

By: Bettencourt, Paxton

S.B. No. 1474

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 teach
19 special education.

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

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

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

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

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

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

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

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

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

1 ~~state-administered programs involving the delivery of~~
2 ~~instructional or related services to students with disabilities];~~

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

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

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

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

27 (6) the provision of training and technical assistance

1 to ensure that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) The agency by rule shall adopt a set of performance

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

7 SECTION 5. Section 29.003, Education Code, is amended to
8 read as follows:

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

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

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

26 (2) from three years of age through five years of age
27 if the student is experiencing developmental delays as described by

1 20 U.S.C. Section 1401(3)(B) and defined by commissioner rule; or
2 (3) from 3 years of age through ~~[is at least three but~~
3 ~~not more than]~~ 21 years of age if the student ~~[and]~~ has one or more
4 of the ~~[following]~~ disabilities described by 20 U.S.C. Section
5 1401(3)(A) and that disability prevents the student from being
6 adequately or safely educated in public school without the
7 provision of special education services[+]

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

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

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

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

12 ~~[(E) autism;~~

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

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

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

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

25 SECTION 7. Section 29.008, Education Code, is amended by
26 amending Subsections (a) and (b) and adding Subsection (a-1) to
27 read as follows:

1 (a) The commissioner shall establish a list of approved
2 public or private facilities, institutions, or agencies inside or
3 outside of this state that a [A] school district, shared services
4 arrangement unit, or regional education service center may contract
5 with [a public or private facility, institution, or agency inside
6 or outside of this state] for the provision of services to students
7 with disabilities in a residential placement. The commissioner may
8 approve either the whole or a part of a facility or program.

9 (a-1) Each contract described by this section [~~for~~
10 ~~residential placement]~~ must be approved by the commissioner. The
11 commissioner may approve a [~~residential placement]~~ contract under
12 this section only after at least a programmatic evaluation of
13 personnel qualifications, costs, adequacy of physical plant and
14 equipment, and curriculum content. [~~The commissioner may approve~~
15 ~~either the whole or a part of a facility or program.~~]

16 (b) Except as provided by Subsection (c), costs of an
17 approved contract for residential placement may be paid from a
18 combination of federal, state, and local funds. The local share of
19 the total contract cost for each student is that portion of the
20 local tax effort that exceeds the district's local fund assignment
21 under Section 48.256, divided by the average daily attendance in
22 the district. If the contract involves a private facility, the
23 state share of the total contract cost is that amount remaining
24 after subtracting the local share. If the contract involves a
25 public facility, the state share is that amount remaining after
26 subtracting the local share from the portion of the contract that
27 involves the costs of instructional and related services. For

1 purposes of this subsection, "local tax effort" means the total
2 amount of money generated by taxes imposed for debt service and
3 maintenance and operation less any amounts paid into a tax
4 increment fund under Chapter 311, Tax Code. This subsection
5 expires September 1, 2027.

6 SECTION 8. The heading to Section 29.009, Education Code,
7 is amended to read as follows:

8 Sec. 29.009. PUBLIC NOTICE CONCERNING EARLY CHILDHOOD
9 SPECIAL EDUCATION [~~PRESCHOOL~~] PROGRAMS [~~FOR STUDENTS WITH~~
10 ~~DISABILITIES~~].

11 SECTION 9. Section 29.010, Education Code, is amended to
12 read as follows:

13 Sec. 29.010. GENERAL SUPERVISION AND COMPLIANCE. (a) The
14 agency shall develop [~~adopt~~] and implement a comprehensive system
15 for monitoring school district compliance with federal and state
16 laws relating to special education. The monitoring system must
17 include a comprehensive cyclical process and a targeted risk-based
18 process [~~provide for ongoing analysis of district special education~~
19 ~~data and of complaints filed with the agency concerning special~~
20 ~~education services and for inspections of school districts at~~
21 ~~district facilities~~]. The agency shall establish criteria and
22 instruments for use in determining district compliance under this
23 section [~~use the information obtained through analysis of district~~
24 ~~data and from the complaints management system to determine the~~
25 ~~appropriate schedule for and extent of the inspection~~].

26 (b) As part of the monitoring process [~~To complete the~~
27 ~~inspection~~], the agency must obtain information from parents and

1 teachers of students in special education programs in the district.

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

10 (d) The agency shall establish a graduated process of
11 sanctions to apply to [~~For~~] districts that remain in noncompliance
12 for more than one year[~~, the first stage of sanctions shall begin~~
13 ~~with annual or more frequent monitoring visits~~]. The [~~Subsequent~~]
14 sanctions shall [~~may~~] range in severity and may include [~~up to~~] the
15 withholding of funds. If funds are withheld, the agency may use the
16 funds to provide, through alternative arrangements, services to
17 students and staff members in the district from which the funds are
18 withheld.

19 (e) The agency's complaint management division shall
20 develop a system for expedited investigation and resolution of
21 complaints concerning a district's failure to provide special
22 education or related services to a student eligible to participate
23 in the district's special education program.

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

1 SECTION 10. Effective September 1, 2024, Section 29.014(d),
2 Education Code, is amended to read as follows:

3 (d) The basic allotment for a student enrolled in a district
4 to which this section applies is adjusted by the tier of intensity
5 of service defined in accordance with [~~weight for a homebound~~
6 ~~student under~~] Section 48.102 and designated by commissioner rule
7 for use under this section [~~48.102(a)~~].

