A BILL TO BE ENTITLED  

AN ACT  

relating to the establishment of the Education Savings Account Program to allow certain disadvantaged children and their siblings to use public money to pursue educational alternatives to public schools and an insurance premium tax credit for contributions made for purposes of that program.

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

SECTION 1. The purpose of this Act is to provide additional educational options to assist families in this state in exercising the right to direct the educational needs of their children.

SECTION 2. Chapter 29, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. EDUCATION SAVINGS ACCOUNT PROGRAM

Sec. 29.351. DEFINITIONS. In this subchapter:

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

(2) "Certified educational assistance organization" means an educational assistance organization certified under Section 29.354 to assist in administering the program.

(3) "Child with a disability" means a child who is eligible to participate in a school district's special education program under Section 29.003.

(4) "Cocurricular activity" means an activity that directly adds value to classroom instruction and curriculum,
including an academic field trip, performance, contest, demonstration, or display. The term does not include an athletic or other nonacademic activity.

(5) "Higher education provider" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003.

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

(7) "Program" means the Education Savings Account Program established under this subchapter.

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

Sec. 29.352. ESTABLISHMENT OF PROGRAM. The comptroller shall establish the Education Savings Account Program to provide funding for approved education-related expenses of program participants.

Sec. 29.353. EDUCATION SAVINGS ACCOUNT PROGRAM FUND. (a) The Education Savings Account Program fund is an account in the general revenue fund to be administered by the comptroller.

(b) The fund is composed of:

(1) general revenue transferred to the fund;
(2) money appropriated to the fund;
(3) gifts, grants, and donations received under Section 29.369;
(4) contributions to the fund for which an entity
receives a credit against the entity's state premium tax liability under Chapter 230, Insurance Code; and

(5) any other money available for purposes of the program.

(c) Money in the fund may be appropriated only to the comptroller for purposes of making payments to program participants and administering the program under this subchapter.

Sec. 29.354. SELECTION OF CERTIFIED EDUCATIONAL ASSISTANCE ORGANIZATION. (a) An organization may apply to the comptroller for certification as a certified educational assistance organization during an application period established by the comptroller.

(b) To be eligible for certification, the organization must:

(1) have the ability to perform the duties and functions required of a certified educational assistance organization under this subchapter;

(2) be in good standing with the state;

(3) be exempt from taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code; and

(4) be able to assist the comptroller in administering the program, including the ability to:

(A) accept, process, and track applications for the program;

(B) assist prospective applicants, applicants, and program participants with finding preapproved education service providers and vendors of educational products; and
(C) verify that program funding is used only for approved education-related expenses.

(c) The comptroller shall certify one educational assistance organization to assist in administering the program, including by:

(1) administering the application process under Section 29.356;

(2) assisting prospective applicants, applicants, and program participants with understanding eligible expenses and finding preapproved education service providers and vendors of educational products;

(3) ensuring money in a program participant's account is used only for approved expenses under Section 29.359; and

(4) publishing data and an annual report regarding:

(A) the number of program applications received, accepted, and waitlisted;

(B) program participant satisfaction; and

(C) assessment results reported under Section 29.357(2).

Sec. 29.355. ELIGIBLE CHILD. (a) A child is eligible to participate in the program if the child is eligible to attend a public school under Section 25.001 and:

(1) either:

(A) was enrolled in a public school during the entire preceding school year; or

(B) is enrolling in a school in this state for the first time; and
(2) meets one of the following criteria:

(A) is a member of a household with a total annual income that is at or below 200 percent of the income guidelines necessary to qualify for the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.;

(B) is the sibling of a child who is eligible to participate in the program;

(C) was eligible to participate in the program during a previous school year;

(D) is a child with a disability; or

(E) is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

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

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

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

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

(4) the date on which the child is declared ineligible for the program by the comptroller under this subchapter.
shall:

(1) establish a reasonable annual deadline by which an applicant must complete and submit an application form to participate in the program; and

(2) on receipt of more acceptable applications for admission under this section than available positions in the program due to insufficient funding, prioritize applicants who are members of a household with a total annual income that is at or below the income guidelines necessary to qualify for the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

(b) The certified educational assistance organization shall create an application form for the program and make the application form readily available to interested parents through various sources, including the organization's Internet website. The application form must state the application deadline. The organization shall ensure that the application form is capable of being submitted to the organization electronically.

