

By: Jetton

H.B. No. 3781

A BILL TO BE ENTITLED

AN ACT

1
2 relating to special education in public schools, including the
3 special education allotment under the Foundation School Program, an
4 education savings account program for certain children with
5 disabilities, and a grant program to reimburse public schools for
6 the cost of certain employer contributions for retirees of the
7 Teacher Retirement System of Texas employed to teach special
8 education.

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

10 SECTION 1. Effective September 1, 2024, Section 8.051(d),
11 Education Code, is amended to read as follows:

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

15 (1) training and assistance in:

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

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

20 (2) training and assistance in providing each program
21 that qualifies for a funding allotment under Section 48.102,
22 48.1021, 48.104, 48.105, or 48.109;

23 (3) assistance specifically designed for a school
24 district or campus assigned an unacceptable performance rating

1 under Section 39.054;

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

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

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

10 SECTION 2. Chapter 22, Education Code, is amended by adding
11 Subchapter E to read as follows:

12 SUBCHAPTER E. RETIRED SPECIAL EDUCATION TEACHER GRANT PROGRAM

13 Sec. 22.151. RETIRED SPECIAL EDUCATION TEACHER GRANT
14 PROGRAM. (a) From money appropriated or otherwise available for
15 the purpose, the commissioner shall establish a grant program to
16 reimburse school districts and open-enrollment charter schools for
17 the cost of required contributions under Section 825.4092,
18 Government Code, for the employment of a retiree hired to:

19 (1) teach special education; or

20 (2) provide services related to special education.

21 (b) A grant received under the program may only be used for
22 the cost of required contributions for the employment of a retiree:

23 (1) who retired before September 1, 2022; or

24 (2) as provided by the General Appropriations Act.

25 (c) If the amount of grant requests under the program
26 exceeds the amount appropriated or otherwise available for the
27 purpose, the commissioner shall proportionately reduce the amount

1 of each grant.

2 SECTION 3. Section 29.001, Education Code, is amended to
3 read as follows:

4 Sec. 29.001. IMPLEMENTATION OF SPECIAL EDUCATION LAW
5 ~~[STATEWIDE PLAN]~~. (a) As the state education agency responsible
6 for carrying out the purposes of Part B, Individuals with
7 Disabilities Education Act (20 U.S.C. Section 1411 et seq.), the
8 ~~[The]~~ agency shall develop, and revise ~~[modify]~~ as necessary, a
9 comprehensive system to ensure statewide and local compliance
10 ~~[design, consistent]~~ with federal and state law related to special
11 education~~[, for the delivery of services to children with~~
12 ~~disabilities in this state that includes rules for the~~
13 ~~administration and funding of the special education program so that~~
14 ~~a free appropriate public education is available to all of those~~
15 ~~children between the ages of three and 21]~~.

16 (b) The comprehensive system ~~[statewide design]~~ shall
17 include the provision of services primarily through school
18 districts and shared services arrangements, supplemented by
19 regional education service centers.

20 (c) The comprehensive system ~~[agency]~~ shall focus on
21 maximizing student outcomes and include ~~[also develop and implement~~
22 ~~a statewide plan with programmatic content that includes procedures~~
23 ~~designed to]~~:

24 (1) rulemaking, technical assistance, guidance
25 documents, monitoring protocols, and other resources as necessary
26 to implement and ensure compliance with federal and state law
27 related to special education ~~[ensure state compliance with~~

1 ~~requirements for supplemental federal funding for all~~
2 ~~state-administered programs involving the delivery of~~
3 ~~instructional or related services to students with disabilities];~~

4 (2) the facilitation of [~~facilitate~~] interagency
5 coordination when other state agencies are involved in the delivery
6 of instructional or related services to students with disabilities;

7 (3) the pursuit of [~~periodically assess statewide~~
8 ~~personnel needs in all areas of specialization related to special~~
9 ~~education and pursue~~] strategies to meet statewide special
10 education and related services personnel [~~those~~] needs [~~through a~~
11 ~~consortium of representatives from regional education service~~
12 ~~centers, local education agencies, and institutions of higher~~
13 ~~education and through other available alternatives];~~

14 (4) ensuring [~~ensure~~] that regional education service
15 centers throughout the state maintain a regional support function,
16 which may include direct service delivery and a component designed
17 to facilitate the placement of students with disabilities who
18 cannot be appropriately served in their resident districts;

19 (5) [~~allow the agency to~~] effectively monitoring
20 [~~monitor~~] and periodically conducting [~~conduct~~] site visits of all
21 school districts to ensure that rules adopted under this subchapter
22 [~~section~~] are applied in a consistent and uniform manner, to ensure
23 that districts are complying with those rules, and to ensure that
24 annual statistical reports filed by the districts and not otherwise
25 available through the Public Education Information Management
26 System under Sections 48.008 and 48.009 are accurate and complete;

27 and

1 (6) the provision of training and technical assistance
2 to ensure that:

3 (A) appropriately trained personnel are involved
4 in the diagnostic and evaluative procedures operating in all
5 districts and that those personnel routinely serve on district
6 admissions, review, and dismissal committees;

7 (B) [~~(7) ensure that~~] an individualized
8 education program for each student with a disability is properly
9 developed, implemented, and maintained in the least restrictive
10 environment that is appropriate to meet the student's educational
11 needs;

12 (C) [~~(8) ensure that,~~] when appropriate, each
13 student with a disability is provided an opportunity to participate
14 in career and technology and physical education classes[~~, in~~
15 ~~addition to participating in regular or special classes~~];

16 (D) [~~(9) ensure that~~] each student with a
17 disability is provided necessary related services;

18 (E) [~~(10) ensure that~~] an individual assigned to
19 act as a surrogate parent for a child with a disability, as provided
20 by 20 U.S.C. Section 1415(b), is required to:

21 (i) [~~(A)~~] complete a training program that
22 complies with minimum standards established by agency rule;

23 (ii) [~~(B)~~] visit the child and the child's
24 school;

25 (iii) [~~(C)~~] consult with persons involved
26 in the child's education, including teachers, caseworkers,
27 court-appointed volunteers, guardians ad litem, attorneys ad

1 litem, foster parents, and caretakers;

2 (iv) [~~(D)~~] review the child's educational
3 records;

4 (v) [~~(E)~~] attend meetings of the child's
5 admission, review, and dismissal committee;

6 (vi) [~~(F)~~] exercise independent judgment
7 in pursuing the child's interests; and

8 (vii) [~~(G)~~] exercise the child's due
9 process rights under applicable state and federal law; and

10 (F) [~~(11) — ensure that~~] each district develops a
11 process to be used by a teacher who instructs a student with a
12 disability in a regular classroom setting:

13 (i) [~~(A)~~] to request a review of the
14 student's individualized education program;

15 (ii) [~~(B)~~] to provide input in the
16 development of the student's individualized education program;

17 (iii) [~~(C)~~] that provides for a timely
18 district response to the teacher's request; and

19 (iv) [~~(D)~~] that provides for notification
20 to the student's parent or legal guardian of that response.

21 SECTION 4. Subchapter A, Chapter 29, Education Code, is
22 amended by adding Section 29.0012 to read as follows:

23 Sec. 29.0012. ANNUAL MEETING ON SPECIAL EDUCATION. (a) At
24 least once each year, the board of trustees of a school district or
25 the governing body of an open-enrollment charter school shall
26 include during a public meeting the discussion of the performance
27 of students receiving special education services at the district or

1 school.

2 (b) The agency by rule shall adopt a set of performance
3 indicators for measuring and evaluating the quality of learning and
4 achievement for students receiving special education services at
5 the school district or open-enrollment charter school to be
6 considered at a meeting held under this section. The indicators
7 must include performance on the college, career, or military
8 readiness outcomes described by Section 48.110.

9 SECTION 5. Section 29.003, Education Code, is amended to
10 read as follows:

11 Sec. 29.003. ELIGIBILITY CRITERIA. (a) The agency shall
12 develop specific eligibility criteria based on the general
13 classifications established by this section and in accordance with
14 federal law [~~with reference to contemporary diagnostic or~~
15 ~~evaluative terminologies and techniques~~]. Eligible students with
16 disabilities shall enjoy the right to a free appropriate public
17 education, which may include instruction in the regular classroom,
18 instruction through special teaching, or instruction through
19 contracts approved under this subchapter. Instruction shall be
20 supplemented by the provision of related services when appropriate.

21 (b) A student is eligible to participate in a school
22 district's special education program [~~if the student~~]:

23 (1) from birth through [~~is not more than~~] 21 years of
24 age if the student [~~and~~] has a visual [~~or auditory~~] impairment or is
25 deaf or hard of hearing and that disability prevents the student
26 from being adequately or safely educated in public school without
27 the provision of special education services; [~~or~~]

1 (2) from three years of age through five years of age
2 if the student is experiencing developmental delays as described by
3 20 U.S.C. Section 1401(3)(B) and defined by commissioner rule; or

4 (3) from 3 years of age through [~~is at least three but~~
5 ~~not more than~~] 21 years of age if the student [~~and~~] has one or more
6 of the [~~following~~] disabilities described by 20 U.S.C. Section
7 1401(3)(A) and that disability prevents the student from being
8 adequately or safely educated in public school without the
9 provision of special education services[+]

10 [~~(A) physical disability;~~

11 [~~(B) intellectual or developmental disability;~~

12 [~~(C) emotional disturbance;~~

13 [~~(D) learning disability;~~

14 [~~(E) autism;~~

15 [~~(F) speech disability; or~~

16 [~~(G) traumatic brain injury].~~

17 SECTION 6. Subchapter A, Chapter 29, Education Code, is
18 amended by adding Section 29.0055 to read as follows:

19 Sec. 29.0055. LOCAL INTELLECTUAL AND DEVELOPMENTAL
20 DISABILITY AUTHORITY INFORMATION. At the meeting at which a child's
21 initial individualized education program is developed, the school
22 district shall provide to the child's parent the contact
23 information for the local intellectual and developmental
24 disability authority for the region in which the district is
25 located for use in discussing services or public benefits that may
26 provide additional support to the child.