8 SECTION 11. Section 29.018, Education Code, is amended by
9 adding Subsection (g) to read as follows:

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

11 SECTION 12. Sections 29.022(a), (a-1), (b), (c), (c-1),
12 (d), (f), (h), (k), (l), (s), and (t), Education Code, are amended
13 to read as follows:

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

27 (1) a school or campus that receives equipment as a

1 result of the request by a parent or staff member is required to
2 place equipment only in classrooms or settings in which the
3 parent's child is in regular attendance or to which the staff member
4 is assigned, as applicable; and

5 (2) a school or campus that receives equipment as a
6 result of the request by a board of trustees, governing body,
7 principal, or assistant principal is required to place equipment
8 only in classrooms or settings identified by the requestor, if the
9 requestor limits the request to specific classrooms or settings
10 subject to this subsection.

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

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

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

22 (3) the principal or assistant principal of a school
23 or campus at which one or more children receive special education
24 services in special education [~~self-contained~~] classrooms or other
25 special education settings may request in writing that equipment be
26 provided to the principal's or assistant principal's school or
27 campus; and

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

6 (b) A school or campus that places a video camera in a
7 special education classroom or other special education setting in
8 accordance with Subsection (a) shall operate and maintain the video
9 camera in the classroom or setting, as long as the classroom or
10 setting continues to satisfy the requirements under Subsection (a),
11 for the remainder of the school year in which the school or campus
12 received the request, unless the requestor withdraws the request in
13 writing. If for any reason a school or campus will discontinue
14 operation of a video camera during a school year, not later than the
15 fifth school day before the date the operation of the video camera
16 will be discontinued, the school or campus must notify the parents
17 of each student in regular attendance in the classroom or setting
18 that operation of the video camera will not continue unless
19 requested by a person eligible to make a request under Subsection
20 (a-1). Not later than the 10th school day before the end of each
21 school year, the school or campus must notify the parents of each
22 student in regular attendance in the classroom or setting that
23 operation of the video camera will not continue during the
24 following school year unless a person eligible to make a request for
25 the next school year under Subsection (a-1) submits a new request.

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

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

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

7 (c-1) The inside of a bathroom or any area in the special
8 education classroom or other special education setting in which a
9 student's clothes are changed may not be visually monitored, except
10 for incidental coverage of a minor portion of a bathroom or changing
11 area because of the layout of the classroom or setting.

12 (d) Before a school or campus activates a video camera in a
13 special education classroom or other special education setting
14 under this section, the school or campus shall provide written
15 notice of the placement to all school or campus staff and to the
16 parents of each student attending class or engaging in school
17 activities in the classroom or setting.

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

22 (h) A school district or open-enrollment charter school may
23 not:

24 (1) allow regular or continual monitoring of video
25 recorded under this section; or

26 (2) use video recorded under this section for teacher
27 evaluation or for any other purpose other than the promotion of

1 safety of students receiving special education services in a
2 special education [~~self-contained~~] classroom or other special
3 education setting.

4 (k) The commissioner may adopt rules to implement and
5 administer this section, including rules regarding the special
6 education classrooms and other special education settings to which
7 this section applies.

8 (1) A school district or open-enrollment charter school
9 policy relating to the placement, operation, or maintenance of
10 video cameras under this section must:

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

15 (2) require that the district or school provide a
16 response to a request made under this section not later than the
17 seventh school business day after receipt of the request by the
18 person to whom it must be submitted under Subsection (a-3) that
19 authorizes the request or states the reason for denying the
20 request;

21 (3) except as provided by Subdivision (5), require
22 that a school or a campus begin operation of a video camera in
23 compliance with this section not later than the 45th school
24 business day, or the first school day after the 45th school business
25 day if that day is not a school day, after the request is authorized
26 unless the agency grants an extension of time;

27 (4) permit the parent of a student whose admission,

1 review, and dismissal committee has determined that the student's
2 placement for the following school year will be in a special
3 education classroom or other special education setting in which a
4 video camera may be placed under this section to make a request for
5 the video camera by the later of:

6 (A) the date on which the current school year
7 ends; or

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

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

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

16 (B) the 45th school business day, or the first
17 school day after the 45th school business day if that day is not a
18 school day, after the date the request is made.

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

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

27 SECTION 13. Sections [29.022](#)(u)(3) and (4), Education Code,

1 are amended to read as follows:

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

9 (4) "Staff member" means a teacher, related service
10 provider, paraprofessional, counselor, or educational aide
11 assigned to work in a special education [~~self-contained~~] classroom
12 or other special education setting.

13 SECTION 14. Section 29.026(i), Education Code, is amended
14 to read as follows:

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

19 SECTION 15. Section 29.027(d), Education Code, is amended
20 to read as follows:

21 (d) A grant under this section is [~~The commissioner shall~~
22 ~~select grant recipients and award grant funds beginning in the~~
23 ~~2021-2022 school year. The grants are~~] to be awarded for two years.

