

## **BILL ANALYSIS**

C.S.H.B. 23  
By: Huberty  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that students with autism often require specialized attention in order to achieve instructional goals when compared to other students within public schools and contend that some programs have limited ability to accommodate students with autism due to inadequate resources or a lack of evidence-based and research-based measures directed at helping those students. C.S.H.B. 23 seeks to create a grant program with the purpose of providing innovative services to students with autism.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 23 amends the Education Code to require the commissioner of education to establish a program to award grants to public school districts and open-enrollment charter schools that provide innovative services to students with autism. The bill authorizes a school district, including a school district acting through a district charter, and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, to apply for a grant. The bill makes a program eligible for a grant if the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget; incorporates specified elements; gives priority for enrollment to students with autism; limits enrollment and services to students who are at least three years of age and who are younger than nine years of age or are enrolled in the third grade or a lower grade level; and allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year.

C.S.H.B. 23 prohibits a school district or open-enrollment charter school from charging a fee for a program, other than those authorized by law for students in public schools, from requiring a parent to enroll a child in a program, from allowing an admission, review, and dismissal committee to place a student in a program without the written consent of the student's parent or guardian, or from continuing the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program. The bill authorizes a program to alter the length of the school day or school year or the number of minutes of instruction received by students, coordinate services with private or community-based providers, allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner, and adopt staff qualifications and staff to student ratios that

differ from the applicable statutory requirements.

C.S.H.B. 23 requires the commissioner to adopt rules creating an application and selection process for the grants, to create an external panel of stakeholders to provide assistance in the selection of applications for the award of grants, to award grants to fund not more than 10 programs that meet the eligibility criteria, and to prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The bill requires selected programs to reflect the diversity of Texas. The bill requires the commissioner to select programs and award grant funds to those programs beginning in the 2018-2019 school year and establishes that the selected programs are to be funded for five years. The bill establishes that a grant awarded to a school district or open-enrollment charter school is in addition to the foundation school program (FSP) funds that the district or charter school is otherwise entitled to receive.

C.S.H.B. 23 requires the commissioner to set aside an amount not to exceed \$20 million from the total amount of funds appropriated to the FSP for the 2018-2019 fiscal biennium to fund the grants, to use \$10 million for purposes of the grant program for each school year in the state fiscal biennium, and to reduce each district's and charter school's allotment proportionally to account for funds so allocated. The bill caps the amount a grant recipient may receive for the 2018-2019 fiscal biennium at \$1 million. The bill authorizes the commissioner and any selected program to accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the program. The bill prohibits the commissioner and any selected program from requiring any financial contribution from parents to implement and administer the program. The bill authorizes the commissioner to consider a student with autism who is enrolled in a program funded under the bill's provisions as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting. The bill requires the commissioner to publish a report on the grant program not later than December 31, 2021, and sets out the required contents of the report. The bill's provisions expire September 1, 2024.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 23 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

##### INTRODUCED

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.026 to read as follows:

Sec. 29.026. GRANT PROGRAM PROVIDING SERVICES TO STUDENTS WITH AUTISM. (a) The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools that provide innovative services to students with autism. To participate in the program, a student must be at least three years of age but younger than nine years of age.

##### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.026 to read as follows:

Sec. 29.026. GRANT PROGRAM PROVIDING SERVICES TO STUDENTS WITH AUTISM. (a) The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools that provide innovative services to students with autism.

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, may apply for a grant under this section.

(c) A program is eligible for a grant under this section if:

(1) the program operates as a separate campus from the campus in which the program is located, with a separate budget and principal;

(2) the program incorporates:

(A) evidence-based and research-based design;

(B) the use of empirical data on student achievement and improvement;

(C) parental support and collaboration;

(D) the use of technology;

(E) meaningful inclusion; and

(F) the ability to replicate the program for students statewide; and

(3) the program gives priority for enrollment to students with autism.

(d) A school district or open-enrollment charter school may not:

(1) charge a fee for the program, other than those authorized by law for students in public schools;

(2) require a parent to participate in the program; or

(3) allow an admission, review, and dismissal committee to place a student in the program without the consent of the student's parent or guardian.

