

By: Meyer

H.B. No. 3581

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the special education allotment and the creation of a  
3 supported education allotment under the Foundation School Program  
4 and to instructional arrangements for students with disabilities  
5 enrolled in public schools.

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

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

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

12 (1) training and assistance in:

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

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

17 (2) training and assistance in providing each program  
18 that qualifies for a funding allotment under Section 42.151,  
19 42.1511, 42.152, 42.153, or 42.156;

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

23 (4) training and assistance to teachers,  
24 administrators, members of district boards of trustees, and members

1 of site-based decision-making committees;

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

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

7 SECTION 2. Section [29.002](#), Education Code, is amended to  
8 read as follows:

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

11 (1) special education instruction and supports [~~7~~  
12 ~~which may be~~] provided by professional personnel, who may be [~~and~~]  
13 supported by paraprofessional personnel in providing the  
14 instruction and supports, in a [~~the regular~~] classroom or in an  
15 alternative instructional arrangement [~~described by Section~~  
16 [42.151](#)]; and

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

22 SECTION 3. Subchapter A, Chapter [29](#), Education Code, is  
23 amended by adding Section 29.0021 to read as follows:

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

27 SECTION 4. Section [29.014](#)(d), Education Code, is amended to

1 read as follows:

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

4 (1) the cost of education adjustment under Section  
5 42.102 for the school district in which the district is  
6 geographically located; and

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

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

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

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

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

23 
$$A = \$4,765 \times (\text{DCR}/\text{MCR})$$

24 where:

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

26 "DCR" is the district's compressed tax rate, which is the  
27 product of the state compression percentage, as determined under

1 Section 42.2516, multiplied by the maintenance and operations tax  
2 rate adopted by the district for the 2005 tax year; and

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

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

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

20 (1) 1.1, if, on average, the student receives special  
21 services for a period of less than 15 minutes per school day;

22 (2) 1.8, if, on average, the student receives special  
23 services for a period of at least 15 minutes and not more than three  
24 hours per school day; and

25 (3) 2.4, if, on average, the student receives special  
26 services for a period of more than three hours per school day.

27 [~~Homebound . . . . . 5.0~~

1           ~~[Hospital class . . . . . 3.0~~

2           ~~[Speech therapy . . . . . 5.0~~

3           ~~[Resource room . . . . . 3.0~~

4           ~~[Self-contained, mild and moderate, regular campus . 3.0~~

5           ~~[Self-contained, severe, regular campus . . . . . 3.0~~

6           ~~[Off home campus . . . . . 2.7~~

7           ~~[Nonpublic day school . . . . . 1.7~~

8           ~~[Vocational adjustment class . . . . . 2.3]~~

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

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

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

27           Sec. 42.1511. SUPPORTED EDUCATION ALLOTMENT. (a) For each

1 student in average daily attendance who receives aids,  
2 accommodations, or services to provide the student access to the  
3 required curriculum under Section 28.002 in accordance with a plan  
4 created for the student under Section 504, Rehabilitation Act of  
5 1973 (29 U.S.C. Section 794), a school district is entitled to an  
6 annual allotment equal to the district's adjusted basic allotment  
7 multiplied by:

8 (1) 1.1, if, on average, the student receives those  
9 aids, accommodations, or services for a period of less than 15  
10 minutes per school day; and

11 (2) 1.8, if, on average, the student receives those  
12 aids, accommodations, or services for a period of at least 15  
13 minutes per school day.

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

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

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

25 SECTION 10. Not later than September 1, 2020, the State  
26 Board of Education shall adopt rules as required by Section  
27 29.0021, Education Code, as added by this Act.

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

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