24 SECTION 16. Subchapter A, Chapter 29, Education Code, is
25 amended by adding Section 29.029 to read as follows:

26 Sec. 29.029. SUPPORTS FOR RECRUITING SPECIAL EDUCATION
27 STAFF. (a) From funds appropriated or otherwise available for the

1 purpose, the agency shall provide grants to school districts and
2 open-enrollment charter schools to increase the number of qualified
3 and appropriately credentialed special education staff, including
4 special education teachers, special education paraprofessionals,
5 evaluation personnel, ancillary instruction personnel, and related
6 service personnel.

7 (b) A school district or open-enrollment charter school
8 that receives a grant under this section shall require each person
9 the district or school uses the grant money to assist in becoming
10 licensed, certified, or otherwise credentialed as described by
11 Subsection (a) to work at the district or school for a period
12 established by commissioner rule.

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

16 SECTION 17. The heading to Subchapter [A-1](#), Chapter [29](#),
17 Education Code, is amended to read as follows:

18 SUBCHAPTER A-1. PARENT-DIRECTED [~~SUPPLEMENTAL SPECIAL EDUCATION~~]
19 SERVICES FOR SPECIAL EDUCATION STUDENTS [~~PROGRAM~~]

20 SECTION 18. Sections [29.041](#)(2) and (3), Education Code, are
21 amended to read as follows:

22 (2) "Supplemental [~~special education~~] instructional
23 materials" includes textbooks, computer hardware or software,
24 other technological devices, and other materials suitable for
25 addressing an educational need of a student receiving special
26 education services under Subchapter A.

27 (3) "Supplemental [~~special education~~] services" means

1 an additive service that provides an educational benefit to a
2 student receiving special education services under Subchapter A,
3 including:

4 (A) occupational therapy, physical therapy, and
5 speech therapy; and

6 (B) private tutoring and other supplemental
7 private instruction or programs.

8 SECTION 19. Sections 29.042(a) and (c), Education Code, are
9 amended to read as follows:

10 (a) The agency by rule shall establish and administer a
11 parent-directed [~~supplemental special education services and~~
12 ~~instructional materials~~] program for students receiving special
13 education services, through which a parent may direct supplemental
14 services and supplemental instructional materials for the parent's
15 student [~~students~~] who meets [~~meet~~] the eligibility requirements
16 for participation in the program. Subject to Subsection (c), the
17 agency shall provide each student approved as provided by this
18 subchapter a grant of [~~not more than~~] \$1,500 to purchase
19 supplemental [~~special education~~] services and supplemental
20 [~~special education~~] instructional materials.

21 (c) A student may receive a grant under this subchapter once
22 while enrolled in a grade level below grade six and once while
23 enrolled in grade six or above. A student may receive an additional
24 grant under this subchapter if the legislature appropriates money
25 for the additional grant in the General Appropriations Act [~~The~~
26 ~~commissioner shall set aside an amount not to exceed \$30 million~~
27 ~~from the total amount of funds appropriated for each state fiscal~~

1 ~~year to fund the program under this section. For each state fiscal~~
2 ~~year, the total amount provided for student grants under Subsection~~
3 ~~(a) may not exceed the amount set aside by the commissioner under~~
4 ~~this subsection].~~

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

7 Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF
8 ACCOUNT. The ~~[Subject to available funding the]~~ agency shall
9 approve each student who meets the program eligibility criteria
10 established under Section 29.044 and assign to the student an
11 account maintained under Section 29.042(b). The account may only
12 be used by the student's parent to purchase supplemental ~~[special~~
13 ~~education]~~ services or supplemental ~~[special—education]~~
14 instructional materials for the student, subject to Sections 29.046
15 and 29.047.

16 SECTION 21. Sections 29.046(a) and (b), Education Code, are
17 amended to read as follows:

18 (a) Money in an account assigned to a student under Section
19 29.045 may be used only for supplemental ~~[special—education]~~
20 services and supplemental ~~[special—education]~~ instructional
21 materials.

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

24 SECTION 22. Sections 29.047(a), (c), (d), and (e),
25 Education Code, are amended to read as follows:

26 (a) The agency shall establish criteria necessary for
27 agency approval for each category of provider of a professional

1 service that is a supplemental [~~special education~~] service, as
2 identified by the agency.

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

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

9 (e) If the agency establishes criteria for agency approval
10 for a vendor of a category of supplemental [~~special education~~]
11 instructional materials, the agency shall provide a procedure for
12 vendors of that category to apply to the agency to become an
13 agency-approved vendor.

14 SECTION 23. Section 29.048, Education Code, is amended to
15 read as follows:

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

24 (b) Unless the district first verifies that an account has
25 been assigned to the student under Section 29.045, the [The]
26 admission, review, and dismissal committee of a student approved
27 for participation in the program shall provide to the student's

1 parent at an admission, review, and dismissal committee meeting for
2 the student:

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

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

10 SECTION 24. Subchapter A-1, Chapter 29, Education Code, is
11 amended by adding Section 29.0485 to read as follows:

12 Sec. 29.0485. DETERMINATION OF COMMISSIONER FINAL.
13 Notwithstanding Section 7.057, a determination of the commissioner
14 under this subchapter is final and may not be appealed.

15 SECTION 25. Section 29.049, Education Code, is amended to
16 read as follows:

17 Sec. 29.049. RULES. The commissioner shall adopt rules as
18 necessary to administer the supplemental ~~[special education]~~
19 services and supplemental instructional materials program under
20 this subchapter.