(e) A program under this section may:

(1) alter the length of the school day or school year or the number of minutes of instruction received by students;

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, and an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, may apply for a grant under this section.

(c) A program is eligible for a grant under this section if:

(1) the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;

(2) the program incorporates:

(A) evidence-based and research-based design;

(B) the use of empirical data on student achievement and improvement;

(C) parental support and collaboration;

(D) the use of technology;

(E) meaningful inclusion; and

(F) the ability to replicate the program for students statewide;

(3) the program gives priority for enrollment to students with autism;

(4) the program limits enrollment and services to students who are:

(A) at least three years of age; and

(B) younger than nine years of age or are enrolled in the third grade or a lower grade level; and

(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year.

(d) A school district or open-enrollment charter school may not:

(1) charge a fee for the program, other than those authorized by law for students in public schools;

(2) require a parent to enroll a child in the program;

(3) allow an admission, review, and dismissal committee to place a student in the program without the written consent of the student's parent or guardian; or

(4) continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program.

(e) A program under this section may:

(1) alter the length of the school day or school year or the number of minutes of instruction received by students;

(2) coordinate services with private or community-based providers;  
(3) allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner; and  
(4) adopt staff qualifications and staff to student ratios that differ from the applicable requirements of this title.  
(f) The commissioner shall adopt rules creating an application and selection process for grants awarded under this section.  
(g) The commissioner shall create an external panel of stakeholders, including parents of students with disabilities, to provide assistance in the selection of applications for the award of grants under this section.  
(h) The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (c). In selecting programs, the commissioner shall prioritize programs that are a collaboration between multiple school districts and charter schools. The selected programs must reflect the geographic diversity of this state.  
(i) The commissioner shall select programs and award grant funds to those programs beginning in the 2018-2019 school year. The selected programs are to be funded for five years.  
(j) A grant awarded to a school district or open-enrollment charter school under this section is in addition to the foundation school program funds that the district or charter school is otherwise entitled to receive.  
(k) The commissioner shall set aside an amount not exceeding \$20 million from the total amount of funds appropriated to the foundation school program for the 2018-2019 fiscal biennium to fund grants under this section. The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.  
(l) The commissioner and any program selected under this section may accept gifts, grants, and donations from any public or

(2) coordinate services with private or community-based providers;  
(3) allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner; and  
(4) adopt staff qualifications and staff to student ratios that differ from the applicable requirements of this title.  
(f) The commissioner shall adopt rules creating an application and selection process for grants awarded under this section.  
(g) The commissioner shall create an external panel of stakeholders, including parents of students with disabilities, to provide assistance in the selection of applications for the award of grants under this section.  
(h) The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (c). In selecting programs, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.  
(i) The commissioner shall select programs and award grant funds to those programs beginning in the 2018-2019 school year. The selected programs are to be funded for five years.  
(j) A grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program funds that the district or charter school is otherwise entitled to receive.  
(k) The commissioner shall set aside an amount not to exceed \$20 million from the total amount of funds appropriated to the Foundation School Program for the 2018-2019 fiscal biennium to fund grants under this section. The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.  
(l) The commissioner and any program selected under this section may accept gifts, grants, and donations from any public or

private source

to implement and administer the program.

(m) The commissioner may consider a student with autism who is enrolled in a program funded under this section as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting.

(n) Not later than December 31, 2021, the commissioner shall publish a report on the grant program established under this section. The report must include:

(1) recommendations for statutory or funding changes necessary to implement successful innovations in the education of students with autism; and

(2) data on the academic and functional achievements of students enrolled in a program that received a grant under this section.

(o) This section expires September 1, 2024.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

private source, person, or group to implement and administer the program. The commissioner and any program selected under this section may not require any financial contribution from parents

to implement and administer the program.

(m) The commissioner may consider a student with autism who is enrolled in a program funded under this section as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting.

(n) Not later than December 31, 2021, the commissioner shall publish a report on the grant program established under this section. The report must include:

(1) recommendations for statutory or funding changes necessary to implement successful innovations in the education of students with autism; and

(2) data on the academic and functional achievements of students enrolled in a program that received a grant under this section.

(o) This section expires September 1, 2024.

SECTION 2. Same as introduced version.