

By: Flynn

H.B. No. 919

A BILL TO BE ENTITLED

AN ACT

relating to provisional special education funding for certain students in public schools.

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

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0121 to read as follows:

Sec. 29.0121. PROVISIONAL SPECIAL EDUCATION FUNDING FOR CERTAIN STUDENTS. (a) This section applies to a student:

(1) residing in a residential placement facility, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home; or

(2) for whom the Department of Family and Protective Services has been appointed temporary or permanent conservator.

(b) Pending determination of the student's eligibility for special education services, a school district or open-enrollment charter school in which a student to whom this section applies is enrolled is entitled to funding for that student under Section 42.151 as a student in a mainstream instructional arrangement, regardless of whether the student is enrolled in a special education program under this subchapter.

(c) Provisional funding under this section ends on the date that a determination is made regarding the student's eligibility for special education services. A school district or

1 open-enrollment charter school is not required to return
2 provisional funding received under this section if the student is
3 determined to be ineligible for special education services.

4 SECTION 2. This Act applies beginning with the 2015-2016
5 school year.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2015.