21 SECTION 26. Section 29.315, Education Code, is amended to
22 read as follows:

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

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

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

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

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

12 (5) the type of information the school shall be
13 required to provide through the Public Education Information
14 Management System (PEIMS).

15 SECTION 27. Section 29.316(c), Education Code, is amended
16 to read as follows:

17 (c) Not later than August 31 of each year, the agency, the
18 division, and the center jointly shall prepare and post on the
19 agency's, the division's, and the center's respective Internet
20 websites a report on the language acquisition of children eight
21 years of age or younger who are deaf or hard of hearing. The report
22 must:

23 (1) include:

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

26 (B) information relating to the language
27 acquisition of children who are deaf or hard of hearing and also

1 have other disabilities;

2 (2) state for each child:

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

7 (B) the specific language acquisition services
8 provided to the child, including:

9 (i) the time spent providing those
10 services; and

11 (ii) a description of any hearing
12 amplification used in the delivery of those services, including:

13 (a) the type of hearing amplification
14 used;

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

17 (c) the average amount of time the
18 child uses the hearing amplification each day;

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

21 (D) the preferred unique communication mode used
22 by the child at home; and

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

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

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

8 SECTION 28. Chapter 29, Education Code, is amended by
9 adding Subchapter J to read as follows:

10 SUBCHAPTER J. EDUCATION SAVINGS ACCOUNT PROGRAM

11 Sec. 29.351. DEFINITIONS. In this subchapter:

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

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

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

17 (B) covered by Section 504, Rehabilitation Act of
18 1973 (29 U.S.C. Section 794).

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

21 (4) "Financial institution" means a bank, credit
22 union, savings bank, or savings and loan association organized
23 under the laws of this state, the laws of another state, or federal
24 law that has its main office or a branch office in this state. The
25 term does not include any institution the deposits of which are not
26 insured by the Federal Deposit Insurance Corporation or the
27 National Credit Union Administration.

1 (5) "Institution of higher education" and "private or
2 independent institution of higher education" have the meanings
3 assigned by Section 61.003.

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

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

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

12 Sec. 29.352. PURPOSES. The purposes of the education
13 savings account program are to:

14 (1) improve public schools and overall academic
15 performance;

16 (2) promote efficiency;

17 (3) promote and preserve the liberties and rights of
18 the people; and

19 (4) increase parental choice in learning
20 opportunities and supports.

21 Sec. 29.353. ESTABLISHMENT OF PROGRAM. (a) The agency
22 shall establish and administer an education savings account program
23 to provide funding for certain education-related expenses of
24 eligible children.

25 (b) The agency shall ensure that information about the
26 program is readily available to parents of children with
27 disabilities and the public through various sources, including the

1 agency's Internet website. The information made available to
2 parents of children with disabilities must include a notice that:

3 (1) states that a private school is not subject to laws
4 regarding the provision of educational services in the same manner
5 as a public school, and a child with a disability attending a
6 private school may not receive the services a child with a
7 disability attending a public school is entitled to receive under
8 federal and state law;

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

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

15 (i) an individualized education program
16 that provides a free and appropriate public education;

17 (ii) educational services provided in the
18 least restrictive environment;

19 (iii) instruction from certified teachers;

20 (iv) due process hearings to ensure proper
21 and full implementation of an individualized education program;

22 (v) transition and planning services; and

23 (vi) supplementary aids and services;

24 (B) rights provided under Subchapter A; and

25 (C) other rights provided under federal or state
26 law; and

27 (3) provides information regarding the program,

1 including:

2 (A) the operation of an account;

3 (B) expenses allowed under Section 29.357 and the
4 consequences for using money in an account on expenses that are not
5 allowed under that section; and

6 (C) common service offerings.

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

9 (1) is a child with a disability;

10 (2) is eligible to attend a public school under
11 Section 25.001; and

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

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

16 (B) was required to attend school under Section
17 25.085 for a period of less than six weeks during the preceding and
18 current school year due to the child's age or nonresidence in this
19 state; or

20 (C) participated in the program during the
21 preceding school year.

22 (b) A child who establishes eligibility under this section
23 may participate in the program until the earliest of the following
24 dates:

25 (1) the date on which the child graduates from high
26 school;

27 (2) the date on which the child is no longer eligible

1 to attend a public school under Section 25.001;

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

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

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

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

11 (2) a child who previously participated in the program
12 and subsequently enrolled in a public school, including an
13 open-enrollment charter school, to resume participation in the
14 program.

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

18 (b) The commissioner shall by rule create an enrollment
19 application for the program and make the enrollment application
20 readily available to interested parents through various sources,
21 including the agency's Internet website. An enrollment application
22 for the program must be submitted to the commissioner
23 electronically.

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

1 (1) expenses allowed under the program under Section
2 29.357;

3 (2) expense reporting requirements; and

4 (3) a description of the responsibilities of program
5 participants and the duties of the commissioner under this
6 subchapter.

7 (d) The commissioner shall provide to each parent who
8 submits an enrollment application a written copy of the notice
9 described by Section 29.353(b). Before the parent may receive
10 funding under the program, the parent must sign an acknowledgment
11 of receipt and understanding of the notice and return the signed
12 acknowledgment to the commissioner.