27 SECTION 7. Subchapter A, Chapter 29 Education Code, is

1 amended by adding Section 29.0056 to read as follows:

2 Sec. 29.0056. INFORMATION REGARDING STATE SUPPORTED
3 LIVING CENTERS. (a) At an admission, review, dismissal meeting
4 when residential placement is discussed, the school district shall
5 provide to the child's parent or legal guardian the information
6 regarding state supported living centers developed under
7 Subsection (b) for use in discussing possible residential options.

8 (b) The Health and Human Services Commission, in
9 collaboration with the agency and stakeholders representing the
10 full continuum of educational residential placement options, shall
11 develop materials to be provided to a parent of a child who may
12 qualify for placement in a state supported living center.

13 (c) The agency shall make the materials developed under
14 Subsection (b) available for school districts.

15 SECTION 8. Section 29.008, Education Code, is amended by
16 amending Subsections (a) and (b) and adding Subsection (a-1) to
17 read as follows:

18 (a) The commissioner shall establish a list of approved
19 public or private facilities, institutions, or agencies inside or
20 outside of this state that a [A] school district, shared services
21 arrangement unit, or regional education service center may contract
22 with [a public or private facility, institution, or agency inside
23 or outside of this state] for the provision of services to students
24 with disabilities in a residential placement. The commissioner may
25 approve either the whole or a part of a facility or program.

26 (a-1) Each contract described by this section [for
27 residential placement] must be approved by the commissioner. The

1 commissioner may approve a [~~residential placement~~] contract under
 2 this section only after at least a programmatic evaluation of
 3 personnel qualifications, costs, adequacy of physical plant and
 4 equipment, and curriculum content. [~~The commissioner may approve~~
 5 ~~either the whole or a part of a facility or program.~~]

6 (b) Except as provided by Subsection (c), costs of an
 7 approved contract for residential placement may be paid from a
 8 combination of federal, state, and local funds. The local share of
 9 the total contract cost for each student is that portion of the
 10 local tax effort that exceeds the district's local fund assignment
 11 under Section 48.256, divided by the average daily attendance in
 12 the district. If the contract involves a private facility, the
 13 state share of the total contract cost is that amount remaining
 14 after subtracting the local share. If the contract involves a
 15 public facility, the state share is that amount remaining after
 16 subtracting the local share from the portion of the contract that
 17 involves the costs of instructional and related services. For
 18 purposes of this subsection, "local tax effort" means the total
 19 amount of money generated by taxes imposed for debt service and
 20 maintenance and operation less any amounts paid into a tax
 21 increment fund under Chapter 311, Tax Code. This subsection
 22 expires September 1, 2027.

23 SECTION 9. The heading to Section 29.009, Education Code,
 24 is amended to read as follows:

25 Sec. 29.009. PUBLIC NOTICE CONCERNING EARLY CHILDHOOD
 26 SPECIAL EDUCATION [~~PRESCHOOL~~] PROGRAMS [~~FOR STUDENTS WITH~~
 27 ~~DISABILITIES~~].

1 SECTION 10. Section 29.010, Education Code, is amended to
2 read as follows:

3 Sec. 29.010. GENERAL SUPERVISION AND COMPLIANCE. (a) The
4 agency shall develop [~~adopt~~] and implement a comprehensive system
5 for monitoring school district compliance with federal and state
6 laws relating to special education. The monitoring system must
7 include a comprehensive cyclical process and a targeted risk-based
8 process [~~provide for ongoing analysis of district special education~~
9 ~~data and of complaints filed with the agency concerning special~~
10 ~~education services and for inspections of school districts at~~
11 ~~district facilities~~]. The agency shall establish criteria and
12 instruments for use in determining district compliance under this
13 section [~~use the information obtained through analysis of district~~
14 ~~data and from the complaints management system to determine the~~
15 ~~appropriate schedule for and extent of the inspection~~].

16 (b) As part of the monitoring process [~~To complete the~~
17 ~~inspection~~], the agency must obtain information from parents and
18 teachers of students in special education programs in the district.

19 (c) The agency shall develop and implement a system of
20 interventions and sanctions for school districts the agency
21 identifies as being in noncompliance with [~~whose most recent~~
22 ~~monitoring visit shows a failure to comply with major requirements~~
23 ~~of~~] the Individuals with Disabilities Education Act (20 U.S.C.
24 Section 1400 et seq.), federal regulations, state statutes, or
25 agency requirements necessary to carry out federal law or
26 regulations or state law relating to special education.

27 (d) The agency shall establish a graduated process of

1 sanctions to apply to ~~[For]~~ districts that remain in noncompliance
2 for more than one year~~[, the first stage of sanctions shall begin~~
3 ~~with annual or more frequent monitoring visits]~~. The ~~[Subsequent]~~
4 sanctions shall ~~[may]~~ range in severity and may include ~~[up to]~~ the
5 withholding of funds. If funds are withheld, the agency may use the
6 funds to provide, through alternative arrangements, services to
7 students and staff members in the district from which the funds are
8 withheld.

9 (e) The agency's complaint management division shall
10 develop a system for expedited investigation and resolution of
11 complaints concerning a district's failure to provide special
12 education or related services to a student eligible to participate
13 in the district's special education program.

14 ~~[(f) This section does not create an obligation for or~~
15 ~~impose a requirement on a school district or open-enrollment~~
16 ~~charter school that is not also created or imposed under another~~
17 ~~state law or a federal law.]~~

18 SECTION 11. Effective September 1, 2024, Section [29.014](#)(d),
19 Education Code, is amended to read as follows:

20 (d) The basic allotment for a student enrolled in a district
21 to which this section applies is adjusted by the tier of intensity
22 of service defined in accordance with ~~[weight for a homebound~~
23 ~~student under]~~ Section [48.102](#) and designated by commissioner rule
24 for use under this section ~~[[48.102](#)(a)]~~.

25 SECTION 12. Section [29.018](#), Education Code, is amended by
26 adding Subsection (g) to read as follows:

27 (g) This section expires September 1, 2026.

1 SECTION 13. Sections 29.022(a), (a-1), (b), (c), (c-1),
2 (d), (f), (h), (k), (l), (s), and (t), Education Code, are amended
3 to read as follows:

4 (a) In order to promote student safety, on receipt of a
5 written request authorized under Subsection (a-1), a school
6 district or open-enrollment charter school shall provide
7 equipment, including a video camera, to the school or schools in the
8 district or the charter school campus or campuses specified in the
9 request. A school or campus that receives equipment as provided by
10 this subsection shall place, operate, and maintain one or more
11 video cameras in special education ~~[self-contained]~~ classrooms and
12 other special education settings ~~[in which a majority of the~~
13 ~~students in regular attendance are provided special education and~~
14 ~~related services and are assigned to one or more self-contained~~
15 ~~classrooms or other special education settings for at least 50~~
16 ~~percent of the instructional day]~~, provided that:

17 (1) a school or campus that receives equipment as a
18 result of the request by a parent or staff member is required to
19 place equipment only in classrooms or settings in which the
20 parent's child is in regular attendance or to which the staff member
21 is assigned, as applicable; and

22 (2) a school or campus that receives equipment as a
23 result of the request by a board of trustees, governing body,
24 principal, or assistant principal is required to place equipment
25 only in classrooms or settings identified by the requestor, if the
26 requestor limits the request to specific classrooms or settings
27 subject to this subsection.

1 (a-1) For purposes of Subsection (a):

2 (1) a parent of a child who receives special education
3 services in one or more special education [~~self-contained~~]
4 classrooms or other special education settings may request in
5 writing that equipment be provided to the school or campus at which
6 the child receives those services;

7 (2) a board of trustees or governing body may request
8 in writing that equipment be provided to one or more specified
9 schools or campuses at which one or more children receive special
10 education services in special education [~~self-contained~~]
11 classrooms or other special education settings;

12 (3) the principal or assistant principal of a school
13 or campus at which one or more children receive special education
14 services in special education [~~self-contained~~] classrooms or other
15 special education settings may request in writing that equipment be
16 provided to the principal's or assistant principal's school or
17 campus; and

18 (4) a staff member assigned to work with one or more
19 children receiving special education services in special education
20 [~~self-contained~~] classrooms or other special education settings
21 may request in writing that equipment be provided to the school or
22 campus at which the staff member works.

23 (b) A school or campus that places a video camera in a
24 special education classroom or other special education setting in
25 accordance with Subsection (a) shall operate and maintain the video
26 camera in the classroom or setting, as long as the classroom or
27 setting continues to satisfy the requirements under Subsection (a),

1 for the remainder of the school year in which the school or campus
2 received the request, unless the requestor withdraws the request in
3 writing. If for any reason a school or campus will discontinue
4 operation of a video camera during a school year, not later than the
5 fifth school day before the date the operation of the video camera
6 will be discontinued, the school or campus must notify the parents
7 of each student in regular attendance in the classroom or setting
8 that operation of the video camera will not continue unless
9 requested by a person eligible to make a request under Subsection
10 (a-1). Not later than the 10th school day before the end of each
11 school year, the school or campus must notify the parents of each
12 student in regular attendance in the classroom or setting that
13 operation of the video camera will not continue during the
14 following school year unless a person eligible to make a request for
15 the next school year under Subsection (a-1) submits a new request.

