

BILL ANALYSIS

C.S.H.B. 279
By: Simmons
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Parents of a special needs child face many challenges, especially regarding the child's education. Interested parties note that special education services and techniques vary between schools and school districts, and many families are forced to move so that a child in the family can receive the best possible education and special education services. The parties contend that a family should not have to move to achieve those goals and that, often, the school a parent would prefer that the child attend is close to the family's home, within the same school district, or in a neighboring school district or county.

Currently, only students attending certain underperforming schools are eligible under the public education grant program to receive a grant or to attend another public school in the district in which the student resides. C.S.H.B. 279 seeks to expand eligibility for the program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 279 amends the Education Code to extend eligibility under the public education grant program for a student to receive a public education grant or attend another public school in the district in which the student resides to a student who is in kindergarten through grade 12 and eligible to participate in a school district's special education program and who is the subject of an individualized education program. The bill specifies that a student who establishes eligibility in such a manner remains eligible until the earlier of the date the student graduates from high school or the student's 22nd birthday.

C.S.H.B. 279 includes students who are eligible under the bill's provisions for the grant program among those to whom a school district is required to give priority if the district has more acceptable grant program applicants for attendance than available positions. The bill requires the school district such a student attends, if the student's admission, review, and dismissal committee determines based on the student's individualized education program that the student requires transportation and the student attends another public school in the district in which the student resides or in a district adjacent to that district, to provide the student transportation free of charge in the manner provided under the student's individualized education program. The bill requires the school district in which such a student resides, if the student's admission, review, and dismissal committee determines based on the student's individualized education program that the

student does not require transportation and if the student attends a school in another district under the grant program, to provide the student transportation free of charge to and from the school the student would otherwise attend. The bill requires a school district, in accordance with commissioner of education rule, to notify the parent of each student in the district eligible under the bill's provisions for the grant program of the student's eligibility as soon as possible after the student establishes eligibility. The bill applies beginning with the 2015–2016 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 279 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 29.202, Education Code, is amended.

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

(d) A school district chosen by a student's parent under Section 29.201 is entitled to accept or reject the application for the student to attend school in that district but may not use criteria that discriminate on the basis of a student's race, ethnicity, academic achievement, athletic abilities, language proficiency, sex, [ø] socioeconomic status, or disability. A school district that has more acceptable applicants for attendance under this subchapter than available positions must give priority to students at risk of dropping out of school as defined by Section 29.081 and students who are eligible under Section 29.202(a)(2), and must fill the available positions by lottery. However, to achieve continuity in education, a school district may give preference over at-risk students and students eligible under Section 29.202(a)(2) to enrolled students and to the siblings of enrolled students residing in the same household or other children residing in the same household as enrolled students for the convenience of parents, guardians, or custodians of those children.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 29.203, Education Code, is amended by amending Subsections (d) and (f) and adding Subsection (f-1) to read as follows:

(d) A school district chosen by a student's parent under Section 29.201 is entitled to accept or reject the application for the student to attend school in that district but may not use criteria that discriminate on the basis of a student's race, ethnicity, academic achievement, athletic abilities, language proficiency, sex, or socioeconomic status. A school district that has more acceptable applicants for attendance under this subchapter than available positions must give priority to students at risk of dropping out of school as defined by Section 29.081 and students who are eligible under Section 29.202(a)(2), and must fill the available positions by lottery. However, to achieve continuity in education, a school district may give preference over at-risk students and students eligible under Section 29.202(a)(2) to enrolled students and to the siblings of enrolled students residing in the same household or other children residing in the same household as enrolled students for the convenience of parents, guardians, or custodians of those children.

(f) The school district in which a student

resides shall provide each student who establishes eligibility under Section 29.202(a)(1) and attends [attending] a school in another district under this subchapter transportation free of charge to and from the school the student would otherwise attend.

(f-1) For a student who establishes eligibility under Section 29.202(a)(2):

(1) if the student's admission, review, and dismissal committee determines based on the student's individualized education program that the student requires transportation and the student attends another public school in the district in which the student resides or in a district adjacent to that district, the school district that the student attends shall provide the student transportation free of charge in the manner provided under the student's individualized education program; or

(2) if the student's admission, review, and dismissal committee determines based on the student's individualized education program that the student does not require transportation and if the student attends a school in another district under this subchapter, the school district in which the student resides shall provide the student transportation free of charge to and from the school the student would otherwise attend.

SECTION 3. Section 29.204, Education Code, is amended.

SECTION 3. Same as introduced version.

SECTION 4. This Act applies beginning with the 2015-2016 school year.

SECTION 4. Same as introduced version.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 5. Same as introduced version.