

By: Huberty, Simmons, Fallon, et al.

H.B. No. 23

A BILL TO BE ENTITLED

AN ACT

relating to a grant program to fund innovative programs for public school students with autism.

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

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.026 to read as follows:

Sec. 29.026. GRANT PROGRAM PROVIDING SERVICES TO STUDENTS WITH AUTISM. (a) The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools that provide innovative services to students with autism.

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, may apply for a grant under this section.

(c) A program is eligible for a grant under this section if:

(1) the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;

(2) the program incorporates:

(A) evidence-based and research-based design;

(B) the use of empirical data on student achievement and improvement;

(C) parental support and collaboration;

1 (D) the use of technology;

2 (E) meaningful inclusion; and

3 (F) the ability to replicate the program for
4 students statewide;

5 (3) the program gives priority for enrollment to
6 students with autism;

7 (4) the program limits enrollment and services to
8 students who are:

9 (A) at least three years of age; and

10 (B) younger than nine years of age or are
11 enrolled in the third grade or a lower grade level; and

12 (5) the program allows a student who turns nine years
13 of age or older during a school year to remain in the program until
14 the end of that school year.

15 (d) A school district or open-enrollment charter school may
16 not:

17 (1) charge a fee for the program, other than those
18 authorized by law for students in public schools;

19 (2) require a parent to enroll a child in the program;

20 (3) allow an admission, review, and dismissal
21 committee to place a student in the program without the written
22 consent of the student's parent or guardian; or

23 (4) continue the placement of a student in the program
24 after the student's parent or guardian revokes consent, in writing,
25 to the student's placement in the program.

26 (e) A program under this section may:

27 (1) alter the length of the school day or school year

1 or the number of minutes of instruction received by students;

2 (2) coordinate services with private or
3 community-based providers;

4 (3) allow the enrollment of students without
5 disabilities or with other disabilities, if approved by the
6 commissioner; and

7 (4) adopt staff qualifications and staff to student
8 ratios that differ from the applicable requirements of this title.

9 (f) The commissioner shall adopt rules creating an
10 application and selection process for grants awarded under this
11 section.

12 (g) The commissioner shall create an external panel of
13 stakeholders, including parents of students with disabilities, to
14 provide assistance in the selection of applications for the award
15 of grants under this section.

16 (h) The commissioner shall award grants to fund not more
17 than 10 programs that meet the eligibility criteria under
18 Subsection (c). In selecting programs, the commissioner shall
19 prioritize programs that are collaborations between multiple
20 school districts, multiple charter schools, or school districts and
21 charter schools. The selected programs must reflect the diversity
22 of this state.

23 (i) The commissioner shall select programs and award grant
24 funds to those programs beginning in the 2018-2019 school year. The
25 selected programs are to be funded for five years.

26 (j) A grant awarded to a school district or open-enrollment
27 charter school under this section is in addition to the Foundation

1 School Program funds that the district or charter school is
2 otherwise entitled to receive.

3 (k) The commissioner shall set aside an amount not to exceed
4 \$20 million from the total amount of funds appropriated to the
5 Foundation School Program for the 2018-2019 fiscal biennium to fund
6 grants under this section. The commissioner shall use \$10 million
7 for the purposes of this section for each school year in the state
8 fiscal biennium. A grant recipient may not receive more than \$1
9 million for the 2018-2019 fiscal biennium. The commissioner shall
10 reduce each district's and charter school's allotment
11 proportionally to account for funds allocated under this section.

12 (l) The commissioner and any program selected under this
13 section may accept gifts, grants, and donations from any public or
14 private source, person, or group to implement and administer the
15 program. The commissioner and any program selected under this
16 section may not require any financial contribution from parents to
17 implement and administer the program.

18 (m) The commissioner may consider a student with autism who
19 is enrolled in a program funded under this section as funded in a
20 mainstream placement, regardless of the amount of time the student
21 receives services in a regular classroom setting.

22 (n) Not later than December 31, 2021, the commissioner shall
23 publish a report on the grant program established under this
24 section. The report must include:

25 (1) recommendations for statutory or funding changes
26 necessary to implement successful innovations in the education of
27 students with autism; and

1 (2) data on the academic and functional achievements
2 of students enrolled in a program that received a grant under this
3 section.

4 (o) This section expires September 1, 2024.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2017.