16 (c) Except as provided by Subsection (c-1), video cameras
17 placed under this section must be capable of:

18 (1) covering all areas of the special education
19 classroom or other special education setting, including a room
20 attached to the classroom or setting used for time-out; and

21 (2) recording audio from all areas of the special
22 education classroom or other special education setting, including a
23 room attached to the classroom or setting used for time-out.

24 (c-1) The inside of a bathroom or any area in the special
25 education classroom or other special education setting in which a
26 student's clothes are changed may not be visually monitored, except
27 for incidental coverage of a minor portion of a bathroom or changing

1 area because of the layout of the classroom or setting.

2 (d) Before a school or campus activates a video camera in a
3 special education classroom or other special education setting
4 under this section, the school or campus shall provide written
5 notice of the placement to all school or campus staff and to the
6 parents of each student attending class or engaging in school
7 activities in the classroom or setting.

8 (f) A school district or open-enrollment charter school may
9 solicit and accept gifts, grants, and donations from any person for
10 use in placing video cameras in special education classrooms or
11 other special education settings under this section.

12 (h) A school district or open-enrollment charter school may
13 not:

14 (1) allow regular or continual monitoring of video
15 recorded under this section; or

16 (2) use video recorded under this section for teacher
17 evaluation or for any other purpose other than the promotion of
18 safety of students receiving special education services in a
19 special education [~~self-contained~~] classroom or other special
20 education setting.

21 (k) The commissioner may adopt rules to implement and
22 administer this section, including rules regarding the special
23 education classrooms and other special education settings to which
24 this section applies.

25 (l) A school district or open-enrollment charter school
26 policy relating to the placement, operation, or maintenance of
27 video cameras under this section must:

1 (1) include information on how a person may appeal an
2 action by the district or school that the person believes to be in
3 violation of this section or a policy adopted in accordance with
4 this section, including the appeals process under Section 7.057;

5 (2) require that the district or school provide a
6 response to a request made under this section not later than the
7 seventh school business day after receipt of the request by the
8 person to whom it must be submitted under Subsection (a-3) that
9 authorizes the request or states the reason for denying the
10 request;

11 (3) except as provided by Subdivision (5), require
12 that a school or a campus begin operation of a video camera in
13 compliance with this section not later than the 45th school
14 business day, or the first school day after the 45th school business
15 day if that day is not a school day, after the request is authorized
16 unless the agency grants an extension of time;

17 (4) permit the parent of a student whose admission,
18 review, and dismissal committee has determined that the student's
19 placement for the following school year will be in a special
20 education classroom or other special education setting in which a
21 video camera may be placed under this section to make a request for
22 the video camera by the later of:

23 (A) the date on which the current school year
24 ends; or

25 (B) the 10th school business day after the date
26 of the placement determination by the admission, review, and
27 dismissal committee; and

1 (5) if a request is made by a parent in compliance with
2 Subdivision (4), unless the agency grants an extension of time,
3 require that a school or campus begin operation of a video camera in
4 compliance with this section not later than the later of:

5 (A) the 10th school day of the fall semester; or

6 (B) the 45th school business day, or the first
7 school day after the 45th school business day if that day is not a
8 school day, after the date the request is made.

9 (s) This section applies to the placement, operation, and
10 maintenance of a video camera in a special education
11 ~~[self-contained]~~ classroom or other special education setting
12 during the regular school year and extended school year services.

13 (t) A video camera placed under this section is not required
14 to be in operation for the time during which students are not
15 present in the special education classroom or other special
16 education setting.

17 SECTION 14. Sections 29.022(u)(3) and (4), Education Code,
18 are amended to read as follows:

19 (3) "Special education classroom or other special
20 education setting" means a classroom or setting primarily used for
21 delivering special education services to students who spend on
22 average less than 40 percent of an instructional day in a general
23 education classroom or setting [~~"Self-contained classroom" does~~
24 ~~not include a classroom that is a resource room instructional~~
25 ~~arrangement under Section 48.102]~~.

26 (4) "Staff member" means a teacher, related service
27 provider, paraprofessional, counselor, or educational aide

1 assigned to work in a special education [~~self-contained~~] classroom
2 or other special education setting.

3 SECTION 15. Section 29.026(i), Education Code, is amended
4 to read as follows:

5 (i) A program selected to receive a grant under this section
6 is [~~The commissioner shall select programs and award grant funds to~~
7 ~~those programs beginning in the 2018-2019 school year. The~~
8 ~~selected programs are~~] to be funded for two years.

9 SECTION 16. Section 29.027(d), Education Code, is amended
10 to read as follows:

11 (d) A grant under this section is [~~The commissioner shall~~
12 ~~select grant recipients and award grant funds beginning in the~~
13 ~~2021-2022 school year. The grants are~~] to be awarded for two years.

14 SECTION 17. Subchapter A, Chapter 29, Education Code, is
15 amended by adding Section 29.029 to read as follows:

16 Sec. 29.029. SUPPORTS FOR RECRUITING SPECIAL EDUCATION
17 STAFF. (a) From funds appropriated or otherwise available for the
18 purpose, the agency shall provide grants to school districts and
19 open-enrollment charter schools to increase the number of qualified
20 and appropriately credentialed special education staff, including
21 special education teachers, special education paraprofessionals,
22 evaluation personnel, ancillary instruction personnel, and related
23 service personnel.

24 (b) A school district or open-enrollment charter school
25 that receives a grant under this section shall require each person
26 the district or school uses the grant money to assist in becoming
27 licensed, certified, or otherwise credentialed as described by

1 Subsection (a) to work at the district or school for a period
2 established by commissioner rule.

3 (c) The commissioner shall adopt rules establishing the
4 period of required employment described by Subsection (b) and any
5 other rules necessary to implement this section.

6 SECTION 18. The heading to Subchapter A-1, Chapter 29,
7 Education Code, is amended to read as follows:

8 SUBCHAPTER A-1. PARENT-DIRECTED [~~SUPPLEMENTAL SPECIAL EDUCATION~~]
9 SERVICES FOR STUDENTS RECEIVING SPECIAL EDUCATION Services
10 [PROGRAM]

11 SECTION 19. Sections 29.041(2) and (3), Education Code, are
12 amended to read as follows:

13 (2) "Supplemental [~~special education~~] instructional
14 materials" includes textbooks, computer hardware or software,
15 other technological devices, and other materials suitable for
16 addressing an educational need of a student receiving special
17 education services under Subchapter A.

18 (3) "Supplemental [~~special education~~] services" means
19 an additive service that provides an educational benefit to a
20 student receiving special education services under Subchapter A,
21 including:

22 (A) occupational therapy, physical therapy, and
23 speech therapy; and

24 (B) private tutoring and other supplemental
25 private instruction or programs.

26 SECTION 20. Sections 29.042(a), (c), and (d) Education
27 Code, are amended to read as follows:

1 (a) The agency by rule shall establish and administer a
2 parent-directed [~~supplemental special education services and~~
3 ~~instructional materials~~] program for students receiving special
4 education services, through which a parent may direct supplemental
5 services and supplemental instructional materials for the parent's
6 student [~~students~~] who meets [~~meet~~] the eligibility requirements
7 for participation in the program. Subject to Subsection (c), the
8 agency shall provide each student approved as provided by this
9 subchapter a grant in accordance with Section 48.305 [~~of not more~~
10 ~~than \$1,500~~] to purchase supplemental [~~special education~~] services
11 and supplemental [~~special education~~] instructional materials.

12 (c) [~~The commissioner shall set aside an amount not to~~
13 ~~exceed \$30 million from the total amount of funds appropriated for~~
14 ~~each state fiscal year to fund the program under this section. For~~
15 ~~each state fiscal year, the total amount provided for student~~
16 ~~grants under Subsection (a) may not exceed the amount set aside by~~
17 ~~the commissioner under this subsection~~].

18 [~~(d)~~] The agency shall designate one or more regional
19 education service centers to administer the program.

20 SECTION 21. Section 29.045, Education Code, is amended to
21 read as follows:

22 Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF
23 ACCOUNT. The [~~Subject to available funding the~~] agency shall
24 approve each student who meets the program eligibility criteria
25 established under Section 29.044 and assign to the student an
26 account maintained under Section 29.042(b). The account may only
27 be used by the student's parent to purchase supplemental [~~special~~

1 ~~education~~] services or supplemental [~~special education~~]
2 instructional materials for the student, subject to Sections 29.046
3 and 29.047.

4 SECTION 22. Sections 29.046(a) and (b), Education Code, are
5 amended to read as follows:

6 (a) Money in an account assigned to a student under Section
7 29.045 may be used only for supplemental [~~special education~~]
8 services and supplemental [~~special education~~] instructional
9 materials.

10 (b) Supplemental [~~special education~~] services must be
11 provided by an agency-approved provider.

12 SECTION 23. Sections 29.047(a), (c), (d), and (e),
13 Education Code, are amended to read as follows:

14 (a) The agency shall establish criteria necessary for
15 agency approval for each category of provider of a professional
16 service that is a supplemental [~~special education~~] service, as
17 identified by the agency.

18 (c) The agency shall provide a procedure for providers of
19 supplemental [~~special education~~] services to apply to the agency to
20 become an agency-approved provider.

21 (d) The agency may establish criteria for agency approval of
22 vendors for each category of supplemental [~~special education~~]
23 instructional materials identified by the agency.

24 (e) If the agency establishes criteria for agency approval
25 for a vendor of a category of supplemental [~~special education~~]
26 instructional materials, the agency shall provide a procedure for
27 vendors of that category to apply to the agency to become an

1 agency-approved vendor.

