

By: Huberty

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. To participate in the program, a student must be at least three years of age but younger than nine years of age.

(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 a separate campus from the campus in which the program is located, with a separate budget and principal;

(2) the program incorporates:

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

(B) the use of empirical data on student

1 achievement and improvement;

2 (C) parental support and collaboration;

3 (D) the use of technology;

4 (E) meaningful inclusion; and

5 (F) the ability to replicate the program for
6 students statewide; and

7 (3) the program gives priority for enrollment to
8 students with autism.

9 (d) A school district or open-enrollment charter school may
10 not:

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

13 (2) require a parent to participate in the program; or

14 (3) allow an admission, review, and dismissal
15 committee to place a student in the program without the consent of
16 the student's parent or guardian.

17 (e) A program under this section may:

18 (1) alter the length of the school day or school year
19 or the number of minutes of instruction received by students;

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

22 (3) allow the enrollment of students without
23 disabilities or with other disabilities, if approved by the
24 commissioner; and

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

27 (f) The commissioner shall adopt rules creating an

1 application and selection process for grants awarded under this
2 section.

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

7 (h) The commissioner shall award grants to fund not more
8 than 10 programs that meet the eligibility criteria under
9 Subsection (c). In selecting programs, the commissioner shall
10 prioritize programs that are a collaboration between multiple
11 school districts and charter schools. The selected programs must
12 reflect the geographic diversity of this state.

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

16 (j) A grant awarded to a school district or open-enrollment
17 charter school under this section is in addition to the foundation
18 school program funds that the district or charter school is
19 otherwise entitled to receive.

20 (k) The commissioner shall set aside an amount not exceeding
21 \$20 million from the total amount of funds appropriated to the
22 foundation school program for the 2018-2019 fiscal biennium to fund
23 grants under this section. The commissioner shall use \$10 million
24 for the purposes of this section for each school year in the state
25 fiscal biennium. A grant recipient may not receive more than \$1
26 million for the 2018-2019 fiscal biennium. The commissioner shall
27 reduce each district's and charter school's allotment

1 proportionally to account for funds allocated under this section.

2 (1) The commissioner and any program selected under this
3 section may accept gifts, grants, and donations from any public or
4 private source to implement and administer the program.

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

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

12 (1) recommendations for statutory or funding changes
13 necessary to implement successful innovations in the education of
14 students with autism; and

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

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

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