

BILL ANALYSIS

C.S.H.B. 2449
By: Turner, Sylvester
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, a residential care and treatment facility provides 24-hour custody or care of a student 22 years of age or younger if the student resides in the facility for detention, treatment, foster care, or any non-educational purpose. Students in these facilities, the parties note, tend to have severe behavioral and cognitive deficits that require highly specialized instruction, programming, and facilities, making the amount of resources and attendant costs of the resources required to support these students far greater than the amount of resources and funding required by the average student.

The parties contend that funding for these facilities through the Foundation School Program is insufficient, despite there being only limited affordable options for residential care and treatment facility placements outside of the public school setting. C.S.H.B. 2449 seeks to assist local school districts in covering the costs of educating students residing in care and treatment facilities, other than state schools, or residential placement facilities whose parents or guardians do not reside in the district providing education services through the creation of a grant program.

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. 2449 amends the Education Code to require the commissioner of education, from funds appropriated for the purpose, federal funds, or any other funds available, to make grants available to school districts to assist districts in covering the cost of educating students residing in care and treatment facilities or residential placement facilities. The bill's provisions apply to a student residing in a care and treatment facility, other than a state school, or residential placement facility whose parent or person standing in parental relation to the student does not reside in the school district providing education services to the student. The bill makes a school district eligible to apply for a grant if the district does not receive sufficient funds for such a student to pay for the education services provided to the student or for all such students in the district to pay for the education services provided to the students. The bill requires a school district that applies for a grant to provide the commissioner with a report comparing the state and federal funds received by the district for such students and the expenses incurred by the district in providing education services to the students. The bill includes the cost of training personnel to provide education services to an applicable student as an expense that a school district applying for a grant may include. The bill requires a school district that receives a grant to educate the

students in the least restrictive environment that is appropriate to meet the students' educational needs. The bill requires the commissioner to adopt rules as necessary to administer the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2449 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 29.021 to read as follows:

Sec. 29.021 RESIDENTIAL CARE AND TREATMENT FACILITIES GRANT PROGRAM.

(a) From funds appropriated for the purposes of this section or any other funds available, the commissioner shall make grants available to school districts to assist districts in covering the cost of educating students with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services.

(b) A school district is eligible to apply for a grant under this section if:

(1) the district does not receive sufficient funds, including state funds provided under Section 42.151 and federal funds, for a student with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services to pay for the special education services provided to the student; or

(2) the district does not receive sufficient funds, including state funds provided under Section 42.151 and federal funds, for all students with disabilities in the district residing in care and treatment facilities, other than state schools, whose parents or

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0181 to read as follows:

Sec. 29.0181. GRANT PROGRAM TO EDUCATE STUDENTS RESIDING IN CARE AND TREATMENT FACILITIES.

(a) This section applies to a student residing in a care and treatment facility, other than a state school, or residential placement facility whose parent or person standing in parental relation to the student does not reside in the school district providing education services to the student.

(b) From funds appropriated for the purposes of this section, federal funds, or any other funds available, the commissioner shall make grants available to school districts to assist districts in covering the cost of educating students residing in care and treatment facilities or residential placement facilities.

(c) A school district is eligible to apply for a grant under this section if:

(1) the district does not receive sufficient funds, including state funds provided under Sections 42.151 and 42.152, and federal funds, for a student residing in a care and treatment facility or residential placement facility to pay for the education services provided to the student; or

(2) the district does not receive sufficient funds, including state funds provided under Sections 42.151 and 42.152, and federal funds, for all students in the district residing in care and treatment facilities or residential placement facilities to pay for the education

guardians do not reside in the district providing education services to pay for the special education services provided to the students.

(c) A school district that applies for a grant under this section must provide the commissioner with a report comparing the state and federal funds received by the district for students with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services and the expenses incurred by the district in providing special education services to students with disabilities.

(d) Expenses that may be included by a school district in applying for a grant under this section include the cost of training personnel to provide special education services to a student with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services.

(e) A school district that receives a grant under this section must educate students with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services in the least restrictive environment that is appropriate to meet the student's educational needs.

(f) The commissioner shall adopt rules as necessary to administer this section.

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, 2015.

services provided to the students.

(d) A school district that applies for a grant under this section must provide the commissioner with a report comparing the state and federal funds received by the district for students residing in care and treatment facilities and residential placement facilities with the expenses incurred by the district in providing education services to students residing in care and treatment facilities and residential placement facilities.

(e) Expenses that may be included by a school district in applying for a grant under this section include the cost of training personnel to provide education services to a student residing in a care and treatment facility or a residential placement facility.

(f) A school district that receives a grant under this section must educate students residing in care and treatment facilities and residential placement facilities in the least restrictive environment that is appropriate to meet the student's educational needs.

(g) The commissioner shall adopt rules as necessary to administer this section.

SECTION 2. Same as introduced version.