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

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

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

21 (3) provide to the commissioner information necessary
22 to determine the child's eligibility and the amount to which the
23 child is entitled under the program;

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

27 (5) inform the commissioner if the child graduates

1 from high school.

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

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

6 (d) The commissioner shall adopt a list of approved
7 instruments that allow for a comparison between the quality of
8 educational attainment for a child participating in the program and
9 for students in other educational placements. To the extent
10 practicable, the list must include nationally norm-referenced
11 assessments and assessment instruments adopted under Section
12 39.023. A child's performance on an instrument approved under this
13 subsection for measuring a child's quality of learning may not be
14 considered in determining the child's eligibility to participate in
15 the program.

16 Sec. 29.357. APPROVED EDUCATION-RELATED EXPENSES.

17 (a) Funds received under the program may be used only for the
18 following expenses incurred by a program participant:

19 (1) tuition and fees:

20 (A) at a private school accredited by an entity
21 recognized by the commissioner as an accrediting entity for private
22 schools in this state;

23 (B) at an institution of higher education or a
24 private or independent institution of higher education;

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

26 or

27 (D) for a program that provides training for an

- 1 industry-based certification;
2 (2) the purchase of textbooks or other instructional
3 materials required by a school, institution, course, or program
4 described by Subdivision (1) in which the child is enrolled;
5 (3) fees for classes or other educational services
6 provided by a public school, including an open-enrollment charter
7 school, if the classes or services do not qualify the child to be
8 included in the school's average daily attendance;
9 (4) fees for services provided by a private tutor or
10 teaching service;
11 (5) fees paid to a vendor for transportation to and
12 from school, not to exceed \$500 per year;
13 (6) fees for educational therapies or services
14 provided by a practitioner or provider;
15 (7) costs of computer hardware and software and other
16 technological devices prescribed to facilitate a child's education
17 by a physician, therapist, or other licensed service provider;
18 (8) fees for a nationally norm-referenced achievement
19 test or examination, an assessment instrument adopted under Section
20 39.023, an advanced placement test or similar examination, an
21 examination related to college or university admission, or any
22 other instrument included on the agency's list under Section
23 29.356(d);
24 (9) fees for the management of the participant's
25 account charged by a financial institution;
26 (10) costs of breakfast or lunch provided to a child
27 during the school day by a private school;

1 (11) the purchase of school uniforms required by a
2 private school;

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

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

7 (b) Expenses allowed under Subsection (a) do not include
8 expenses for:

9 (1) consumable supplies, including paper, pens,
10 pencils, folders, and notebooks; or

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

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

18 (d) An education service provider or vendor of educational
19 products must provide a program participant with a receipt for each
20 expense allowed under Subsection (a) charged by the provider or
21 vendor to the participant.

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

26 (f) A finding that a program participant used funds
27 distributed under the program to pay for an expense not allowed

1 under Subsection (a) does not affect the validity of any payment
2 made by the participant for an expense that is allowed under that
3 subsection.

4 Sec. 29.358. AMOUNT OF PAYMENT; FINANCING. (a) A parent
5 of an eligible child shall receive each year that the child
6 participates in the program a payment from the state to the child's
7 account in an amount equal to the sum of \$7,250 and:

8 (1) \$1,500, if the child is educationally
9 disadvantaged;

10 (2) \$1,400, if the child has not previously
11 participated in a school district's special education program under
12 Section 29.003; and

13 (3) if the child has previously participated in a
14 school district's special education program under Section 29.003,
15 the amount of funding for special education services the district
16 was entitled to receive for the child under Subchapters B and C,
17 Chapter 48, for the most recent school year in which the child
18 participated in the district's special education program.

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

21 (c) Money in an account may not be considered to be the
22 property of a program participant and may be spent only in
23 accordance with this subchapter.

24 (d) Any funds remaining in a child's account at the end of a
25 fiscal year are carried forward to the next fiscal year unless
26 another provision of this subchapter mandates the closure of the
27 account.

1 (e) The parent of a child participating in the program may
2 make payments for the expenses of educational programs, services,
3 and products not covered by funds in the child's account.

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

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

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

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

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

26 (f) An entity responsible for managing accounts:

27 (1) shall ensure that each expenditure from an account

1 is for an expense allowed under Section 29.357; and

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

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

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

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

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

23 (b) On suspension of an account under Subsection (a), the
24 commissioner shall notify the program participant in writing that
25 the account has been suspended and that no further payments may be
26 made from the account. The notification must specify the grounds
27 for the suspension and state that the participant has 10 business

1 days to respond and take any corrective action required by the
2 commissioner.

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

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

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

10 (3) order full reinstatement of the account.

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

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

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

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

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

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

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

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

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

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

24 (b) To receive funds distributed under the program, an
25 education service provider that provides a full course load to a
26 child participating in the program must administer to the child an
27 instrument included on the list adopted by the commissioner under

1 Section 29.356(d) and report the results to the agency.

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

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

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

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

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

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

25 (g) The agency shall maintain and post on the agency's
26 Internet website a list of private tutors, teaching services,
27 online educational course or program providers, and industry-based

1 certification training providers approved to receive funds
2 distributed under the program.

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

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

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

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

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

25 (c) The program does not expand the regulatory authority of
26 the state or any school district to impose any additional
27 regulation on an education service provider or vendor of

1 educational products except those reasonably necessary to enforce
2 the program as provided by this subchapter.

