finds that a
5 campus is in noncompliance for purposes of Section 29.202(a)(3),
6 the commissioner shall provide notice to the school district and
7 inform the district that the district must comply with Subsection
8 (b).

9 (b) Not later than February 1 of each year, a school
10 district shall notify the parent of each student in the district
11 assigned to attend a campus described by Section 29.202(a)(1) or
12 (2) [~~29.202~~] that the student is eligible for a public education
13 grant. In accordance with commissioner rule, a school district
14 shall notify the parent of each student in the district eligible
15 under Section 29.202(a)(3) of the student's eligibility as soon as
16 possible after the student's campus is found to be in noncompliance
17 for purposes of that section. The notice must contain a clear,
18 concise explanation of the public education grant program and of
19 the manner in which the parent may obtain further information about
20 the program.

21 SECTION 4. This Act applies beginning with the 2013-2014
22 school year.

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.