2 SECTION 24. Section 29.048, Education Code, is amended to
3 read as follows:

4 Sec. 29.048. ADMISSION, REVIEW, AND DISMISSAL COMMITTEE
5 DUTIES. (a) A student's admission, review, and dismissal
6 committee shall develop a student's individualized education
7 program under Section 29.005, in compliance with the Individuals
8 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.),
9 without consideration of any supplemental [~~special education~~]
10 services or supplemental instructional materials that may be
11 provided under the program under this subchapter.

12 (b) Unless the district first verifies that an account has
13 been assigned to the student under Section 29.045, the [~~The~~]
14 admission, review, and dismissal committee of a student approved
15 for participation in the program shall provide to the student's
16 parent at an admission, review, and dismissal committee meeting for
17 the student:

18 (1) information regarding the types of supplemental
19 [~~special education~~] services or supplemental instructional
20 materials available under the program and provided by
21 agency-approved providers for which an account maintained under
22 Section 29.042(b) for the student may be used; and

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

25 SECTION 25. Subchapter A-1, Chapter 29, Education Code, is
26 amended by adding Section 29.0485 to read as follows:

27 Sec. 29.0485. DETERMINATION OF COMMISSIONER

1 FINAL. Notwithstanding Section 7.057, a determination of the
2 commissioner under this subchapter or Section 48.305 is final and
3 may not be appealed.

4 SECTION 26. Section 29.049, Education Code, is amended to
5 read as follows:

6 Sec. 29.049. RULES. The commissioner shall adopt rules as
7 necessary to administer the supplemental [~~special education~~]
8 services and supplemental instructional materials program under
9 this subchapter.

10 SECTION 27. Section 29.315, Education Code, is amended to
11 read as follows:

12 Sec. 29.315. TEXAS SCHOOL FOR THE DEAF MEMORANDUM OF
13 UNDERSTANDING. The agency [~~Texas Education Agency~~] and the Texas
14 School for the Deaf shall develop [~~, agree to, and by commissioner~~
15 ~~rule adopt no later than September 1, 1998,~~] a memorandum of
16 understanding to establish:

17 (1) the method for developing and reevaluating a set
18 of indicators of the quality of learning at the Texas School for the
19 Deaf;

20 (2) the process for the agency to conduct and report on
21 an annual evaluation of the school's performance on the indicators;

22 (3) the requirements for the school's board to
23 publish, discuss, and disseminate an annual report describing the
24 educational performance of the school;

25 (4) the process for the agency to assign an
26 accreditation status to the school, to reevaluate the status on an
27 annual basis, and, if necessary, to conduct monitoring reviews; and

1 (5) the type of information the school shall be
2 required to provide through the Public Education Information
3 Management System (PEIMS).

4 SECTION 28. Section 29.316(c), Education Code, is amended
5 to read as follows:

6 (c) Not later than August 31 of each year, the agency, the
7 division, and the center jointly shall prepare and post on the
8 agency's, the division's, and the center's respective Internet
9 websites a report on the language acquisition of children eight
10 years of age or younger who are deaf or hard of hearing. The report
11 must:

12 (1) include:

13 (A) existing data reported in compliance with
14 federal law regarding children with disabilities; and

15 (B) information relating to the language
16 acquisition of children who are deaf or hard of hearing and also
17 have other disabilities;

18 (2) state for each child:

19 (A) the percentage of the instructional day
20 ~~[arrangement used with the child, as described by Section 48.102,~~
21 ~~including the time]~~ the child spends on average in a general
22 education setting ~~[mainstream instructional arrangement];~~

23 (B) the specific language acquisition services
24 provided to the child, including:

25 (i) the time spent providing those
26 services; and

27 (ii) a description of any hearing

1 amplification used in the delivery of those services, including:

2 (a) the type of hearing amplification
3 used;

4 (b) the period of time in which the
5 child has had access to the hearing amplification; and

6 (c) the average amount of time the
7 child uses the hearing amplification each day;

8 (C) the tools or assessments used to assess the
9 child's language acquisition and the results obtained;

10 (D) the preferred unique communication mode used
11 by the child at home; and

12 (E) the child's age, race, and gender, the age at
13 which the child was identified as being deaf or hard of hearing, and
14 any other relevant demographic information the commissioner
15 determines to likely be correlated with or have an impact on the
16 child's language acquisition;

17 (3) compare progress in English literacy made by
18 children who are deaf or hard of hearing to progress in that subject
19 made by children of the same age who are not deaf or hard of hearing,
20 by appropriate age range; and

21 (4) be redacted as necessary to comply with state and
22 federal law regarding the confidentiality of student medical or
23 educational information.

24 SECTION 29. Chapter 29, Education Code, is amended by
25 adding Subchapter J to read as follows:

26 SUBCHAPTER J. EDUCATION SAVINGS ACCOUNT PROGRAM

27 Sec. 29.351. DEFINITIONS. In this subchapter:

1 (1) "Account" means an education savings account
2 established under the program.

3 (2) "Child with a disability" means a child who is:

4 (A) eligible to participate in a school
5 district's special education program under Section 29.003; or

6 (B) covered by Section 504, Rehabilitation Act of
7 1973 (29 U.S.C. Section 794).

8 (3) "Curriculum" means a complete course of study for
9 a particular content area or grade level.

10 (4) "Financial institution" means a bank, credit
11 union, savings bank, or savings and loan association organized
12 under the laws of this state, the laws of another state, or federal
13 law that has its main office or a branch office in this state. The
14 term does not include any institution the deposits of which are not
15 insured by the Federal Deposit Insurance Corporation or the
16 National Credit Union Administration.

17 (5) "Institution of higher education" and "private or
18 independent institution of higher education" have the meanings
19 assigned by Section 61.003.

20 (6) "Parent" means a resident of this state who is a
21 natural or adoptive parent, managing or possessory conservator,
22 legal guardian, custodian, or other person with legal authority to
23 act on behalf of a child.

24 (7) "Program" means the education savings account
25 program established under this subchapter.

26 (8) "Program participant" means a child and a parent
27 of a child enrolled in the program.

1 Sec. 29.352. PURPOSES. The purposes of the education
2 savings account program are to:

3 (1) improve public schools and overall academic
4 performance;

5 (2) promote efficiency;

6 (3) promote and preserve the liberties and rights of
7 the people; and

8 (4) increase parental choice in learning
9 opportunities and supports.

10 Sec. 29.353. ESTABLISHMENT OF PROGRAM. (a) The agency
11 shall establish and administer an education savings account
12 program to provide funding for certain education-related expenses
13 of eligible children.

14 (b) The agency shall ensure that information about the
15 program is readily available to parents of children with
16 disabilities and the public through various sources, including the
17 agency's Internet website. The information made available to
18 parents of children with disabilities must include a notice that:

19 (1) states that a private school is not subject to laws
20 regarding the provision of educational services in the same manner
21 as a public school, and a child with a disability attending a
22 private school may not receive the services a child with a
23 disability attending a public school is entitled to receive under
24 federal and state law;

25 (2) provides information regarding rights to which a
26 child with a disability is entitled under federal and state law if
27 the child attends a public school, including:

1 (A) rights provided under the Individuals with
2 Disabilities Education Act (20 U.S.C. Section 1400 et seq.),
3 including:

4 (i) an individualized education program
5 that provides a free and appropriate public education;

6 (ii) educational services provided in the
7 least restrictive environment;

8 (iii) instruction from certified teachers;

9 (iv) dispute resolution options Section to
10 ensure proper and full implementation of an individualized
11 education program;

12 (v) transition and planning services; and

13 (vi) supplementary aids and services;

14 (B) rights provided under Subchapter A; and

15 (C) other rights provided under federal or state
16 law; and

17 (3) provides information regarding the program,
18 including:

19 (A) the operation of an account;

20 (B) expenses allowed under Section 29.357 and the
21 consequences for using money in an account on expenses that are not
22 allowed under that section; and

23 (C) common service offerings.

24 Sec. 29.354. ELIGIBLE CHILD. (a) A child is eligible to
25 participate in the program if the child:

26 (1) is a child with a disability;

27 (2) is eligible to attend a public school under

1 Section 25.001; and

2 (3) meets at least one of the following criteria:

3 (A) was enrolled in a public school in this state
4 for a period of at least six weeks during the preceding or current
5 school year;

6 (B) was required to attend school under Section
7 25.085 for a period of less than six weeks during the preceding and
8 current school year due to the child's age or nonresidence in this
9 state; or

10 (C) participated in the program during the
11 preceding school year.

12 (b) A child who establishes eligibility under this section
13 may participate in the program until the earliest of the following
14 dates:

15 (1) the date on which the child graduates from high
16 school;

17 (2) the date on which the child is no longer eligible
18 to attend a public school under Section 25.001;

19 (3) the date on which the child enrolls in a public
20 school, including an open-enrollment charter school; or

21 (4) the date on which the child is declared ineligible
22 for the program by the commissioner under this subchapter.

23 (c) Notwithstanding Subsection (b), the commissioner shall
24 establish a process for, in the least disruptive manner possible:

25 (1) a child participating in the program to cease
26 participation and enroll in a public school, including an
27 open-enrollment charter school; and

1 (2) a child who previously participated in the program
2 and subsequently enrolled in a public school, including an
3 open-enrollment charter school, to resume participation in the
4 program.

5 Sec. 29.355. ENROLLMENT IN PROGRAM. (a) A parent of an
6 eligible child may enroll the child in the program for the following
7 school year.

8 (b) The commissioner shall by rule create an enrollment
9 application for the program and make the enrollment application
10 readily available to interested parents through various sources,
11 including the agency's Internet website. An enrollment application
12 for the program must be submitted to the commissioner
13 electronically.

