

By: Simmons

H.B. No. 68

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for a public education grant of certain students receiving special education services.

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

SECTION 1. Section 29.202, Education Code, is amended to read as follows:

Sec. 29.202. ELIGIBILITY. (a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if:

(1) the student is assigned to attend a public school campus:

(A) [~~(1)~~] at which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.023(a) or (c) in any two of the preceding three years; or

(B) [~~(2)~~] that, at any time in the preceding three years, failed to satisfy any standard under Section 39.054(e) as applicable during that year; or

(2) the student:

(A) is in kindergarten through grade 12 and eligible under Section 29.003 to participate in a school district's special education program; and

(B) is the subject of an individualized education

1 program developed under Section 29.005.

2 (b) After a student who establishes eligibility under
3 Subsection (a)(1) has used a public education grant to attend a
4 school in a district other than the district in which the student
5 resides:

6 (1) the student does not become ineligible for the
7 grant if the school on which the student's initial eligibility is
8 based no longer meets the criteria under Subsection (a)(1) [~~(a)~~];
9 and

10 (2) the student becomes ineligible for the grant if
11 the student is assigned to attend a school that does not meet the
12 criteria under Subsection (a)(1) [~~(a)~~].

13 (c) A student who establishes eligibility under Subsection
14 (a)(2) remains eligible until the earlier of the date the student
15 graduates from high school or the student's 22nd birthday.

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

19 (d) A school district chosen by a student's parent under
20 Section 29.201 is entitled to accept or reject the application for
21 the student to attend school in that district but may not use
22 criteria that discriminate on the basis of a student's race,
23 ethnicity, academic achievement, athletic abilities, language
24 proficiency, sex, or socioeconomic status. A school district that
25 has more acceptable applicants for attendance under this subchapter
26 than available positions must give priority to students at risk of
27 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

1 subchapter, the school district in which the student resides shall
2 provide the student transportation free of charge to and from the
3 school the student would otherwise attend.

4 SECTION 3. Section 29.204, Education Code, is amended to
5 read as follows:

6 Sec. 29.204. NOTIFICATION. (a) Not later than January 1 of
7 each year the commissioner shall, based on the most recent
8 information available, provide notice to each school district in
9 which a campus described by Section 29.202(a)(1) [~~29.202~~] is
10 located that:

11 (1) identifies each campus in the district that meets
12 the description in Section 29.202(a)(1) [~~29.202~~]; and

13 (2) informs the district that the district must comply
14 with Subsection (b).

15 (b) Not later than February 1 of each year, a school
16 district shall notify the parent of each student in the district
17 assigned to attend a campus described by Section 29.202(a)(1)
18 [~~29.202~~] that the student is eligible for a public education grant.
19 In accordance with commissioner rule, a school district shall
20 notify the parent of each student in the district eligible under
21 Section 29.202(a)(2) of the student's eligibility as soon as
22 possible after the student establishes eligibility. The notice
23 must contain a clear, concise explanation of the public education
24 grant program and of the manner in which the parent may obtain
25 further information about the program.

26 SECTION 4. This Act applies beginning with the 2017-2018
27 school year.

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