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

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

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

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

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

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

27 Sec. 29.367. ANNUAL SURVEY. The commissioner may conduct

1 an annual parental satisfaction survey that asks each parent of a
2 child participating in the program to express:

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

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

7 Sec. 29.368. DETERMINATION OF COMMISSIONER FINAL.

8 Notwithstanding Section 7.057, a determination of the commissioner
9 regarding eligibility or the approval of expenses under this
10 subchapter is final and may not be appealed.

11 Sec. 29.369. RULES. The commissioner shall:

12 (1) adopt rules as necessary to implement this
13 subchapter, including:

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

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

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

25 (2) coordinate as necessary to:

26 (A) calculate annually the savings to the state
27 from the implementation of the program; and

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

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

11 SECTION 29. Section 30.001(b), Education Code, is amended
12 to read as follows:

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

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

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

24 (3) assisting school districts to individually or
25 cooperatively develop programs to identify and provide appropriate
26 services for children with disabilities;

27 (4) expanding and coordinating services provided by

1 regional education service centers for children with disabilities;
2 and

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

7 SECTION 30. Section 30.002(g), Education Code, is amended
8 to read as follows:

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

21 SECTION 31. Section 30.005, Education Code, is amended to
22 read as follows:

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

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

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

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

9 (4) the process for the agency to:

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

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

12 (C) if necessary, conduct monitoring reviews;

13 and

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

17 SECTION 32. Section [37.146\(a\)](#), Education Code, is amended
18 to read as follows:

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

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

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

27 (A) whether the child is eligible for or receives

1 special education services under Subchapter A, Chapter 29; and

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

5 SECTION 33. Effective September 1, 2024, Section 48.051(a),
6 Education Code, is amended to read as follows:

7 (a) For each student in average daily attendance, not
8 including the time students spend each day in career and technology
9 education programs or in special education programs receiving
10 special education services in a setting [~~an instructional~~
11 ~~arrangement~~] other than a general education setting [~~mainstream or~~
12 ~~career and technology education programs~~], for which an additional
13 allotment is made under Subchapter C, a district is entitled to an
14 allotment equal to the lesser of \$6,160 or the amount that results
15 from the following formula:

16
$$A = \$6,160 \times TR/MCR$$

17 where:

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

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

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

23 SECTION 34. Effective September 1, 2024, Section 48.102,
24 Education Code, is amended to read as follows:

25 Sec. 48.102. SPECIAL EDUCATION. (a) For each student in
26 average daily attendance in a special education program under
27 Subchapter A, Chapter 29, [~~in a mainstream instructional~~

1 ~~arrangement,~~] a school district is entitled to an annual allotment
 2 equal to the basic allotment, or, if applicable, the sum of the
 3 basic allotment and the allotment under Section 48.101 to which the
 4 district is entitled, multiplied by a weight in an amount set by the
 5 legislature in the General Appropriations Act for the highest tier
 6 of intensity of service for which the student qualifies
 7 [1.15]. [~~For each full-time equivalent student in average daily~~
 8 ~~attendance in a special education program under Subchapter A,~~
 9 ~~Chapter 29, in an instructional arrangement other than a mainstream~~
 10 ~~instructional arrangement, a district is entitled to an annual~~
 11 ~~allotment equal to the basic allotment, or, if applicable, the sum~~
 12 ~~of the basic allotment and the allotment under Section 48.101 to~~
 13 ~~which the district is entitled, multiplied by a weight determined~~
 14 ~~according to instructional arrangement as follows:~~

- 15 [Homebound _____ 5.0
- 16 [Hospital class _____ 3.0
- 17 [Speech therapy _____ 5.0
- 18 [Resource room _____ 3.0
- 19 [Self-contained, mild and moderate, regular campus
- 20 _____ 3.0
- 21 [Self-contained, severe, regular campus _____
- 22 3.0
- 23 [Off home campus _____ 2.7
- 24 [Nonpublic day school _____ 1.7
- 25 [Vocational adjustment class _____ 2.3]

26 (a-1) Notwithstanding Subsection (a), for the 2024-2025 and
 27 2025-2026 school years, the amount of an allotment under this

1 section shall be determined in accordance with Section 48.1023.

2 This subsection expires September 1, 2026.

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

17 (c) [~~For funding purposes, the number of contact hours~~
18 ~~credited per day for each student in the off home campus~~
19 ~~instructional arrangement may not exceed the contact hours credited~~
20 ~~per day for the multidistrict class instructional arrangement in~~
21 ~~the 1992-1993 school year.~~

22 [~~(d) For funding purposes the contact hours credited per day~~
23 ~~for each student in the resource room, self-contained, mild and~~
24 ~~moderate, and self-contained, severe, instructional arrangements~~
25 ~~may not exceed the average of the statewide total contact hours~~
26 ~~credited per day for those three instructional arrangements in the~~
27 ~~1992-1993 school year.~~

1 ~~[(e) The commissioner by rule shall prescribe the~~
2 ~~qualifications an instructional arrangement must meet in order to~~
3 ~~be funded as a particular instructional arrangement under this~~
4 ~~section. In prescribing the qualifications that a mainstream~~
5 ~~instructional arrangement must meet, the commissioner shall~~
6 ~~establish requirements that students with disabilities and their~~
7 ~~teachers receive the direct, indirect, and support services that~~
8 ~~are necessary to enrich the regular classroom and enable student~~
9 ~~success.~~

10 ~~[(f) In this section, "full-time equivalent student" means~~
11 ~~30 hours of contact a week between a special education student and~~
12 ~~special education program personnel.~~

13 ~~[(g)]~~ The commissioner shall adopt rules and procedures
14 governing contracts for residential and day program placement of
15 ~~[special education]~~ students receiving special education
16 services.

