

- SUBJECT:** Establishing grant program for students with autism
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 11 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Dutton, Gooden, K. King, Koop, Meyer, VanDeaver
- 0 nays
- WITNESSES:** For — Suzanne Potts, Autism Society of Texas; Chris Masey, Coalition of Texans with Disabilities; Rachel Gandy, Disability Rights Texas; Amanda List, ResponsiveEd; Christine Broughal and Linda Litzinger, Texans for Special Education Reform; Ted Melina Raab, Texas American Federation of Teachers; (*Registered, but did not testify*: Mark Wiggins, Association of Texas Professional Educators; Jolene Sanders, Easterseals Central Texas; Michael Hankins, League of Women Voters of Texas; John Hubbard, PharrSan Juan-Alamo ISD; Sally Cain, Texas Academic Language Therapy Association; Colby Nichols, Texas Association of Community Schools and Texas Rural Education Association; Bill Grusendorf, Texas Association of Rural Schools; Amy Beneski, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Paige Williams, Texas Classroom Teachers Association; Harley Eckhart, Texas Elementary Principals and Supervisors Association; Kyle Ward, Texas PTA; Portia Bosse, Texas State Teachers Association; and eight individuals)
- Against — (*Registered, but did not testify*: Joey Gidseg, Austin Justice Coalition; Adam Cahn, Cahnman's Musings; Virginia Spencer)
- On — (*Registered, but did not testify*: Monica Ayres, Citizens Commission on Human Rights Texas; Kara Belew, Gene Lenz, and Leonardo Lopez, Texas Education Agency; and seven individuals)
- DIGEST:** HB 23 would establish a program to award grants to public school districts or open-enrollment charter schools that provide innovative services to students with autism.

Program eligibility and design. A district or charter program providing services to students with autism would be eligible for grant funding if it operated as an independent campus or as a separate program with a separate budget from the home campus. A program would have to incorporate evidence-based and research-based design and use of empirical data on student achievement and improvement. It would have to encourage parental support and collaboration, the use of technology, and meaningful inclusion. The program would be designed so it could be replicated statewide.

Students with autism would receive priority to participate in the program, although students with other disabilities or without disabilities also could enroll, if approved by the commissioner of education. Participation would be limited to students who were at least 3 and younger than 9 years old or those enrolled in third grade or lower. The program could not charge fees other than those authorized by law. A parent could not be required to enroll or keep a child in the program, and the admission, review, and dismissal committee of a student served by special education would need the consent of the students' parent or guardian to place the student in the program.

The program could alter the length of the school day or year or the normally required minutes of instruction. It could adopt different staff qualifications and staff-to-student ratios. The program could coordinate services with private or community-based services.

HB 23 would allow the commissioner of education to consider a student with autism enrolled in a program as funded in a mainstream placement, regardless of the time the student spent in a regular classroom setting.

Grants and funding. HB 23 would require the commissioner by rule to develop an application and selection process for no more than 10 grant awards beginning in the 2018-19 school year. Each program would be funded for five years.

External stakeholders, including parents of children with disabilities,

would assist in the grant award selection process. The commissioner would prioritize programs that were collaborative among multiple school districts and schools and that reflected the diversity of the state.

A grant awarded to a district or charter would be in addition to Foundation School Program (FSP) funds that the district or charter otherwise was entitled to receive. The commissioner would set aside up to \$20 million in funds appropriated to the FSP for fiscal 2018-19 to fund the grants and would use \$10 million each year. Each recipient could receive no more than \$1 million during fiscal 2018-19. The commissioner would reduce all districts' and charter schools' allotment proportionally to account for the allocated grant funds.

The commissioner and the program also could accept gifts, grants, and donations from private or public sources for the administration of the program, but could not require any financial contribution from parents.

Report. The bill would require the commissioner to publish a report on the grant program by December 31, 2021. It would include recommendations for statutory or funding changes to best serve students with autism and data on academic and functional achievements of students enrolled in the program.

Effective date. The grant program authorized by HB 23 would expire on September 1, 2024. This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect December 1, 2017.

**SUPPORTERS
SAY:**

By establishing a grant program, HB 23 would help students with autism achieve instructional goals using innovative, evidence-based methods in a personalized environment. Some public school programs have difficulty accommodating students with autism due to inadequate resources or a lack of evidence-based and research-based measures to assist those students. The grant program would emphasize accountability through data-driven outcomes and ensure parental support and collaboration in the educational goals of a student with autism.

OPPONENTS
SAY: HB 23 may not sufficiently protect students' rights because allowing the commissioner of education to approve enrollment of non-disabled students or students with other disabilities in the grant program could incentivize the segregation of students with attention deficit disorder, attention deficit hyperactivity disorder, or mental health issues. The bill should require students to be placed in the least restrictive environment because younger students with autism or other disabilities can benefit developmentally from being integrated into the school community.

OTHER
OPPONENTS
SAY: HB 23 should clarify the definition of "meaningful inclusion" as a required element of the program and should specify parents of students with autism as individuals who would serve on the panel of external stakeholders.

NOTES: According to the Legislative Budget Board's (LBB's) fiscal note, HB 23 would have an estimated negative impact of \$258,408 on general revenue related funds during fiscal 2018-19, due to staff and administrative costs. The \$20 million to fund the grant awards during the coming biennium would be paid from the Foundation School Fund. According to LBB estimates, grant funding, along with associated staff and administrative costs, would amount to \$10.1 million in general revenue during each subsequent fiscal year through 2024.