

BILL ANALYSIS

H.B. 23
By: Huberty
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that students with autism often require specialized attention in order to achieve instructional goals when compared to other students within public schools and contend that some programs have limited ability to accommodate students with autism due to inadequate resources or a lack of evidence-based and research-based measures directed at helping those students. H.B. 23 seeks to create a grant program with the purpose of providing innovative services to students with autism.

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 rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

H.B. 23 amends the Education Code to require the commissioner of education to establish a program to award grants to public school districts and open-enrollment charter schools that provide innovative services to students with autism. The bill authorizes a school district, including a school district acting through a district charter, and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, to apply for a grant. The bill makes a program eligible for a grant if the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget; incorporates specified elements; gives priority for enrollment to students with autism; limits enrollment and services to students who are at least three years of age and who are younger than nine years of age or are enrolled in the third grade or a lower grade level; and allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year.

H.B. 23 prohibits a school district or open-enrollment charter school from charging a fee for a program, other than those authorized by law for students in public schools; from requiring a parent to enroll a child in a program; from allowing an admission, review, and dismissal committee to place a student in a program without the written consent of the student's parent or guardian; or from continuing the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program. The bill authorizes a program to alter the length of the school day or school year or the number of minutes of instruction received by students, coordinate services with private or community-based providers, allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner, and adopt staff qualifications and staff to student ratios that

differ from the applicable statutory requirements.

H.B. 23 requires the commissioner to adopt rules creating an application and selection process for the grants, to create an external panel of stakeholders to provide assistance in the selection of applications for the award of grants, to award grants to fund not more than 10 programs that meet the eligibility criteria, and to prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The bill requires selected programs to reflect the diversity of Texas. The bill requires the commissioner to select programs and award grant funds to those programs beginning in the 2018-2019 school year and establishes that the selected programs are to be funded for five years. The bill establishes that a grant awarded to a school district or open-enrollment charter school is in addition to the foundation school program (FSP) funds that the district or charter school is otherwise entitled to receive.

H.B. 23 requires the commissioner to set aside an amount not to exceed \$20 million from the total amount of funds appropriated to the FSP for the 2018-2019 fiscal biennium to fund the grants, to use \$10 million for purposes of the grant program for each school year in the state fiscal biennium, and to reduce each district's and charter school's allotment proportionally to account for funds so allocated. The bill caps the amount a grant recipient may receive for the 2018-2019 fiscal biennium at \$1 million. The bill authorizes the commissioner and any selected program to accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the program. The bill prohibits the commissioner and any selected program from requiring any financial contribution from parents to implement and administer the program. The bill authorizes the commissioner to consider a student with autism who is enrolled in a program funded under the bill's provisions as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting. The bill requires the commissioner to publish a report on the grant program not later than December 31, 2021, and sets out the required contents of the report.

H.B. 23 expires September 1, 2024.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, December 1, 2017.