14 (c) The commissioner shall post on the agency's Internet
15 website and provide to each parent who submits an enrollment
16 application a publication that describes the operation of the
17 program, including:

18 (1) expenses allowed under the program under Section
19 29.357;

20 (2) expense reporting requirements; and

21 (3) a description of the responsibilities of program
22 participants and the duties of the commissioner under this
23 subchapter.

24 (d) The commissioner shall provide to each parent who
25 submits an enrollment application a written copy of the notice
26 described by Section 29.353(b). Before the parent may receive
27 funding under the program, the parent must sign an acknowledgment

1 of receipt and understanding of the notice and return the signed
2 acknowledgment to the commissioner.

3 Sec. 29.356. PARTICIPATION IN PROGRAM. (a) To receive
4 funding under the program, a parent of an eligible child must agree
5 to:

6 (1) spend funds received through the program only for
7 expenses allowed under Section 29.357;

8 (2) notify the commissioner if the child enrolls in a
9 public school, including an open-enrollment charter school, not
10 later than the 30th day after the date of enrollment;

11 (3) provide to the commissioner information necessary
12 to determine the child's eligibility and the amount to which the
13 child is entitled under the program;

14 (4) ensure that the child's quality of learning is
15 appropriately measured in accordance with Subsection (d) and
16 commissioner rule and report the results to the agency; and

17 (5) inform the commissioner if the child graduates
18 from high school.

19 (b) The parent of a child participating in the program is
20 the trustee of the child's account.

21 (c) The commissioner shall provide annually to each program
22 participant the publication provided under Section 29.355(c).

23 (d) The commissioner shall adopt a list of approved
24 instruments that allow for a comparison between the quality of
25 educational attainment for a child participating in the program and
26 for students in other educational placements. To the extent
27 practicable, the list must include nationally norm-referenced

1 assessments and assessment instruments adopted under Section
2 39.023. A child's performance on an instrument approved under this
3 subsection for measuring a child's quality of learning may not be
4 considered in determining the child's eligibility to participate in
5 the program.

6 Sec. 29.357. APPROVED EDUCATION-RELATED EXPENSES. (a)
7 Funds received under the program may be used only for the following
8 expenses incurred by a program participant:

9 (1) tuition and fees:

10 (A) at a private school accredited by an entity
11 recognized by the commissioner as an accrediting entity for private
12 schools in this state;

13 (B) at an institution of higher education or a
14 private or independent institution of higher education;

15 (C) for an online educational course or program;

16 or

17 (D) for a program that provides training for an
18 industry-based certification;

19 (2) the purchase of textbooks or other instructional
20 materials required by a school, institution, course, or program
21 described by Subdivision (1) in which the child is enrolled;

22 (3) fees for classes or other educational services
23 provided by a public school, including an open-enrollment charter
24 school, if the classes or services do not qualify the child to be
25 included in the school's average daily attendance;

26 (4) fees for services provided by a private tutor or
27 teaching service;

1 (5) fees paid to a vendor for transportation to and
2 from school, not to exceed \$500 per year;

3 (6) fees for educational therapies or services
4 provided by a practitioner or provider;

5 (7) costs of computer hardware and software and other
6 technological devices prescribed to facilitate a child's education
7 by a physician, therapist, or other licensed service provider;

8 (8) fees for a nationally norm-referenced achievement
9 test or examination, an assessment instrument adopted under Section
10 39.023, an advanced placement test or similar examination, an
11 examination related to college or university admission, or any
12 other instrument included on the agency's list under Section
13 29.356(d);

14 (9) fees for the management of the participant's
15 account charged by a financial institution;

16 (10) costs of breakfast or lunch provided to a child
17 during the school day by a private school;

18 (11) the purchase of school uniforms required by a
19 private school;

20 (12) costs of a school-age program, as defined by
21 Section 42.002, Human Resources Code; and

22 (13) costs of a youth camp licensed under Chapter 141,
23 Health and Safety Code, that provides educational services.

24 (b) Expenses allowed under Subsection (a) do not include
25 expenses for:

26 (1) consumable supplies, including paper, pens,
27 pencils, folders, and notebooks; or

1 (2) food, other than breakfast or lunch as authorized
2 under Subsection (a)(10).

3 (c) Any money remaining in a program participant's account
4 on the child's graduation from high school may be used by the child
5 for tuition, fees, textbooks, and other instructional materials to
6 attend or take courses from an institution of higher education or a
7 private or independent institution of higher education.

8 (d) An education service provider or vendor of educational
9 products must provide a program participant with a receipt for each
10 expense allowed under Subsection (a) charged by the provider or
11 vendor to the participant.

12 (e) The content, subject to Section 29.364(c), or religious
13 nature of a product or service may not be considered in determining
14 whether a payment for the product or service is an expense allowed
15 under Subsection (a).

16 (f) A finding that a program participant used funds
17 distributed under the program to pay for an expense not allowed
18 under Subsection (a) does not affect the validity of any payment
19 made by the participant for an expense that is allowed under that
20 subsection.

21 Sec. 29.358. AMOUNT OF PAYMENT; FINANCING. (a) A parent of
22 an eligible child shall receive each year that the child
23 participates in the program a payment from the state to the child's
24 account in an amount in accordance with Section 48.306.

25 (b) Money in an account may not be considered to be the
26 property of a program participant and may be spent only in
27 accordance with this subchapter.

1 (c) Any funds remaining in a child's account at the end of a
2 fiscal year are carried forward to the next fiscal year unless
3 another provision of this subchapter mandates the closure of the
4 account.

5 (d) The parent of a child participating in the program may
6 make payments for the expenses of educational programs, services,
7 and products not covered by funds in the child's account.

8 Sec. 29.359. ADMINISTRATION OF ACCOUNTS. (a) The
9 commissioner may contract with one or more financial institutions
10 or other entities that accept fiduciary responsibility to establish
11 and manage an account for each child participating in the program.
12 A program participant must be able to access the participant's
13 account by using an online or electronic transfer payment service.

14 (b) The commissioner shall make quarterly payments to each
15 program participant's account in equal amounts, with the first
16 payment for each school year made on September 1 and the remaining
17 payments made on or before the 15th days of November, February, and
18 May.

19 (c) After the end of each fiscal year, the commissioner
20 shall reconcile payments made to and from all accounts under the
21 program.

22 (d) On the earlier of the child's 26th birthday or the sixth
23 anniversary of the child's graduation from high school, the child's
24 account is closed and any remaining funds are returned to the state.

25 (e) The commissioner may contract with an entity to
26 administer all or any part of the program.

27 (f) An entity responsible for managing accounts:

1 (1) shall ensure that each expenditure from an account
2 is for an expense allowed under Section 29.357; and

3 (2) may require a program participant to submit any
4 information necessary to make the determination described by
5 Subdivision (1).

6 Sec. 29.360. RANDOM AUDITING OF ACCOUNTS. (a) The
7 commissioner may randomly audit accounts as necessary to ensure
8 compliance with applicable law and the requirements of the program.
9 The commissioner may contract with another entity to audit accounts
10 under this section.

11 (b) In auditing an account, the commissioner or an entity
12 contracted to audit accounts under this section may require that a
13 program participant provide further information and documentation
14 regarding any payment from the participant's account.

15 (c) An entity contracted to audit accounts under this
16 section shall report to the commissioner any violation of this
17 subchapter or other relevant law found by the entity during an audit
18 conducted under this section.

19 Sec. 29.361. SUSPENSION OF ACCOUNT. (a) The commissioner
20 shall suspend the account of a program participant who fails to
21 comply with applicable law or a requirement of the program,
22 including a requirement under Section 29.356(a), or who
23 substantially misuses funds received under the program.

24 (b) On suspension of an account under Subsection (a), the
25 commissioner shall notify the program participant in writing that
26 the account has been suspended and that no further payments may be
27 made from the account. The notification must specify the grounds

1 for the suspension and state that the participant has 10 business
2 days to respond and take any corrective action required by the
3 commissioner.

4 (c) On the expiration of the 10-day period under Subsection
5 (b), the commissioner shall:

6 (1) order permanent closure of the suspended account
7 and declare the program participant ineligible for the program;

8 (2) order temporary reinstatement of the account,
9 conditioned on the performance of a specified action by the
10 participant; or

11 (3) order full reinstatement of the account.

12 (d) The commissioner may recover funds distributed under
13 the program that were used for expenses not allowed under Section
14 29.357(a) from the program participant or the entity that received
15 the funds if the participant's account is suspended or closed under
16 this section.

17 Sec. 29.362. LIMITATION ON AMOUNTS CHARGED; REFUND
18 PROHIBITED. (a) An education service provider may not:

19 (1) charge a child participating in the program an
20 amount greater than the standard amount charged for that service by
21 the provider; or

22 (2) increase the amount charged to a child
23 participating in the program for a service:

24 (A) if the total amount charged to the child for
25 that service by the provider during the preceding year was less than
26 two-thirds of the amount deposited in the child's account for that
27 year, to an amount that exceeds two-thirds of the amount deposited

1 in the child's account for the current year; or

2 (B) if the total amount charged to the child for
3 that service by the provider during the preceding year was
4 two-thirds or more of the amount deposited in the child's account
5 for that year, by more than five percent of the amount charged to
6 the child for that service by the provider during the preceding
7 year.

8 (b) An education service provider or a vendor of educational
9 products receiving funds distributed under the program may not in
10 any manner rebate, refund, or credit to or share with a program
11 participant, or any person on behalf of a participant, any program
12 funds paid or owed by the participant to the provider or vendor.

13 Sec. 29.363. REFERRAL TO ATTORNEY GENERAL. (a) If the
14 commissioner obtains evidence of fraudulent use of an account, the
15 commissioner may refer the case to the attorney general for
16 investigation.