(c) The certified educational assistance organization shall post on the organization's Internet website an applicant and participant handbook with a description of the program, including:

(1) expenses allowed under the program under Section 29.359;

(2) a list of preapproved education service providers and vendors of educational products under Section 29.358;

(3) the organization's expense reporting requirements; and
(4) a description of the responsibilities of program participants.

(d) The certified educational assistance organization shall annually provide to each program participant the information described by Subsection (c). The organization may provide the information electronically.

(e) A parent of a child described by Section 29.355(a)(2)(B) may submit an application for the eligible child and the child's sibling concurrently. The certified educational assistance organization shall consider concurrently the applications of siblings who apply by the date established by the organization under Subsection (a).

(f) The certified educational assistance organization may not require a program participant in good standing to annually resubmit an application for continued participation in the program.

Sec. 29.357. PARTICIPATION IN PROGRAM. To receive funding under the program, a parent of an eligible child must agree to:

(1) spend money received through the program only for expenses allowed under Section 29.359;

(2) share or authorize the administrator of an assessment instrument to share with the certified educational assistance organization the results of any assessment instrument required to be administered to the child under Section 29.358(b)(1)(B) or other law;

(3) refrain from selling an item purchased with program money in accordance with Section 29.359(a)(2) until the end of the 12th month after the date the item is purchased; and
notify the certified educational assistance organization not later than 30 days after the date on which the child:

(A) enrolls in a public school, including an open-enrollment charter school;

(B) graduates from high school; or

(C) is no longer eligible to enroll in a public school under Section 25.001.

Sec. 29.358. APPROVED PROVIDERS. (a) The comptroller shall by rule establish a process for the preapproval of education service providers and vendors of educational products for participation in the program. The comptroller shall set a reasonable quarterly deadline by which a provider or vendor must submit an application.

(b) The comptroller shall approve an education service provider or vendor of educational products for participation in the program if the provider or vendor:

(1) for a private school, demonstrates the school's qualification to serve program participants, including:

(A) accreditation by an organization recognized by the Texas Private School Accreditation Commission; and

(B) annual administration of a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39;

(2) for a private tutor, therapist, or teaching service:

(A) demonstrates the tutor's, therapist's, or
service's qualification to serve program participants, including
that the tutor or therapist or each employee of the service who
intends to provide services to a program participant:

(i) is certified under Subchapter B, 
Chapter 21;
(ii) holds a relevant license or 
accreditation issued by a state, regional, or national licensing or 
accreditation organization; or 
(iii) is employed in a teaching or tutoring 
capacity at a higher education provider;

(B) the tutor or therapist or each employee of 
the teaching service who intends to provide educational services to 
a program participant either:

(i) completes a national criminal history 
record information review; or 
(ii) provides to the comptroller 
documentation indicating that the tutor, therapist, or employee, as 
applicable, has completed a national criminal history record 
information review within a period established by comptroller rule; 
and 

(C) the tutor or therapist or each employee of 
the teaching service who intends to provide educational services to 
a program participant is not included in the registry under Section 
22.092; or

(3) for a higher education provider, demonstrates 
postsecondary accreditation.

(c) The comptroller shall review the national criminal
history record information or documentation for each private tutor, therapist, or teaching service employee who submits information or documentation under this section and verify that the individual is not included in the registry under Section 22.092. The tutor, therapist, or service must provide the comptroller with any information requested by the comptroller to enable the comptroller to complete the review.

(d) An education service provider or vendor of educational products shall provide information requested by the comptroller to verify the provider's or vendor's eligibility for preapproval under Subsection (b). The comptroller may not approve a provider or vendor if the comptroller cannot verify the provider's or vendor's eligibility for preapproval.

Sec. 29.359. APPROVED EDUCATION-RELATED EXPENSES. (a) Subject to Subsection (b), money received under the program may be used only for the following expenses incurred by a program participant at a preapproved education service provider or vendor of educational products:

(1) tuition and fees;

(2) the purchase of textbooks or other instructional materials or uniforms required by a school, higher education provider, course, or online educational course or program in which the child is enrolled;

(3) costs related to academic assessments;

(4) costs related to cocurricular activities;

(5) fees for transportation provided by a fee-for-service transportation provider for the child to travel to
and from a preapproved education service provider or vendor of educational products; and

(6) fees for educational therapies or services provided by a practitioner or provider, only for fees that are not covered by any federal, state, or local government benefits such as Medicaid or the Children's Health Insurance Program (CHIP) or by any private insurance that the child is enrolled in at the time of receiving the therapies or services.

