

By: Schaefer

H.B. No. 4969

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a parent-directed supplemental services and  
3 instructional materials program for public school students;  
4 establishing an allotment under the Foundation School Program;  
5 authorizing a fee.

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

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

9 SUBCHAPTER R. PARENT-DIRECTED SUPPLEMENTAL SERVICES PROGRAM

10 Sec. 29.751. DEFINITIONS. In this subchapter:

11 (1) "Parent" has the meaning assigned by Section  
12 29.041.

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

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

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

22 (B) extracurricular activities;

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

1                   (D) college credit.

2           Sec. 29.752. ESTABLISHMENT AND ADMINISTRATION OF PROGRAM.

3   (a) The agency by rule shall establish and administer a  
4 parent-directed program for public school students through which a  
5 parent may direct supplemental services and supplemental  
6 instructional materials for the parent's student who meets the  
7 eligibility requirements for participation in the program. From  
8 funds appropriated, the agency shall provide each student approved  
9 as provided under this subchapter a grant as provided by Section  
10 48.305 to purchase supplemental services and supplemental  
11 instructional materials.

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

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

18           (d) The agency shall establish a process for transfer of  
19 direction of the account from the parent to the student, if  
20 initiated by the student, for unexpended amounts in the account at  
21 the time of the student's graduation that may be used in accordance  
22 with Section 29.756(d).

23           Sec. 29.753. APPLICATION FOR GRANT ON BEHALF OF STUDENT.

24 The agency shall establish an application process for an eligible  
25 student's parent to apply for a grant held in an online account  
26 maintained under Section 29.752(b) and assigned to the student  
27 under Section 29.755.

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

6       (b) The eligibility criteria established under this section  
7 must also prioritize students for whom a school district or  
8 open-enrollment charter school is eligible for a compensatory  
9 education allotment under Section 48.104.

10       Sec. 29.755. APPROVAL OF APPLICATION; ASSIGNMENT OF  
11 ACCOUNT. The agency shall approve each student who meets the  
12 program eligibility criteria established under Section 29.754 and  
13 assign to the student an account maintained under Section  
14 29.752(b). The account may only be used by the student's parent to  
15 purchase supplemental services or supplemental instructional  
16 materials for the student, subject to Sections 29.756 and 29.757.

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

22       (b) Supplemental services must be provided by an  
23 agency-approved provider.

24       (c) If the agency has approved vendors for a category of  
25 supplemental instructional materials under Section 29.757,  
26 supplemental instructional materials must be purchased from an  
27 agency-approved vendor for that category of supplemental

1 instructional materials. If the agency does not establish criteria  
2 for agency approval for a category of supplemental instructional  
3 materials, money in the student's account may be used to purchase  
4 the supplemental instructional materials from any vendor.

5 (d) In developing the program, the commissioner shall allow  
6 the use of funds under the program to be spent on tuition and fees at  
7 an institution of higher education or private or independent  
8 institution of higher education including any unexpended funds in a  
9 student's account at the time of graduation by the student for up to  
10 six years following the year the student graduates.

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

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

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

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

26 (e) If the agency establishes criteria for agency approval  
27 for a vendor of a category of supplemental instructional materials,

1 the agency shall provide a procedure for vendors of that category to  
2 apply to the agency to become an agency-approved vendor.

3 Sec. 29.758. PUBLIC SCHOOL PROVIDERS. A school district or  
4 open-enrollment charter school provider approved under Section  
5 29.757 may charge a fee for supplemental instructional materials or  
6 supplemental services provided to a student under this subchapter  
7 that otherwise would not have been provided to the student by the  
8 district or school.

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

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

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

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

3           Sec. 29.760. DETERMINATION OF COMMISSIONER FINAL.  
4 Notwithstanding Section 7.057, a determination of the commissioner  
5 under this subchapter and Section 48.305 is final and may not be  
6 appealed.

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

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

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

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

19           (c) A student may receive a grant under Subchapter R,  
20 Chapter 29, once while enrolled in kindergarten through grade  
21 twelve. A student may receive an additional grant if the  
22 legislature appropriates money for the additional grant in the  
23 General Appropriations Act.

24           SECTION 3. Not later than December 1, 2023, the  
25 commissioner of education shall adopt all rules necessary for the  
26 establishment and administration of the parent-directed  
27 supplemental services program required under Subchapter R, Chapter

1 29, Education Code, as added by this Act.

2           SECTION 4. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2023.