17 (b) With the consent of the appropriate local county or
18 district attorney, the attorney general has concurrent
19 jurisdiction with the consenting local prosecutor to prosecute an
20 offense referred to the attorney general under Subsection (a).

21 Sec. 29.364. PROVIDER ACCOUNTABILITY. (a) To receive
22 funds distributed under the program, a private school must be
23 accredited by an entity recognized by the commissioner as an
24 accrediting entity for private schools in this state.

25 (b) To receive funds distributed under the program, an
26 education service provider that provides a full course load to a
27 child participating in the program must administer to the child an

1 instrument included on the list adopted by the commissioner under
2 Section 29.356(d) and report the results to the agency.

3 (c) A practitioner or provider who provides educational
4 therapies or services must be licensed or accredited by a regional
5 or national accrediting organization to receive funds distributed
6 under the program.

7 (d) A private tutor, teaching service, online educational
8 course or program provider, or industry-based certification
9 training provider must apply to and be approved by the agency to
10 receive funds distributed under the program.

11 (e) To be eligible for approval under Subsection (d), a
12 private tutor or each employee of a teaching service who intends to
13 provide educational services to a program participant must:

14 (1) complete a national criminal history record
15 information review; or

16 (2) provide to the agency documentation indicating
17 that the tutor or employee, as applicable, has completed a national
18 criminal history record information review within a period
19 established by commissioner rule.

20 (f) The agency shall review the national criminal history
21 record information or documentation for each private tutor or
22 employee of a teaching service who submits an application under
23 Subsection (d). The tutor or employee must provide the agency with
24 any information requested by the agency to enable the agency to
25 complete the review.

26 (g) The agency shall maintain and post on the agency's
27 Internet website a list of private tutors, teaching services,

1 online educational course or program providers, and industry-based
2 certification training providers approved to receive funds
3 distributed under the program.

4 (h) A private tutor, teaching service, online educational
5 course or program provider, or industry-based certification
6 training provider may appeal the agency's rejection of an
7 application submitted under Subsection (d). The agency shall
8 review the application and make a recommendation to the
9 commissioner regarding whether to approve or reject the
10 application. A decision of the commissioner under this section is
11 final and may not be appealed.

12 Sec. 29.365. PROGRAM PARTICIPANT, PROVIDER, AND VENDOR
13 AUTONOMY. (a) An education service provider or vendor of
14 educational products that receives funds distributed under the
15 program is not an agent of the state.

16 (b) Except as provided by this subchapter, the
17 commissioner, the agency, the State Board of Education, any other
18 state agency, or any school district may not:

19 (1) regulate the educational program of an education
20 service provider or vendor of educational products that receives
21 funds distributed under the program; or

22 (2) exercise control or supervision over a program
23 participant or an education service provider or vendor of
24 educational products that receives funds distributed under the
25 program.

26 (c) The program does not expand the regulatory authority of
27 the state or any school district to impose any additional

1 regulation on an education service provider or vendor of
2 educational products except those reasonably necessary to enforce
3 the program as provided by this subchapter.

4 (d) A private school may not be required to modify the
5 school's creed, practices, admissions policies, curriculum,
6 performance standards, or assessments to receive funds distributed
7 under the program.

8 (e) A private school voluntarily selected by a parent for
9 the parent's child to attend, with or without governmental
10 assistance, may not be required to comply with any state law or rule
11 governing the applicable educational program that was not in effect
12 on January 1, 2023.

13 (f) In any proceeding challenging a rule adopted by a state
14 agency or officer under this subchapter, the agency or officer has
15 the burden of proof to establish that the rule:

16 (1) is necessary to implement or enforce the program
17 as provided by this subchapter; and

18 (2) does not impose an undue burden on a program
19 participant or an education service provider or vendor of
20 educational products that receives or seeks to receive funds
21 distributed under the program.

22 Sec. 29.366. STUDENT RECORDS AND INFORMATION. On request
23 by the parent of a child participating in the program, the school
24 district or open-enrollment charter school that the child would
25 otherwise attend shall provide a copy of the child's school records
26 possessed by the district or school, if any, to the child's parent
27 or, if applicable, the private school the child attends.

1 Sec. 29.367. ANNUAL SURVEY. The commissioner may conduct
2 an annual parental satisfaction survey that asks each parent of a
3 child participating in the program to express:

4 (1) the parent's overall level of satisfaction with
5 the program; and

6 (2) the parent's opinion on specified topics and
7 issues relevant to the effectiveness of the program.

8 Sec. 29.368. DETERMINATION OF COMMISSIONER FINAL.
9 Notwithstanding Section 7.057, a determination of the commissioner
10 regarding eligibility or the approval of expenses under this
11 subchapter or funding under Section 48.306 is final and may not be
12 appealed.

13 Sec. 29.369. RULES. The commissioner shall:

14 (1) adopt rules as necessary to implement this
15 subchapter, including:

16 (A) rules regarding eligibility determination,
17 expense reporting requirements for program participants, and
18 approval of expenses, including appeals of agency determinations on
19 those issues;

20 (B) rules for measuring the quality of learning
21 for a child participating in the program; and

22 (C) rules for implementing this subchapter in a
23 manner that ensures compliance with federal law regarding
24 confidentiality of student educational information, including the
25 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
26 Section 1232g); and

27 (2) coordinate as necessary to:

1 (A) calculate annually the savings to the state
2 from the implementation of the program; and

3 (B) prevent fraud in financial transactions
4 under the program, including by adopting measures to permit
5 anonymous fraud reporting by telephone hotline or online
6 communication.

7 Sec. 29.370. GIFTS, GRANTS, AND DONATIONS. The
8 commissioner may solicit and accept gifts, grants, and donations
9 from any public or private source for any expenses related to the
10 administration of the program, including the initial
11 implementation of the program and making payments to a program
12 participant's account.

13 SECTION 30. Section 30.001(b), Education Code, is amended
14 to read as follows:

15 (b) The commissioner, with the approval of the State Board
16 of Education, shall develop and implement a plan for the
17 coordination of services to children with disabilities in each
18 region served by a regional education service center. The plan must
19 include procedures for:

20 (1) identifying existing public or private
21 educational and related services for children with disabilities in
22 each region;

23 (2) identifying and referring children with
24 disabilities who cannot be appropriately served by the school
25 district in which they reside to other appropriate programs;

26 (3) assisting school districts to individually or
27 cooperatively develop programs to identify and provide appropriate

1 services for children with disabilities;

2 (4) expanding and coordinating services provided by
3 regional education service centers for children with disabilities;
4 and

5 (5) providing for special supports, including special
6 seats, books, instructional media, and other supplemental supplies
7 and services required for proper instruction.

8 SECTION 31. Section 30.002(g), Education Code, is amended
9 to read as follows:

10 (g) To facilitate implementation of this section, the
11 commissioner shall develop a system to distribute from the
12 foundation school fund to school districts or regional education
13 service centers a special supplemental allowance for each student
14 with a visual impairment and for each student with a serious visual
15 disability and another medically diagnosed disability of a
16 significantly limiting nature who is receiving special education
17 services through any approved program. The supplemental allowance
18 may be spent only for special education services uniquely required
19 by the nature of the student's disabilities and may not be used in
20 lieu of educational funds otherwise available under this code or
21 through state or local appropriations.

22 SECTION 32. Section 30.005, Education Code, is amended to
23 read as follows:

24 Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY
25 IMPAIRED MEMORANDUM OF UNDERSTANDING. The agency [~~Texas Education~~
26 ~~Agency~~] and the Texas School for the Blind and Visually Impaired
27 shall develop [~~, agree to, and by commissioner rule adopt~~] a

1 memorandum of understanding to establish:

2 (1) the method for developing and reevaluating a set
3 of indicators of the quality of learning at the Texas School for the
4 Blind and Visually Impaired;

5 (2) the process for the agency to conduct and report on
6 an annual evaluation of the school's performance on the indicators;

7 (3) the requirements for the school's board to
8 publish, discuss, and disseminate an annual report describing the
9 educational performance of the school;

10 (4) the process for the agency to:

11 (A) assign an accreditation status to the school;

12 (B) reevaluate the status on an annual basis; and

13 (C) if necessary, conduct monitoring reviews;

14 and

15 (5) the type of information the school shall be
16 required to provide through the Public Education Information
17 Management System (PEIMS).

18 SECTION 33. Section [37.146\(a\)](#), Education Code, is amended
19 to read as follows:

20 (a) A complaint alleging the commission of a school offense
21 must, in addition to the requirements imposed by Article [45.019](#),
22 Code of Criminal Procedure:

23 (1) be sworn to by a person who has personal knowledge
24 of the underlying facts giving rise to probable cause to believe
25 that an offense has been committed; and

26 (2) be accompanied by a statement from a school
27 employee stating:

1 (A) whether the child is eligible for or receives
2 special education services under Subchapter A, Chapter 29; and

3 (B) the graduated sanctions, if required under
4 Section 37.144, that were imposed on the child before the complaint
5 was filed.

6 SECTION 34. Effective September 1, 2024, Section 48.005,
7 Education Code, is amended by adding subsection (o) to read as
8 follows:

9 (o) The commissioner shall define enrollment for funding
10 purposes under this title. For purposes of calculating eligibility
11 and funding amounts of allotments under this chapter and Chapter
12 46, a reference to a student means a student in enrollment at the
13 school district unless otherwise indicated.

14 SECTION 35. Effective September 1, 2024, Section 48.051(a),
15 Education Code, is amended to read as follows:

16 (a) For each student in average daily attendance, not
17 including the time students spend each day in career and technology
18 education programs or in special education programs receiving
19 special education services in a setting [~~an instructional~~
20 ~~arrangement~~] other than a general education setting [~~mainstream or~~
21 ~~career and technology education programs~~], for which an additional
22 allotment is made under Subchapter C, a district is entitled to an
23 allotment equal to the lesser of \$6,160 or the amount that results
24 from the following formula:

$$A = \$6,160 \times TR/MCR$$

25 where:

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

1 "TR" is the district's tier one maintenance and operations
2 tax rate, as provided by Section 45.0032; and

3 "MCR" is the district's maximum compressed tax rate, as
4 determined under Section 48.2551.