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

19 ~~[(h)]~~ At least 55 percent of the funds allocated under this
20 section must be used in the special education program under
21 Subchapter A, Chapter 29.

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

26 (f) ~~[(j)]~~ A school district that provides an extended year
27 program required by federal law for special education students who

1 may regress is entitled to receive funds in an amount equal to 75
2 percent, or a lesser percentage determined by the commissioner, of
3 the basic allotment, or, if applicable, the sum of the basic
4 allotment and the allotment under Section 48.101 to which the
5 district is entitled for each [~~full-time equivalent~~] student in
6 average daily attendance, multiplied by the amount designated for
7 the highest tier of intensity of service for which the student
8 qualifies [~~student's instructional arrangement~~] under this
9 section, for each day the program is provided divided by the number
10 of days in the minimum school year. The total amount of state
11 funding for extended year services under this section may not
12 exceed \$10 million per year. A school district may use funds
13 received under this section only in providing an extended year
14 program.

15 (g) [~~(k)~~] From the total amount of funds appropriated for
16 special education under this section, the commissioner shall
17 withhold an amount specified in the General Appropriations Act, and
18 distribute that amount to school districts for programs under
19 Section 29.014. The program established under that section is
20 required only in school districts in which the program is financed
21 by funds distributed under this subsection and any other funds
22 available for the program. After deducting the amount withheld
23 under this subsection from the total amount appropriated for
24 special education, the commissioner shall reduce each district's
25 allotment proportionately and shall allocate funds to each district
26 accordingly.

27 (h) Not later than December 1 of each even-numbered year,

1 the commissioner shall submit to the Legislative Budget Board, for
2 purposes of the allotment under this section, proposed weights for
3 the tiers of intensity of service for the next state fiscal
4 biennium.

5 SECTION 35. Effective September 1, 2024, Subchapter C,
6 Chapter 48, Education Code, is amended by adding Section 48.1021 to
7 read as follows:

8 Sec. 48.1021. SPECIAL EDUCATION SERVICE GROUP ALLOTMENT.

9 (a) For each six-week period in which a student in a special
10 education program under Subchapter A, Chapter 29, receives eligible
11 special education services, a school district is entitled to an
12 allotment in an amount set by the legislature in the General
13 Appropriations Act for the service group for which the student is
14 eligible.

15 (a-1) Notwithstanding Subsection (a), for the 2024-2025 and
16 2025-2026 school years, the amount of an allotment under this
17 section shall be determined in accordance with Section 48.1023.
18 This subsection expires September 1, 2026.

19 (b) The commissioner by rule shall establish four service
20 groups for use in determining funding under this section. In
21 establishing the groups, the commissioner must consider the level
22 of services, equipment, and technology required to meet the needs
23 of students receiving special education services.

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

27 (d) A school district is entitled to the full amount of an

1 allotment under this section for a student receiving eligible
2 special education services during any part of a six-week period.

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

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

10 SECTION 36. Subchapter C, Chapter 48, Education Code, is
11 amended by adding Sections 48.1022 and 48.1023 to read as follows:

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

17 Sec. 48.1023. SPECIAL EDUCATION TRANSITION FUNDING. (a)
18 For the 2024-2025 and 2025-2026 school years, the commissioner may
19 adjust weights or amounts provided under Section 48.102 or 48.1021
20 as necessary to ensure compliance with requirements regarding
21 maintenance of state financial support under 20 U.S.C. Section
22 1412(a)(18) and maintenance of local financial support under
23 applicable federal law.

24 (b) For the 2024-2025 and 2025-2026 school years, the
25 commissioner shall determine the formulas through which school
26 districts receive funding under Sections 48.102 and 48.1021. In
27 determining the formulas, the commissioner may combine the methods

1 of funding under those sections with the method of funding provided
2 by Section 48.102, as it existed on January 1, 2023.

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

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

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

15 (2) the amount set by the legislature in the General
16 Appropriations Act.

17 (e) Each school district and open-enrollment charter school
18 shall report to the agency information necessary to implement this
19 section.

20 (f) The agency shall provide technical assistance to school
21 districts and open-enrollment charter schools to ensure a
22 successful transition in funding formulas for special education.

