By:  Schaefer H.B. No. 82

A BILL TO BE ENTITLED

AN ACT

relating to a parent-directed supplemental services and instructional materials program for public school students; authorizing a fee.

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

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

SUBCHAPTER R. PARENT-DIRECTED SUPPLEMENTAL SERVICES PROGRAM

Sec. 29.751.  DEFINITIONS. In this subchapter:

(1)  "Parent" has the meaning assigned by Section 29.041.

(2)  "Supplemental instructional materials" includes textbooks, computer hardware or software, other technological devices, and other materials suitable for addressing an educational need of a public school student.

(3)  "Supplemental services" means an additive service that provides an educational benefit to a public school student including:

(A)  virtual, advanced, and trade-related programs;

(B)  extracurricular activities;

(C)  private tutoring and other supplemental private instruction or programs; and

(D)  college credit.

Sec. 29.752.  ESTABLISHMENT AND ADMINISTRATION OF PROGRAM. (a) The agency by rule shall establish and administer a parent-directed program for public school students through which a parent of a student who meets the eligibility requirements for participation in the program may select supplemental services and supplemental instructional materials for use by the parent's student. From funds appropriated for the purpose, the agency shall provide each student approved for participation in the program under this subchapter a grant as provided by Section 48.305 to purchase supplemental services and supplemental instructional materials.

(b)  In administering the program, the agency shall maintain a system of online accounts to provide to an eligible student's parent access to the grant described by Subsection (a).

(c)  The agency shall designate one or more regional education service centers to administer the program under this section.

(d)  The agency shall establish a procedure by which a student may initiate a transfer of control of the account, from the parent to the student, for the use of unexpended money in the account at the time of the student's graduation in accordance with Section 29.756(d).

Sec. 29.753.  APPLICATION FOR GRANT ON BEHALF OF STUDENT. The agency shall establish an application process for an eligible student's parent to apply for a grant held in an online account maintained under Section 29.752(b) and assigned to the student under Section 29.755.

Sec. 29.754.  PROGRAM ELIGIBILITY CRITERIA. (a) The agency shall establish eligibility criteria for the approval of an application submitted under Section 29.753. The criteria must require that the student be enrolled in the current school year at a school district or open-enrollment charter school.

(b)  The eligibility criteria established under this section must also prioritize students for whom a school district or open-enrollment charter school is entitled to the compensatory education allotment under Section 48.104.

(c)  A student may receive a grant once under this subchapter while enrolled in kindergarten through grade 12. A student may receive an additional grant under this subchapter if the legislature appropriates money for that purpose.

Sec. 29.755.  APPROVAL OF APPLICATION; ASSIGNMENT OF ACCOUNT. The agency shall approve each student who meets the program eligibility criteria established under Section 29.754 and assign to the student an account maintained under Section 29.752(b). The account may only be used by the student's parent or the student as provided by Section 29.752(d) to purchase supplemental services or supplemental instructional materials for the student, subject to Sections 29.756 and 29.757.

Sec. 29.756.  ACCOUNT USE RESTRICTION. (a) Money in an account assigned to a student under Section 29.755 may be used only for supplemental services, supplemental instructional materials, and expenditures for tuition and fees as authorized under Subsection (d).

(b)  Any supplemental services purchased under the program under this subchapter must be provided by an agency-approved provider.

(c)  If the agency has approved vendors for a category of supplemental instructional materials under Section 29.757, supplemental instructional materials must be purchased from an agency-approved vendor for that category of supplemental instructional materials. If the agency does not establish criteria for agency approval for a category of supplemental instructional materials, money in the student's account may be used to purchase the supplemental instructional materials from any vendor.

(d)  The commissioner by rule shall authorize the use of money in an account assigned to a student under Section 29.755 to be spent on tuition and fees at an institution of higher education or private or independent institution of higher education, including any unexpended money in a student's account at the time of the student's graduation. Any remaining unexpended money in a student's account on the sixth anniversary of the student's graduation shall be returned to the agency for purposes of the program.

Sec. 29.757.  AGENCY-APPROVED PROVIDERS AND VENDORS: CRITERIA AND APPLICATION. (a) The agency shall establish criteria necessary for agency approval for each category of provider of a professional service that is a supplemental service, as identified by the agency.

(b)  The criteria established under this section must require a provider of a category of professional service to be appropriately licensed or accredited in this state to provide that service.

(c)  The agency shall provide a procedure for providers of supplemental services to apply to the agency to become an agency-approved provider.

(d)  The agency may establish criteria for agency approval of vendors for each category of supplemental instructional materials identified by the agency.

(e)  If the agency establishes criteria for agency approval for a vendor of a category of supplemental instructional materials, the agency shall provide a procedure for vendors of that category to apply to the agency to become an agency-approved vendor.

Sec. 29.758.  PUBLIC SCHOOL PROVIDERS. A school district or open-enrollment charter school provider approved under Section 29.757 may charge a fee for supplemental instructional materials or supplemental services provided to a student under this subchapter that otherwise would not have been provided to the student by the district or school.

Sec. 29.759.  ADMISSION, REVIEW, AND DISMISSAL COMMITTEE DUTIES. (a) A student's admission, review, and dismissal committee shall develop a student's individualized education program under Section 29.005, in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.), without consideration of any supplemental services or supplemental instructional materials that may be provided under the program under this subchapter.

(b)  Unless the district determines that an account has been assigned to the student under Section 29.045, the admission, review, and dismissal committee of a student approved for participation in the program shall provide to the student's parent at an admission, review, and dismissal committee meeting for the student:

(1)  information regarding the types of supplemental services or supplemental instructional materials available under the program and provided by agency-approved providers for which an account maintained under Section 29.752(b) for the student may be used; and

(2)  instructions regarding accessing an account described by Subdivision (1).

Sec. 29.760.  DETERMINATION OF COMMISSIONER FINAL. Notwithstanding Section 7.057, a determination of the commissioner under this subchapter is final and may not be appealed.

Sec. 29.761.  RULES. The commissioner shall adopt rules as necessary to administer the supplemental services and instructional materials program under this subchapter.

SECTION 2.  Subchapter G, Chapter 48, Education Code, is amended by adding Section 48.305 to read as follows:

Sec. 48.305.  PARENT-DIRECTED SUPPLEMENTAL SERVICES PROGRAM GRANT. (a) A student to whom the agency awards a grant under Subchapter R, Chapter 29, is entitled to receive a grant equal to $1,000 or a greater amount provided by appropriation.

(b)  The agency shall use money appropriated to the agency for purposes of this section to award grants under Subchapter R, Chapter 29.

SECTION 3.  Not later than December 1, 2023, the commissioner of education shall adopt all rules necessary for the establishment and administration of the parent-directed supplemental services program required under Subchapter R, Chapter 29, Education Code, as added by this Act.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.