(b) Money received under the program may not be used to pay any person who is a member of the program participant's household.

(c) A finding that a program participant used money distributed under the program to pay for an expense not allowed under Subsection (a) does not affect the validity of any payment made by the participant for an expense that is allowed under that subsection.

(d) Notwithstanding Subsection (a), the comptroller shall by rule establish a process by which:

(1) program participants may be efficiently reimbursed for expenses described by Subsection (a)(2), (3), (4), (5), or (6) incurred from an education service provider or vendor of educational products that is not preapproved under Section 29.358(a); and

(2) frequently used providers and vendors described by Subdivision (1) that are in good standing for three continuous school years may receive payment directly from an account.
participates in the program a payment from the state from funds available under Section 29.353 to the child's account in an amount equal to 90 percent of the state average maintenance and operations revenue per student in average daily attendance for the preceding state fiscal year.

(b) Any money remaining in a child's account at the end of a fiscal year is carried forward to the next fiscal year unless another provision of this subchapter mandates the closure of the account.

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

(d) A payment under Subsection (a) may not be financed using federal money.

(e) Payments received under this subchapter do not constitute taxable income to the eligible student's parent, unless otherwise provided by federal law.

(f) Not later than November 1 of each even-numbered year, the comptroller shall submit to the legislature:

1. a summary of participant enrollment in the program;
2. the amount of cost savings accruing to the state as a result of the program; and
3. an estimate of the total amount of funding required for the program for the following state fiscal biennium.

Sec. 29.361. ADMINISTRATION OF ACCOUNTS. (a) The comptroller shall make quarterly payments to each program
participant's account in equal amounts on or before the first day of July, October, January, and April.

(b) The comptroller may deduct an amount from each quarterly payment to a program participant's account to cover the comptroller's cost of administering the program. The amount deducted may not exceed three percent of the payment.

(c) Each quarter, the comptroller shall disburse to the certified educational assistance organization an amount from the total amount of money appropriated for purposes of this subchapter to cover the organization's cost of administering the program. The total amount disbursed to the certified educational assistance organization under this subsection for a fiscal year may not exceed five percent of the amount appropriated for purposes of this subchapter for that fiscal year.

(d) Before payments are made under Subsection (a) in October and April, the certified educational assistance organization shall:

(1) verify with the agency that each program participant is not enrolled in a public school, including an open-enrollment charter school; and

(2) notify the comptroller if the organization determines that a program participant is enrolled in a public school, including an open-enrollment charter school.

(e) On the date on which a child who participated in the program is no longer eligible to participate in the program under Section 29.355(b), the child's account is closed and any remaining money is returned to the state for deposit in the Education Savings
Account Program fund.

Sec. 29.362. RANDOM AUDITING. (a) The comptroller may contract with a private entity to randomly audit accounts and the certified educational assistance organization as necessary to ensure compliance with applicable law and program requirements.

(b) In conducting an audit, the comptroller or private entity may require that a program participant or the certified educational assistance organization provide additional information and documentation regarding any payment made under the program.

(c) The private entity shall report to the comptroller any violation of this subchapter or other relevant law found by the entity during an audit conducted under this section. The comptroller shall report the violation to:

(1) the certified educational assistance organization;
(2) the education service provider or vendor of educational products, as applicable; and
(3) the parent of each child participating in the program who is affected by the violation.

Sec. 29.363. SUSPENSION OF ACCOUNT. (a) The comptroller shall suspend the account of a program participant who fails to remain in good standing by complying with applicable law or a requirement of the program.

(b) On suspension of an account under Subsection (a), the comptroller shall notify the program participant in writing that the account has been suspended and that no additional payments may be made from the account. The notification must specify the grounds
for the suspension and state that the participant has 30 business
days to respond and take any corrective action required by the
comptroller.

(c) On the expiration of the 30-day period under Subsection
(b), the comptroller shall:

(1) order closure of the suspended account;

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

(3) order full reinstatement of the account.

(d) The comptroller may recover money distributed under the
program that was used for expenses not allowed under Section 29.359
from the program participant or the entity that received the money
if the program participant's account is suspended or closed under
this section.

Sec. 29.364. TUITION AND FEES; REFUND PROHIBITED. (a) An
education service provider or vendor of educational products may
not charge a child participating in the program an amount greater
than the amount charged for that service by the provider or vendor.

