

BILL ANALYSIS

Senate Research Center

S.B. 1513
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Education
3/23/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

School choice allows students and their parents to choose the education that best suits the needs of that student. Students in Texas may choose to attend a public school outside of their attendance zone by exercising inter-district and intra-district transfer options, attending a magnet school or program, enrolling in a charter school, or utilizing transfer options established under No Child Left Behind. However, more choice and variety of programs can be offered through private organizations. S.B. 1513 expands the primary means of providing school choice among traditional public schools.

To increase options for parents and students a school district, if their board so chooses, should be able to offer a private school as an option for their community.

As proposed, S.B. 1513 promotes student success by providing students and parents another option for an individualized education.

As proposed, S.B. 1513 amends current law relating to state funding for certain children to attend certain private school.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.1535, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 29, Education Code, by adding Section 29.1535, as follows:

Sec. 29.1535. STATE FUNDING FOR ELIGIBLE CHILDREN TO ATTEND QUALIFIED PRIVATE SCHOOLS. (a) Defines “eligible school district,” “eligible student,” and “private school.”

(b) Requires an eligible school district, in accordance with this section and rules adopted under this section, to pay the costs of an eligible student that attends a private school that meets the requirements of this section.

(c) Provides that the amount of money for an eligible student that a school district shall pay under this section is:

(1) an amount equal to the average total funding for each student in the student's grade level in the district during the preceding school year for maintenance and operations, including state and local funding; or

(2) if the student is enrolled in a prekindergarten program and the district did not operate a prekindergarten program during the preceding school year, the statewide average amount of funding to which a district would be entitled under the Foundation School Program for an additional student in average daily attendance on a half-day basis.

(d) Provides that an eligible student who attends a private school under this section:

(1) is included in determining the average daily attendance under Section 42.005 (Average Daily Attendance) of the school district in which the student would otherwise attend school; and

(2) is considered to be enrolled in a public school for purposes of Section 42.003.

(e) Prohibits a private school from charging an eligible student attending a school under this section tuition or from requiring fees in addition to the amount paid by a school district under Subsection (b).

(f) Requires an eligible district to establish:

(1) standards with which a private school must comply for the school to be eligible to receive payment under this section;

(2) a method for the application for and the delivery of that payment; and

(3) the manner in which the parent of an eligible student must apply for funding to permit the child to attend the private school.

(g) Requires that the standards established under Subsection (f)(1):

(1) provide a fair process for admission to the private school that:

(A) may give preference to siblings of an enrolled student or children residing in the same household as an enrolled student;

(B) requires that the private school not refuse to enroll a child on the basis of the child's race, national origin, ethnic background, religion, or disability; and

(C) establishes a policy to fill positions in case the private school has more applicants under this section than available positions; and

(2) if the private school provides a prekindergarten program, require that the private school comply with:

(A) the standards for certification of effectiveness of the school readiness certification system adopted under Section 29.161 (School Readiness Certification System); and

(B) any additional standards the district determines appropriate.

(h) Requires the Texas Education Agency to contract with the State Center for Early Childhood Development (center) for the center to provide technical assistance to a private school to assist the entity as necessary in meeting the standards required by Subsection (g)(2). Requires the center to charge the private school an amount equal to the actual costs of delivering the technical assistance.

(i) Requires the commissioner of education to adopt rules as necessary to administer this section.

SECTION 2. (a) Provides that the changes in law made by this Act apply beginning with the 2016-2017 school year.

(b) Requires the commissioner of education to adopt rules to implement Section 29.1535, Education Code, as added by this Act, beginning with the 2016-2017 school year.

SECTION 3. Effective date: upon passage or September 1, 2015.