5 SECTION 36. Effective September 1, 2024, Section 48.102,
6 Education Code, is amended to read as follows:

7 Sec. 48.102. SPECIAL EDUCATION. (a) For each student in a
8 special education program under Subchapter A, Chapter 29, [~~in a~~
9 ~~mainstream instructional arrangement,~~] a school district is
10 entitled to an annual allotment equal to the basic allotment, or, if
11 applicable, the sum of the basic allotment and the allotment under
12 Section 48.101 to which the district is entitled, multiplied by a
13 weight in an amount set by the legislature in the General
14 Appropriations Act for the highest tier of intensity of service for
15 which the student qualifies [1.15]. [~~For each full-time equivalent~~
16 ~~student in average daily attendance in a special education program~~
17 ~~under Subchapter A, Chapter 29, in an instructional arrangement~~
18 ~~other than a mainstream instructional arrangement, a district is~~
19 ~~entitled to an annual allotment equal to the basic allotment, or, if~~
20 ~~applicable, the sum of the basic allotment and the allotment under~~
21 ~~Section 48.101 to which the district is entitled, multiplied by a~~
22 ~~weight determined according to instructional arrangement as~~
23 ~~follows:~~

24 [~~Homebound~~ _____ 5.0

25 [~~Hospital class~~ _____ 3.0

26 [~~Speech therapy~~ _____ 5.0

27 [~~Resource room~~ _____ 3.0

1 ~~[Self-contained, mild and moderate, regular~~
2 ~~campus 3.0~~
3 ~~[Self-contained, severe, regular campus 3.0~~
4 ~~[Off home campus 2.7~~
5 ~~[Nonpublic day school 1.7~~
6 ~~[Vocational adjustment class 2.3]~~

7 (a-1) Notwithstanding Subsection (a), for the 2024-2025 and
8 2025-2026 school years, the amount of an allotment under this
9 section shall be determined in accordance with Section 48.1023.
10 This subsection expires September 1, 2026.

11 (b) The commissioner by rule shall define seven tiers of
12 intensity of service for use in determining funding under this
13 section. The commissioner must include one tier specifically
14 addressing students receiving special education services in
15 residential placement ~~[A special instructional arrangement for~~
16 ~~students with disabilities residing in care and treatment~~
17 ~~facilities, other than state schools, whose parents or guardians do~~
18 ~~not reside in the district providing education services shall be~~
19 ~~established by commissioner rule. The funding weight for this~~
20 ~~arrangement shall be 4.0 for those students who receive their~~
21 ~~education service on a local school district campus. A special~~
22 ~~instructional arrangement for students with disabilities residing~~
23 ~~in state schools shall be established by commissioner rule with a~~
24 ~~funding weight of 2.8].~~

25 ~~(c) [For funding purposes, the number of contact hours~~
26 ~~credited per day for each student in the off home campus~~
27 ~~instructional arrangement may not exceed the contact hours credited~~

1 ~~per day for the multidistrict class instructional arrangement in~~
2 ~~the 1992-1993 school year.~~

3 ~~[(d) For funding purposes the contact hours credited per day~~
4 ~~for each student in the resource room, self-contained, mild and~~
5 ~~moderate, and self-contained, severe, instructional arrangements~~
6 ~~may not exceed the average of the statewide total contact hours~~
7 ~~credited per day for those three instructional arrangements in the~~
8 ~~1992-1993 school year.~~

9 ~~(e) The commissioner by rule shall prescribe the~~
10 ~~qualifications an instructional arrangement must meet in order to~~
11 ~~be funded as a particular instructional arrangement under this~~
12 ~~section. In prescribing the qualifications that a mainstream~~
13 ~~instructional arrangement must meet, the commissioner shall~~
14 ~~establish requirements that students with disabilities and their~~
15 ~~teachers receive the direct, indirect, and support services that~~
16 ~~are necessary to enrich the regular classroom and enable student~~
17 ~~success.~~

18 ~~[(f) In this section, "full-time equivalent student" means~~
19 ~~30 hours of contact a week between a special education student and~~
20 ~~special education program personnel.~~

21 ~~[(g)] The commissioner shall adopt rules and procedures~~
22 ~~governing contracts for residential and day program placement of~~
23 ~~[special education] students receiving special education services.~~

24 ~~(d) [The legislature shall provide by appropriation for the~~
25 ~~state's share of the costs of those placements.~~

26 ~~[(h)] At least 55 percent of the funds allocated under this~~
27 ~~section must be used in the special education program under~~

1 Subchapter A, Chapter 29.

2 (e) [~~(i)~~] The agency shall ensure [~~encourage~~] the placement
3 of students in special education programs, including students in
4 residential placement [~~instructional arrangements~~], in the least
5 restrictive environment appropriate for their educational needs.

6 (f) [~~(j)~~] A school district that provides an extended year
7 program required by federal law for special education students who
8 may regress is entitled to receive funds in an amount equal to 75
9 percent, or a lesser percentage determined by the commissioner, of
10 the basic allotment, or, if applicable, the sum of the basic
11 allotment and the allotment under Section 48.101 to which the
12 district is entitled for each [~~full-time equivalent~~] student in
13 average daily attendance, multiplied by the amount designated for
14 the highest tier of intensity of service for which the student
15 qualifies [~~student's instructional arrangement~~] under this
16 section, for each day the program is provided divided by the number
17 of days in the minimum school year. The total amount of state
18 funding for extended year services under this section may not
19 exceed \$10 million per year. A school district may use funds
20 received under this section only in providing an extended year
21 program.

22 (g) [~~(k)~~] From the total amount of funds appropriated for
23 special education under this section, the commissioner shall
24 withhold an amount specified in the General Appropriations Act, and
25 distribute that amount to school districts for programs under
26 Section 29.014. The program established under that section is
27 required only in school districts in which the program is financed

1 by funds distributed under this subsection and any other funds
2 available for the program. After deducting the amount withheld
3 under this subsection from the total amount appropriated for
4 special education, the commissioner shall reduce each district's
5 allotment proportionately and shall allocate funds to each district
6 accordingly.

7 (h) Not later than December 1 of each even-numbered year,
8 the commissioner shall submit to the Legislative Budget Board, for
9 purposes of the allotment under this section, proposed weights for
10 the tiers of intensity of service for the next state fiscal
11 biennium.

12 SECTION 37. Effective September 1, 2024, Subchapter C,
13 Chapter 48, Education Code, is amended by adding Section 48.1021 to
14 read as follows:

15 Sec. 48.1021. SPECIAL EDUCATION SERVICE GROUP ALLOTMENT.

16 (a) For each six-week period in which a student in a special
17 education program under Subchapter A, Chapter 29, receives eligible
18 special education services, a school district is entitled to an
19 allotment in an amount set by the legislature in the General
20 Appropriations Act for the service group for which the student is
21 eligible.

22 (a-1) Notwithstanding Subsection (a), for the 2024-2025 and
23 2025-2026 school years, the amount of an allotment under this
24 section shall be determined in accordance with Section 48.1023.
25 This subsection expires September 1, 2026.

26 (b) The commissioner by rule shall establish four service
27 groups for use in determining funding under this section. In

1 establishing the groups, the commissioner must consider the level
2 of services, equipment, and technology required to meet the needs
3 of students receiving special education services.

4 (c) A school district is entitled to receive an allotment
5 under this section for each service group for which a student is
6 eligible.

7 (d) A school district is entitled to the full amount of an
8 allotment under this section for a student receiving eligible
9 special education services during any part of a six-week period.

10 (e) At least 55 percent of the funds allocated under this
11 section must be used for a special education program under
12 Subchapter A, Chapter 29.

13 (f) Not later than December 1 of each even-numbered year,
14 the commissioner shall submit to the Legislative Budget Board, for
15 purposes of the allotment under this section, proposed amounts of
16 funding for the service groups for the next state fiscal biennium.

17 SECTION 38. Subchapter C, Chapter 48, Education Code, is
18 amended by adding Sections 48.1022 and 48.1023 to read as follows:

19 Sec. 48.1022. SPECIAL EDUCATION FULL INDIVIDUAL AND INITIAL
20 EVALUATION. For each student for whom a school district conducts a
21 full individual and initial evaluation under Section 29.004 or 20
22 U.S.C. Section 1414(a)(1), the district is entitled to an allotment
23 of \$500 or a greater amount provided by appropriation.

24 Sec. 48.1023. SPECIAL EDUCATION TRANSITION FUNDING. (a)
25 For the 2024-2025 and 2025-2026 school years, the commissioner may
26 adjust weights or amounts provided under Section 48.102 or 48.1021
27 as necessary to ensure compliance with requirements regarding

1 maintenance of state financial support under 20 U.S.C. Section
2 1412(a)(18) and maintenance of local financial support under
3 applicable federal law.

4 (b) For the 2024-2025 and 2025-2026 school years, the
5 commissioner shall determine the formulas through which school
6 districts receive funding under Sections 48.102 and 48.1021. In
7 determining the formulas, the commissioner may combine the methods
8 of funding under those sections with the method of funding provided
9 by Section 48.102, as it existed on January 1, 2023.

10 (c) For the 2026-2027 school year, the commissioner may
11 adjust the weights or amounts set by the legislature in the General
12 Appropriations Act for purposes of Section 48.102 or 48.1021.
13 Before making an adjustment under this subsection, the commissioner
14 shall notify and must receive approval from the Legislative Budget
15 Board.