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

Sec. 29.365. REFERRAL TO DISTRICT ATTORNEY. If the
comptroller or the certified educational assistance organization
obtains evidence of fraudulent use of an account, the comptroller
Sec. 29.366. SPECIAL EDUCATION NOTICE. (a) The certified educational assistance organization shall post on the organization’s Internet website and provide to each parent who submits an application for the program a notice that:

(1) states that a private school is not subject to federal and state laws regarding the provision of educational services to a child with a disability in the same manner as a public school; and

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

(A) rights provided under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

(B) rights provided under Subchapter A.

(b) A private school in which a child with a disability who is a program participant enrolls shall provide to the child’s parent a copy of the notice required under Subsection (a).

Sec. 29.367. PROGRAM PARTICIPANT, PROVIDER, AND VENDOR AUTONOMY. (a) An education service provider or vendor of educational products that receives money distributed under the program is not a recipient of federal financial assistance on the basis of receiving that money.

(b) A rule adopted or action taken related to the program by an individual, governmental entity, court of law, or program
administrator may not:

(1) limit the independence or autonomy of an education service provider, vendor of educational products, or program participant;

(2) consider the actions of an education service provider, vendor of educational products, or program participant to be the actions of an agent of state government;

(3) limit:

(A) an education service provider's ability to determine the methods used to educate the provider's students or to exercise the provider's religious or institutional values; or

(B) a program participant's ability to determine the participant's educational content or to exercise the participant's religious values;

(4) obligate an education service provider or program participant to act contrary to the provider's or participant's religious or institutional values, as applicable;

(5) impose any regulation on an education service provider, vendor of educational products, or program participant beyond those regulations necessary to enforce the requirements of the program; or

(6) require as a condition of receiving money distributed under the program:

(A) an education service provider to modify the provider's creed, practices, admissions policies, curricula, performance standards, employment policies, or assessments; or

(B) a program participant to modify the
participant's creed, practices, curricula, performance standards, or assessments.

(c) In a proceeding challenging a rule adopted by a state agency or officer under this subchapter, the agency or officer has the burden of proof to establish by clear and convincing evidence that the rule:

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

(2) does not violate this section;

(3) does not impose an undue burden on a program participant or an education service provider or vendor of educational products that participates or applies to participate in the program; and

(4) is the least restrictive means of accomplishing the purpose of the program while recognizing the independence of an education service provider to meet the educational needs of students in accordance with the provider's religious or institutional values.

Sec. 29.368. STUDENT RECORDS AND INFORMATION. (a) On request by the parent of a child participating or seeking to participate in the program, the school district or open-enrollment charter school that the child would otherwise attend shall provide a copy of the child's school records possessed by the district or school, if any, to the child's parent or, if applicable, the private school the child attends.

(b) As necessary to verify a child's eligibility for the program, the agency shall provide to the certified educational
assistance organization any information available to the agency
requested by the organization regarding a child who participates or
seeks to participate in the program. The organization may not
retain information provided under this subsection beyond the period
necessary to determine a child's eligibility to participate in the
program.

Sec. 29.369. GIFTS, GRANTS, AND DONATIONS. The comptroller
and certified educational assistance organization may solicit and
accept gifts, grants, and donations from any public or private
source for any expenses related to the administration of the
program, including establishing the program.

Sec. 29.370. RULES; PROCEDURES. (a) The comptroller shall
adopt rules and procedures as necessary to implement, administer,
and enforce this subchapter.

(b) A rule adopted under Subsection (a) is binding on an
organization that applies for certification as an educational
assistance organization and a state or local governmental entity,
including a political subdivision, as necessary to implement,
administer, and enforce this subchapter.

Sec. 29.371. APPEAL; JUDICIAL REVIEW. (a) A program
participant may appeal to the comptroller an administrative
decision made by the comptroller or certified educational
assistance organization under this subchapter, including a
decision regarding eligibility, allowable expenses, or the
participant's removal from the program.

(b) A program participant, education service provider, or
vendor of educational products who is adversely affected or
aggrieved by a decision made by the comptroller or certified educational assistance organization under this subchapter may file a suit challenging the decision in a district court in the county in which the program participant resides or the provider or vendor has its principal place of business, as applicable.

Sec. 29.372. RIGHT TO INTERVENE IN CIVIL ACTION. (a) A program participant, education service provider, or vendor of educational products may intervene in any civil action challenging the constitutionality of the program or the insurance premium tax credit under Chapter 230, Insurance Code.

