

By: González of El Paso

H.B. No. 1075

A BILL TO BE ENTITLED

AN ACT

relating to payments to school districts for certain special education evaluations.

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

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0042 to read as follows:

Sec. 29.0042. PAYMENTS FOR FULL INDIVIDUAL AND INITIAL EVALUATIONS. (a) Each school year from funds available to the agency for the purpose, a school district is entitled to receive a \$1,000 payment for each full individual and initial evaluation the district conducts under Section 29.004 during that school year. Payments authorized under this section are in addition to other funding the district receives through other provisions of this code, including the allotment provided under Section 42.152.

(b) To receive payment under this section for a school year, a school district must submit to the commissioner on or before a date established by commissioner rule:

(1) a list that identifies each evaluation conducted by the district under Section 29.004 for the year; and

(2) documentation sufficient to verify each evaluation for which the district requests a payment.

(c) The commissioner shall approve an evaluation for payment under this section if the commissioner determines a school district's documentation submitted under Subsection (b) for the

1 evaluation is sufficient.

2 (d) If the funds available for a school year are not
3 sufficient to make a full \$1,000 payment for each evaluation
4 approved for payment for that year, the commissioner shall reduce
5 the payment amount provided for each evaluation approved
6 proportionately to an amount equal to the total amount of funds
7 available for payments under this section divided by the total
8 number of evaluations approved.

9 (e) The commissioner shall adopt rules as necessary to
10 implement this section, including rules:

11 (1) to provide guidance for submitting a request for
12 payment, including submitting documentation for verification of an
13 evaluation under Subsection (b); and

14 (2) to ensure this section complies with federal law
15 regarding confidentiality of student medical or educational
16 information, including the Health Insurance Portability and
17 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the
18 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
19 Section 1232g), and any state law relating to the privacy of student
20 information.

21 SECTION 2. (a) This Act applies beginning with the
22 2019-2020 school year.

23 (b) As soon as practicable after the effective date of this
24 Act, the commissioner of education shall adopt rules necessary to
25 implement Section 29.0042, Education Code, as added by this Act.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2019.