16 (d) Notwithstanding any other provision of this section,
17 the sum of funding provided under Sections 48.102 and 48.1021 for
18 the 2024-2025 or for the 2025-2026 school year as adjusted under
19 this section may not exceed the sum of:

20 (1) funding that would have been provided under
21 Section 48.102, as it existed on January 1, 2023; and

22 (2) the amount set by the legislature in the General
23 Appropriations Act.

24 (e) Each school district and open-enrollment charter school
25 shall report to the agency information necessary to implement this
26 section.

27 (f) The agency shall provide technical assistance to school

1 districts and open-enrollment charter schools to ensure a
2 successful transition in funding formulas for special education.

3 (g) This section expires September 1, 2028.

4 SECTION 39. Section 48.103(c), Education Code, is amended
5 to read as follows:

6 (c) A school district may receive funding for a student
7 under each provision of this section, ~~[and]~~ Section 48.102, and
8 Section 48.1021 for which [if] the student qualifies ~~[satisfies the~~
9 ~~requirements of both sections]~~.

10 SECTION 40. Section 48.110(d), Education Code, is amended
11 to read as follows:

12 (d) For each annual graduate in a cohort described by
13 Subsection (b) who demonstrates college, career, or military
14 readiness as described by Subsection (f) in excess of the minimum
15 number of students determined for the applicable district cohort
16 under Subsection (c), a school district is entitled to an annual
17 outcomes bonus of:

18 (1) if the annual graduate is educationally
19 disadvantaged, \$5,000;

20 (2) if the annual graduate is not educationally
21 disadvantaged, \$3,000; and

22 (3) if the annual graduate is enrolled in a special
23 education program under Subchapter A, Chapter 29, \$4,000 ~~[\$2,000]~~,
24 regardless of whether the annual graduate is educationally
25 disadvantaged.

26 SECTION 41. Section 48.151(g), Education Code, is amended
27 to read as follows:

1 (g) A school district or county that provides special
2 transportation services for eligible students who receive special
3 education services is entitled to a state allocation at a ~~[paid on a~~
4 ~~previous year's cost-per-mile basis. The]~~ rate of \$1.13 per mile or
5 a greater amount provided ~~[allowable shall be set]~~ by appropriation
6 ~~[based on data gathered from the first year of each preceding~~
7 ~~biennium]~~. Districts may use a portion of their support allocation
8 to pay transportation costs, if necessary. The commissioner may
9 grant an amount set by appropriation for private transportation to
10 reimburse parents or their agents for transporting eligible
11 students who receive special education services. The mileage
12 allowed shall be computed along the shortest public road from the
13 student's home to school and back, morning and afternoon. The need
14 for this type of transportation shall be determined on an
15 individual basis and shall be approved only in extreme hardship
16 cases.

17 SECTION 42. Subchapter D, Chapter 48, Education Code, is
18 amended by adding Section 48.159 to read as follows:

19 Sec. 48.159. SPECIAL EDUCATION CERTIFICATION ALLOTMENT.

20 (a) For each classroom teacher or educational diagnostician
21 employed by a school district who, during the preceding year,
22 became certified under Subchapter B, Chapter 21, to teach special
23 education or as an educational diagnostician, as applicable, the
24 district is entitled to an allotment in the amount of the teacher's
25 or diagnostician's certification fee.

26 (b) A school district shall use an allotment received under
27 this section to provide a stipend in the amount of the allotment to

1 the classroom teacher or educational diagnostician for whom the
2 district received the allotment. A stipend received by a classroom
3 teacher under this subsection is not considered in determining
4 whether the district is paying the teacher the minimum monthly
5 salary under Section 21.402.

6 SECTION 43. Section 48.265(a), Education Code, is amended
7 to read as follows:

8 (a) If [~~Notwithstanding any other provision of law, if~~] the
9 commissioner determines that the amount appropriated for the
10 purposes of the Foundation School Program exceeds the amount to
11 which school districts are entitled under this chapter, the
12 commissioner may provide [~~by rule shall establish a grant program~~
13 ~~through which excess funds are awarded as~~] grants using the excess
14 money for the purchase of video equipment, or for the reimbursement
15 of costs for previously purchased video equipment, used for
16 monitoring special education classrooms or other special education
17 settings required under Section 29.022.

18 SECTION 44. Section 48.279(e), Education Code, is amended
19 to read as follows:

20 (e) After the commissioner has replaced any withheld
21 federal funds as provided by Subsection (d), the commissioner shall
22 distribute the remaining amount, if any, of funds described by
23 Subsection (a) to proportionately increase funding for the special
24 education allotment under Section 48.102 and the special education
25 service group allotment under Section 48.1021.

26 SECTION 45. Subchapter G, Chapter 48, Education Code, is
27 amended by adding Sections 48.304, 48.305, and 48.306 to read as

1 follows:

2 Sec. 48.304. DAY PLACEMENT PROGRAM FUNDING. (a) For each
3 qualifying day placement program that a regional education service
4 center makes available in partnership with a school district,
5 open-enrollment charter school, or shared services arrangement,
6 the center is entitled to an allotment of:

7 (1) \$250,000 for the first year of the program's
8 operation; and

9 (2) \$150,000 for each year of the program's operation
10 after the first year.

11 (b) A day placement program qualifies for purposes of
12 Subsection (a) if:

13 (1) the program complies with commissioner rules
14 adopted under Section 48.102(c);

15 (2) the program offers services to students who are
16 enrolled at any school district or open-enrollment charter school
17 in the county in which the program is offered, unless the
18 commissioner by rule waives or modifies the requirement under this
19 subdivision for the program to serve all students in a county; and

20 (3) the agency has designated the program for service
21 in the county in which the program is offered and determined that,
22 at the time of designation, the program increases the availability
23 of day placement services in the county.

24 Sec. 48.305. PARENT-DIRECTED SERVICES FOR STUDENTS
25 RECEIVING SPECIAL EDUCATION SERVICES STUDENTS GRANT. (a) A
26 student to whom the agency awards a grant under Subchapter A-1,
27 Chapter 29, is entitled to receive an amount equal to \$1,500 or a

1 greater amount by appropriation.

2 (b) The agency shall use money appropriated to the agency
3 for purposes of this section to award grants under Subchapter A-1,
4 Chapter 29.

5 (c) A student may receive one grant under Subchapter A-1,
6 Chapter 29. A student may receive an additional grant if the
7 legislature appropriates money for the additional grant in the
8 General Appropriations Act.

9 Sec. 48.306. EDUCATION SAVINGS ACCOUNT FUNDING. (a) A
10 person enrolled in the education savings account program
11 established under Subchapter J, Chapter 29, is entitled to a
12 deposit to the person's education savings account in an amount
13 equal to the sum of \$7,250 and:

14 (1) \$1,500, if the child is educationally
15 disadvantaged;

16 (2) \$1,400, if the child has not previously
17 participated in a school district's special education program under
18 Section 29.003; and

19 (3) if the child has previously participated in a
20 school district's special education program under Section 29.003,
21 the amount of funding for special education services the district
22 was entitled to receive for the child under Subchapters B and C,
23 Chapter 48, for the most recent school year in which the child
24 participated in the district's special education program.

25 (b) A greater amount may be provided by appropriation or by
26 the agency from money available for the purpose.

27 ⋮

1 (c) The agency shall use money appropriated to the agency
2 for purposes of this section to make deposits to education savings
3 accounts under Subchapter J, Chapter 29.

4 (d) A payment under Subsection (a) may not be financed using
5 federal funds or money appropriated from the permanent school fund
6 or the available school fund.

7 SECTION 46. Section 411.0901, Government Code, is amended
8 by adding Subsection (a-1) to read as follows:

9 (a-1) The Texas Education Agency is entitled to obtain
10 criminal history record information maintained by the department
11 about a person who is a private tutor or an employee of a teaching
12 service who intends to provide educational services to a child
13 participating in the program established under Subchapter J,
14 Chapter 29, Education Code, and is seeking approval to receive
15 funds distributed under that program.

16 SECTION 47. Section 825.4092(f), Government Code, as added
17 by Chapter 546 (S.B. 202), Acts of the 87th Legislature, Regular
18 Session, 2021, is amended to read as follows:

19 (f) A reporting employer is ultimately responsible for
20 payment of the amounts required to be contributed under Subsections
21 (b) and (c). The employer may not directly or indirectly pass that
22 cost on to the retiree through payroll deduction, by imposition of a
23 fee, or by any other means designed to recover the cost. This
24 subsection does not apply to contributions required for a retiree
25 employed by a school district or open-enrollment charter school to
26 teach special education.

27 SECTION 48. The following provisions of the Education Code

1 are repealed:

- 2 (1) Section 29.002;
- 3 (2) Sections 29.026(n) and (o);
- 4 (3) Section 29.027(i); and
- 5 (4) Section 29.050.

6 SECTION 49. Subchapter E, Chapter 22, Education Code, as
7 added by this Act, Chapter 29, Education Code, as amended by this
8 Act, and Section 825.4092(f), Government Code, as amended by this
9 Act, apply beginning with the 2023-2024 school year.

10 SECTION 50. (a) Except as provided by Subsection (b) of
11 this section and as otherwise provided by this Act, this Act takes
12 effect immediately if it receives a vote of two-thirds of all the
13 members elected to each house, as provided by Section 39, Article
14 III, Texas Constitution. If this Act does not receive the vote
15 necessary for immediate effect, this Act takes effect September 1,
16 2023.

17 (b) The amendments by this Act to Chapter 48, Education
18 Code, except as otherwise provided by this Act, take effect
19 September 1, 2023.