(b) A court in which a civil action described by Subsection (a) is filed may require that all program participants, education service providers, and vendors of educational products wishing to intervene in the action file a joint brief. A program participant, education service provider, or vendor of educational products may not be required to join a brief filed on behalf of the state or a state agency.

SECTION 3. Section 22.092(d), Education Code, is amended to read as follows:

(d) The agency shall provide equivalent access to the registry maintained under this section to:

1. private schools;
2. public schools; [and]
3. nonprofit teacher organizations approved by the commissioner for the purpose of participating in the tutoring program established under Section 33.913; and
4. the comptroller for the purpose of preapproving
education service providers and vendors of educational products under Section 29.358 for participation in the program established under Subchapter J, Chapter 29.

SECTION 4. Section 411.109, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The comptroller is entitled to obtain criminal history record information maintained by the department about a person who is a private tutor, a therapist, or an employee of a teaching service or school who intends to provide educational services to a child participating in the program established under Subchapter J, Chapter 29, Education Code, and is seeking approval to receive money distributed under that program.

SECTION 5. Subtitle B, Title 3, Insurance Code, is amended by adding Chapter 230 to read as follows:

CHAPTER 230. CREDIT AGAINST PREMIUM TAXES FOR CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNT PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 230.001. DEFINITIONS. In this chapter:

(1) "Fund" means the Education Savings Account Program fund under Section 29.353, Education Code.

(2) "State premium tax liability" means any liability incurred by an entity under Chapters 221 through 226.

SUBCHAPTER B. CREDIT

Sec. 230.051. CREDIT. An entity may apply for a credit against the entity's state premium tax liability in the amount and under the conditions provided by this chapter. The comptroller shall award credits as provided by Section 230.054.
Sec. 230.052. AMOUNTS; LIMITATION ON TOTAL CREDITS. (a) Subject to Subsections (b) and (c), the amount of an entity's credit is equal to the lesser of the amount contributed to the fund during the period covered by the tax report or 75 percent of the entity's state premium tax liability for the report.

(b) For the 2024 state fiscal year, the total amount of credits that may be awarded under this chapter may not exceed $500 million. For each subsequent state fiscal year, the total amount of credits that may be awarded is:

(1) the same total amount of credits available under this subsection for the previous state fiscal year, if Subdivision (2) does not apply; or

(2) 125 percent of the total amount of credits available under this subsection for the previous state fiscal year, if the total amount of credits awarded in the previous state fiscal year was at least 90 percent of the total amount of credits available under this subsection for that fiscal year.

(c) The comptroller by rule shall prescribe procedures by which the comptroller may allocate credits under this chapter. The procedures must provide that credits are allocated first to entities that received preliminary approval for a credit under Section 230.053 and that apply under Section 230.054. The procedures must provide that any remaining credits are allocated to entities that apply under Section 230.054 on a first-come, first-served basis, based on the date the contribution was initially made.

(d) The comptroller may require an entity to notify the
Sec. 230.053. PRELIMINARY APPROVAL FOR CREDIT. (a) Before making a contribution to the fund, an entity may apply to the comptroller for preliminary approval of a credit under this chapter for the contribution.

(b) An entity must apply for preliminary approval on a form provided by the comptroller that includes the amount the entity expects to contribute and any other information the comptroller requires.

(c) The comptroller shall grant preliminary approval for credits under this chapter on a first-come, first-served basis, based on the date the comptroller receives the application for preliminary approval.

(d) The comptroller shall grant preliminary approval for a credit under this chapter for a state fiscal year if the sum of the amount of the credit and the total amount of all other credits preliminarily approved under this chapter does not exceed the amount provided by Section 230.052(b).

(e) Final award of a credit preliminarily approved under this section remains subject to the limitations under Section 230.052(a) and all other requirements of this chapter.

Sec. 230.054. APPLICATION FOR CREDIT. (a) An entity must apply for a credit under this chapter on or with the tax report covering the period in which the contribution was made.

(b) The comptroller shall adopt a form for the application
for the credit. An entity must use this form in applying for the credit.

(c) Subject to Section 230.052(c), the comptroller may award a credit to an entity that applies for the credit under Subsection (a) of this section if the entity is eligible for the credit and the credit is available under Section 230.052(b). The comptroller has broad discretion in determining whether to grant or deny an application for a credit.

