

## **BILL ANALYSIS**

Senate Research Center

H.B. 318  
By: Cuellar (Bivins)  
Education  
5-15-97  
Engrossed

### **DIGEST**

The Public Education Grant Program allows parents of students at low-performing schools to apply for the transfers of their child to the campus or district of their choice. There are concerns that school districts may be using the reserve space within the district for tuition-based transfers by accepting children on a tuition basis rather than through the grant program. This bill alters the current eligibility requirements for participation in the program, which makes it easier for students to become eligible for the grant.

### **PURPOSE**

As proposed, H.B. 318 sets forth provisions regarding public education grant programs.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 29.202 and 29.203, Education Code, as follows:

Sec. 29.202. **ELIGIBILITY.** Provides that a student is eligible to receive a public education grant under this subchapter if the student is assigned to a school in which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.23(a) or (b) at any time in the preceding three years. Sets forth certain provisions to take effect after a student has used a public education grant to attend a school in a district other than the district in which the student resides.

Sec. 29.203. **FINANCING.** Provides that a student who under this subchapter uses a public education grant to attend a public school in a school district other than the district in which the student resides is included in the average daily attendance of the district in which the student attends school. Deletes provisions regarding the calculation of daily attendance for students eligible under Section 25.001. Sets forth provisions regarding the allotment of public education grants for a school district. Provides that a school district is entitled to additional facilities assistance under Section 42.4101 if the school district agrees to certain conditions. Deletes provisions which qualify student public education grants as total state and local funding per student for the school district. Provides that a school district chosen by a student's parent under Section 29.201 is entitled to reject the application, rather than accept or reject the application, for the student to attend school in that district only if 95 percent or more of the available positions for the grade level for which the student is applying are filled. Deletes a provision prohibiting a student's parent from being charged tuition under certain conditions. Defines "equalized wealth level," "guaranteed wealth level," and "wealth per student."

SECTION 2. Amends Chapter 29G, Education Code, by adding Section 29.204, as follows:

Sec. 29.204. **NOTIFICATION.** Requires the commissioner of education to provide a notice to each school district in which a campus described by Section 29.202 is located that meets certain conditions. Requires the school district to notify the parent of each student in the

district assigned to attend a campus described by Section 29.202 that the student is eligible for a public education grant. Requires the notice to contain certain information.

SECTION 3. Amends Chapter 29G, Education Code, by adding Section 29.205, as follows:

Sec. 29.205. CONTRACT AUTHORITY. Authorizes the board of trustees of a school district to contract under Section 11.157 for the provision of education services to a district student eligible to receive a public education grant under Section 29.202.

SECTION 4. Amends Chapter 42C, Education Code, by adding Section 42.157, as follows:

Sec. 42.157. PUBLIC EDUCATION GRANT ALLOTMENT. Sets forth provisions regarding the public education grant allotment for certain school districts.

SECTION 5. Amends Chapter 42H, Education Code, by adding Section 42.4101, as follows:

Sec. 42.4101. ADDITIONAL ASSISTANCE FOR DISTRICTS WITH STUDENTS USING PUBLIC EDUCATION GRANTS. Sets forth provisions regarding additional assistance for districts with student using public education grants.

SECTION 6. Provides that application of this Act begins with the 1997-1998 school year.

SECTION 7. Emergency clause.

Effective date: upon passage.