86R9576 MP-F

By:  Meyer H.B. No. 3581

A BILL TO BE ENTITLED

AN ACT

relating to the special education allotment and the creation of a supported education allotment under the Foundation School Program and to instructional arrangements for students with disabilities enrolled in public schools.

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

SECTION 1.  Section 8.051(d), Education Code, is amended to read as follows:

(d)  Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1)  training and assistance in:

(A)  teaching each subject area assessed under Section 39.023; and

(B)  providing instruction in personal financial literacy as required under Section 28.0021;

(2)  training and assistance in providing each program that qualifies for a funding allotment under Section 42.151, 42.1511, 42.152, 42.153, or 42.156;

(3)  assistance specifically designed for a school district or campus assigned an unacceptable performance rating under Section 39.054;

(4)  training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees;

(5)  assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements, based on the agency's most recent compliance review of the district's special education programs; and

(6)  assistance in complying with state laws and rules.

SECTION 2.  Section 29.002, Education Code, is amended to read as follows:

Sec. 29.002.  DEFINITION. In this subchapter, "special services" means:

(1)  special education instruction and supports[~~, which may be~~] provided by professional personnel, who may be [~~and~~] supported by paraprofessional personnel in providing the instruction and supports, in a [~~the regular~~] classroom or in an alternative instructional arrangement [~~described by Section 42.151~~]; and

(2)  related services, which are developmental, corrective, supportive, or evaluative services, not instructional in nature, that may be required for the student to benefit from special education instruction and for implementation of a student's individualized education program.

SECTION 3.  Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0021 to read as follows:

Sec. 29.0021.  INSTRUCTIONAL ARRANGEMENTS. The State Board of Education shall adopt rules regarding instructional arrangements used with students with disabilities.

SECTION 4.  Section 29.014(d), Education Code, is amended to read as follows:

(d)  The basic allotment for a student enrolled in a district to which this section applies is adjusted by:

(1)  the cost of education adjustment under Section 42.102 for the school district in which the district is geographically located; and

(2)  the applicable weight for the [~~a homebound~~] student under Section 42.151(a).

SECTION 5.  Section 29.022(u)(3), Education Code, is amended to read as follows:

(3)  "Self-contained classroom" does not include a classroom that is a resource room, as determined by the State Board of Education [~~instructional arrangement under Section 42.151~~].

SECTION 6.  Section 42.101(a), Education Code, is amended to read as follows:

(a)  For each student in average daily attendance, not including the time students spend each day in [~~special education programs in an instructional arrangement other than mainstream or~~] career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment equal to the lesser of $4,765 or the amount that results from the following formula:

A = $4,765 X (DCR/MCR)

where:

"A" is the allotment to which a district is entitled;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by $1.50.

SECTION 7.  Section 42.151, Education Code, is amended by amending Subsections (a) and (k) and adding Subsection (a-1) to read as follows:

(a)  For each student in average daily attendance in a special education program under Subchapter A, Chapter 29, [~~in a mainstream instructional arrangement,~~] a school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by [~~1.1. For each full-time equivalent student in average daily attendance in a special education program under Subchapter A, Chapter 29, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to instructional arrangement as follows~~]:

(1)  1.1, if, on average, the student receives special services for a period of less than 15 minutes per school day;

(2)  1.8, if, on average, the student receives special services for a period of at least 15 minutes and not more than three hours per school day; and

(3)  2.4, if, on average, the student receives special services for a period of more than three hours per school day.

[~~Homebound5.0~~

[~~Hospital class3.0~~

[~~Speech therapy5.0~~

[~~Resource room3.0~~

[~~Self-contained, mild and moderate, regular campus3.0~~

[~~Self-contained, severe, regular campus3.0~~

[~~Off home campus2.7~~

[~~Nonpublic day school1.7~~

[~~Vocational adjustment class2.3~~]

(a-1)  In this section, "special services" has the meaning assigned by Section 29.002.

(k)  A school district that provides an extended year program required by federal law for special education students who may regress is entitled to receive funds in an amount equal to 75 percent, or a lesser percentage determined by the commissioner, of the adjusted basic allotment or adjusted allotment, as applicable, for each [~~full-time equivalent~~] student in average daily attendance, multiplied by the applicable weight for the student [~~amount~~] designated [~~for the student's instructional arrangement~~] under this section, for each day the program is provided divided by the number of days in the minimum school year. The total amount of state funding for extended year services under this section may not exceed $10 million per year. A school district may use funds received under this section only in providing an extended year program.

SECTION 8.  Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.1511 to read as follows:

Sec. 42.1511.  SUPPORTED EDUCATION ALLOTMENT. (a) For each student in average daily attendance who receives aids, accommodations, or services to provide the student access to the required curriculum under Section 28.002 in accordance with a plan created for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), a school district is entitled to an annual allotment equal to the district's adjusted basic allotment multiplied by:

(1)  1.1, if, on average, the student receives those aids, accommodations, or services for a period of less than 15 minutes per school day; and

(2)  1.8, if, on average, the student receives those aids, accommodations, or services for a period of at least 15 minutes per school day.

(b)  Funds allotted under this section must be used to provide aids, accommodations, or services, as applicable, to students for whom a plan has been created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or to provide related programs for educator professional development and certification.

(c)  A school district may not receive an allotment under this section for a student for whom the district is entitled to an allotment under Section 42.151.

SECTION 9.  Sections 42.151(b), (c), (d), (e), and (f), Education Code, are repealed.

SECTION 10.  Not later than September 1, 2020, the State Board of Education shall adopt rules as required by Section 29.0021, Education Code, as added by this Act.

SECTION 11.  (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2020.

(b)  Section 29.0021, Education Code, as added by this Act, takes effect September 1, 2019.