(d) The comptroller shall notify an entity in writing of the comptroller's decision to grant or deny the application under Subsection (a). If the comptroller denies an entity's application, the comptroller shall include in the notice of denial the reasons for the comptroller's decision.

(e) If the comptroller denies an entity's application under Subsection (a), the entity may request in writing a reconsideration of the application not later than the 10th day after the date the notice under Subsection (d) is received. If the entity does not request a reconsideration of the application on or before that date, the comptroller's decision is final.

(f) An entity that requests a reconsideration under Subsection (e) may submit to the comptroller, not later than the 30th day after the date the request for reconsideration is submitted, additional information and documents to support the entity's request for reconsideration.

(g) The comptroller's reconsideration of an application under this section is not a contested case under Chapter 2001, Government Code. The comptroller's decision on a request for
reconsideration of an application is final and is not appealable.

(h) This section does not create a cause of action to contest a decision of the comptroller to deny an application for a credit under this chapter.

Sec. 230.055. RULES; PROCEDURES. The comptroller shall adopt rules and procedures to implement, administer, and enforce this chapter.

Sec. 230.056. ASSIGNMENT PROHIBITED; EXCEPTION. An entity may not convey, assign, or transfer the credit allowed under this chapter to another entity unless substantially all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

Sec. 230.057. NOTICE OF AVAILABILITY OF CREDIT. The comptroller shall provide notice of the availability of the credit under this chapter on the comptroller's Internet website, in the instructions for insurance premium tax report forms, and in any notice sent to an entity concerning the requirement to file an insurance premium tax report.

SECTION 6. Subchapter J, Chapter 29, Education Code, as added by this Act, applies beginning with the 2024-2025 school year.

SECTION 7. An entity may apply for a credit under Chapter 230, Insurance Code, as added by this Act, only for a contribution made on or after the effective date of this Act.

SECTION 8. Not later than November 15, 2023, the comptroller of public accounts shall adopt rules as provided by Section 230.055, Insurance Code, as added by this Act.
SECTION 9. Chapter 230, Insurance Code, as added by this Act, applies only to a tax report originally due on or after the effective date of this Act.

SECTION 10. (a) The constitutionality and other validity under the state or federal constitution of all or any part of Subchapter J, Chapter 29, Education Code, as added by this Act, or Chapter 230, Insurance Code, as added by this Act, may be determined in an action for declaratory judgment under Chapter 37, Civil Practice and Remedies Code, in a district court in the county in which the plaintiff resides or has its principal place of business.

(b) An order, however characterized, of a trial court granting or denying a temporary or otherwise interlocutory injunction or a permanent injunction on the grounds of the constitutionality or unconstitutionality, or other validity or invalidity, under the state or federal constitution of all or any part of Subchapter J, Chapter 29, Education Code, as added by this Act, or Chapter 230, Insurance Code, as added by this Act, may be reviewed only by direct appeal to the Texas Supreme Court filed not later than the 15th day after the date on which the order was entered. The Texas Supreme Court shall give precedence to appeals under this section over other matters.

(c) The direct appeal is an accelerated appeal.

(d) This section exercises the authority granted by Section 3-b, Article V, Texas Constitution.

(e) The filing of a direct appeal under this section will automatically stay any temporary or otherwise interlocutory injunction or permanent injunction granted in accordance with this
section pending final determination by the Texas Supreme Court, unless the supreme court makes specific findings that the applicant seeking such injunctive relief has pleaded and proved that:

(1) the applicant has a probable right to the relief it seeks on final hearing;

(2) the applicant will suffer a probable injury that is imminent and irreparable, and that the applicant has no other adequate legal remedy; and

(3) maintaining the injunction is in the public interest.

(f) An appeal under this section, including an interlocutory, accelerated, or direct appeal, is governed, as applicable, by the Texas Rules of Appellate Procedure, including Rules 25.1(d)(6), 28.1, 32.1(g), 37.3(a)(1), 38.6(a) and (b), 40.1(b), and 49.4.

(g) This section does not authorize an award of attorney's fees against this state, and Section 37.009, Civil Practice and Remedies Code, does not apply to an action filed under this section.

(h) This section does not authorize a taxpayer suit to contest the denial of a tax credit by the comptroller of public accounts.

SECTION 11. It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to each person or entity, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid for any
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1 reason, the remaining applications of that provision to all other
2 persons and circumstances shall be severed and may not be affected.
3 SECTION 12. This Act takes effect September 1, 2023.