

By: Simmons, Huberty, Capriglione, Gonzales,  
VanDeaver, et al.

H.B. No. 279

Substitute the following for H.B. No. 279:

By: Aycock

C.S.H.B. No. 279

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for a public education grant of certain  
students receiving special education services.

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

SECTION 1. Section 29.202, Education Code, is amended to  
read as follows:

Sec. 29.202. ELIGIBILITY. (a) A student is eligible to  
receive a public education grant or to attend another public school  
in the district in which the student resides under this subchapter  
if:

(1) the student is assigned to attend a public school  
campus:

(A) ~~[(1)]~~ at which 50 percent or more of the  
students did not perform satisfactorily on an assessment instrument  
administered under Section 39.023(a) or (c) in any two of the  
preceding three years; or

(B) ~~[(2)]~~ that, at any time in the preceding  
three years, failed to satisfy any standard under Section  
39.054(e); or

(2) the student:

(A) is in kindergarten through grade 12 and  
eligible under Section 29.003 to participate in a school district's  
special education program; and

(B) is the subject of an individualized education

1 program developed under Section 29.005.

2 (b) After a student who establishes eligibility under  
3 Subsection (a)(1) has used a public education grant to attend a  
4 school in a district other than the district in which the student  
5 resides:

6 (1) the student does not become ineligible for the  
7 grant if the school on which the student's initial eligibility is  
8 based no longer meets the criteria under Subsection (a)(1) [~~(a)~~];  
9 and

10 (2) the student becomes ineligible for the grant if  
11 the student is assigned to attend a school that does not meet the  
12 criteria under Subsection (a)(1) [~~(a)~~].

13 (c) A student who establishes eligibility under Subsection  
14 (a)(2) remains eligible until the earlier of the date the student  
15 graduates from high school or the student's 22nd birthday.

16 SECTION 2. Section 29.203, Education Code, is amended by  
17 amending Subsections (d) and (f) and adding Subsection (f-1) to  
18 read as follows:

19 (d) A school district chosen by a student's parent under  
20 Section 29.201 is entitled to accept or reject the application for  
21 the student to attend school in that district but may not use  
22 criteria that discriminate on the basis of a student's race,  
23 ethnicity, academic achievement, athletic abilities, language  
24 proficiency, sex, or socioeconomic status. A school district that  
25 has more acceptable applicants for attendance under this subchapter  
26 than available positions must give priority to students at risk of  
27 dropping out of school as defined by Section 29.081 and students who

1 are eligible under Section 29.202(a)(2), and must fill the  
2 available positions by lottery. However, to achieve continuity in  
3 education, a school district may give preference over at-risk  
4 students and students eligible under Section 29.202(a)(2) to  
5 enrolled students and to the siblings of enrolled students residing  
6 in the same household or other children residing in the same  
7 household as enrolled students for the convenience of parents,  
8 guardians, or custodians of those children.

9 (f) The school district in which a student resides shall  
10 provide each student who establishes eligibility under Section  
11 29.202(a)(1) and attends ~~[attending]~~ a school in another district  
12 under this subchapter transportation free of charge to and from the  
13 school the student would otherwise attend.

14 (f-1) For a student who establishes eligibility under  
15 Section 29.202(a)(2):

16 (1) if the student's admission, review, and dismissal  
17 committee determines based on the student's individualized  
18 education program that the student requires transportation and the  
19 student attends another public school in the district in which the  
20 student resides or in a district adjacent to that district, the  
21 school district that the student attends shall provide the student  
22 transportation free of charge in the manner provided under the  
23 student's individualized education program; or

24 (2) if the student's admission, review, and dismissal  
25 committee determines based on the student's individualized  
26 education program that the student does not require transportation  
27 and if the student attends a school in another district under this

1 subchapter, the school district in which the student resides shall  
2 provide the student transportation free of charge to and from the  
3 school the student would otherwise attend.

4 SECTION 3. Section 29.204, Education Code, is amended to  
5 read as follows:

6 Sec. 29.204. NOTIFICATION. (a) Not later than January 1 of  
7 each year the commissioner shall, based on the most recent  
8 information available, provide notice to each school district in  
9 which a campus described by Section 29.202(a)(1) [29.202] is  
10 located that:

11 (1) identifies each campus in the district that meets  
12 the description in Section 29.202(a)(1) [29.202]; and

13 (2) informs the district that the district must comply  
14 with Subsection (b).

15 (b) Not later than February 1 of each year, a school  
16 district shall notify the parent of each student in the district  
17 assigned to attend a campus described by Section 29.202(a)(1)  
18 [29.202] that the student is eligible for a public education grant.  
19 In accordance with commissioner rule, a school district shall  
20 notify the parent of each student in the district eligible under  
21 Section 29.202(a)(2) of the student's eligibility as soon as  
22 possible after the student establishes eligibility. The notice  
23 must contain a clear, concise explanation of the public education  
24 grant program and of the manner in which the parent may obtain  
25 further information about the program.

26 SECTION 4. This Act applies beginning with the 2015-2016  
27 school year.

1           SECTION 5. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2015.