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

24 SECTION 37. Section 48.103(c), Education Code, is amended
25 to read as follows:

26 (c) A school district may receive funding for a student
27 under each provision of this section, ~~and~~ Section 48.102, and

1 Section 48.1021 for which [~~if~~] the student qualifies [~~satisfies the~~
2 ~~requirements of both sections~~].

3 SECTION 38. Section 48.110(d), Education Code, is amended
4 to read as follows:

5 (d) For each annual graduate in a cohort described by
6 Subsection (b) who demonstrates college, career, or military
7 readiness as described by Subsection (f) in excess of the minimum
8 number of students determined for the applicable district cohort
9 under Subsection (c), a school district is entitled to an annual
10 outcomes bonus of:

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

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

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

19 SECTION 39. Section 48.151(g), Education Code, is amended
20 to read as follows:

21 (g) A school district or county that provides special
22 transportation services for eligible special education students is
23 entitled to a state allocation at a [~~paid on a previous year's~~
24 ~~cost-per-mile basis. The~~] rate of \$1.13 per mile or a greater
25 amount provided [~~allowable shall be set~~] by appropriation [~~based on~~
26 ~~data gathered from the first year of each preceding biennium~~].

27 Districts may use a portion of their support allocation to pay

1 transportation costs, if necessary. The commissioner may grant an
2 amount set by appropriation for private transportation to reimburse
3 parents or their agents for transporting eligible special education
4 students. The mileage allowed shall be computed along the shortest
5 public road from the student's home to school and back, morning and
6 afternoon. The need for this type of transportation shall be
7 determined on an individual basis and shall be approved only in
8 extreme hardship cases.

9 SECTION 40. Subchapter D, Chapter 48, Education Code, is
10 amended by adding Section 48.159 to read as follows:

11 Sec. 48.159. SPECIAL EDUCATION CERTIFICATION ALLOTMENT.

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

18 (b) A school district shall use an allotment received under
19 this section to provide a stipend in the amount of the allotment to
20 the classroom teacher or educational diagnostician for whom the
21 district received the allotment. A stipend received by a classroom
22 teacher under this subsection is not considered in determining
23 whether the district is paying the teacher the minimum monthly
24 salary under Section 21.402.

25 SECTION 41. Section 48.265(a), Education Code, is amended
26 to read as follows:

27 (a) If [~~Notwithstanding any other provision of law, if~~] the

1 commissioner determines that the amount appropriated for the
2 purposes of the Foundation School Program exceeds the amount to
3 which school districts are entitled under this chapter, the
4 commissioner may provide [~~by rule shall establish a grant program~~
5 ~~through which excess funds are awarded as~~] grants using the excess
6 money for the purchase of video equipment, or for the reimbursement
7 of costs for previously purchased video equipment, used for
8 monitoring special education classrooms or other special education
9 settings required under Section 29.022.

10 SECTION 42. Section 48.279(e), Education Code, is amended
11 to read as follows:

12 (e) After the commissioner has replaced any withheld
13 federal funds as provided by Subsection (d), the commissioner shall
14 distribute the remaining amount, if any, of funds described by
15 Subsection (a) to proportionately increase funding for the special
16 education allotment under Section 48.102 and the special education
17 service group allotment under Section 48.1021.

18 SECTION 43. Subchapter G, Chapter 48, Education Code, is
19 amended by adding Sections 48.304, 48.305, and 48.306 to read as
20 follows:

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

26 (1) \$250,000 for the first year of the program's
27 operation; and

1 (2) \$150,000 for each year of the program's operation
2 after the first year.

3 (b) A day placement program qualifies for purposes of
4 Subsection (a) if:

5 (1) the program complies with commissioner rules
6 adopted under Section 48.102(c);

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

12 (3) the agency has designated the program for service
13 in the county in which the program is offered and determined that,
14 at the time of designation, the program increases the availability
15 of day placement services in the county.

16 Sec. 48.305. PARENT-DIRECTED SERVICES FOR SPECIAL
17 EDUCATION STUDENTS GRANT. (a) A student to whom the agency awards
18 a grant under Subchapter A-1, Chapter 29, is entitled to receive an
19 amount equal to the amount of the grant, as provided by that
20 subchapter.

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

24 Sec. 48.306. EDUCATION SAVINGS ACCOUNT FUNDING. (a) A
25 person enrolled in the education savings account program
26 established under Subchapter J, Chapter 29, is entitled to a
27 deposit to the person's education savings account in the amount

1 provided by that subchapter.

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

5 SECTION 44. Section 411.0901, Government Code, is amended
6 by adding Subsection (a-1) to read as follows:

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

14 SECTION 45. Section 825.4092(f), Government Code, as added
15 by Chapter 546 (S.B. 202), Acts of the 87th Legislature, Regular
16 Session, 2021, is amended to read as follows:

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

25 SECTION 46. The following provisions of the Education Code
26 are repealed:

27 (1) Section 29.002;

1 (2) Sections 29.026(n) and (o);

2 (3) Section 29.027(i); and

3 (4) Section 29.050.

4 SECTION 47. Subchapter E, Chapter 22, Education Code, as
5 added by this Act, Chapter 29, Education Code, as amended by this
6 Act, and Section 825.4092(f), Government Code, as amended by this
7 Act, apply beginning with the 2023-2024 school year.

8 SECTION 48. (a) Except as provided by Subsection (b) of
9 this section and as otherwise provided by this Act, this Act takes
10 effect immediately if it receives a vote of two-thirds of all the
11 members elected to each house, as provided by Section 39, Article
12 III, Texas Constitution. If this Act does not receive the vote
13 necessary for immediate effect, this Act takes effect September 1,
14 2023.

15 (b) The amendments by this Act to Chapter 48, Education
16 Code, take effect September 1, 2023.