

# SENATE JOURNAL

EIGHTY-NINTH LEGISLATURE — REGULAR SESSION

---

---

AUSTIN, TEXAS

---

---

PROCEEDINGS

---

**FOURTH DAY**

(Continued)

(Wednesday, February 5, 2025)

**AFTER RECESS**

The Senate met at 12:07 p.m. and was called to order by the President.

Pastor Daniel Elvelyck, City Reach Church, Austin, offered the invocation as follows:

Heavenly Father, I thank You for each of the Senators in this room, and as they are called to serve the people of our great state, we stand with them and pray for them today. I pray that You will give them the wisdom needed to lead our people, the humility required to do it with integrity and strength to lead us in unity and prosperity. I pray for their families, their children, grandchildren. Protect and strengthen them and bless their marriages and homes. Help them in their personal needs and struggles. Touch their hearts today. Together, we pray for our state, our cities, towns, villages, and our great people. As we ask God, what is on Your agenda, may Your will be done today. God bless Texas. In Jesus' name I pray. Amen.

**SENATOR ANNOUNCED PRESENT**

Senator Sparks, who had previously been recorded as "Absent-excused," was announced "Present."

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, February 5, 2025 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**SCR 11**

Zaffirini

Sponsor: Hunter

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 5, 2025, and ending on Tuesday, February 11, 2025.

Respectfully,  
/s/Stephen Brown,  
Chief Clerk  
House of Representatives

### **PHYSICIAN OF THE DAY**

Senator Campbell was recognized and presented Dr. Travis Simmons of New Braunfels as the Physician of the Day.

The Senate welcomed Dr. Simmons and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**(Senator Bettencourt in Chair)**

### **GUESTS PRESENTED**

Senator Flores, joined by Senator Kolkhorst, was recognized and introduced to the Senate a Texas Wildlife Association delegation including Jim Kolkhorst, husband of Senator Kolkhorst.

The Senate welcomed its guests.

### **SENATE RESOLUTION 29**

Senator Gutierrez offered the following resolution:

**SR 29**, Recognizing February 5, 2025, as Maverick County Day at the State Capitol.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Gutierrez was recognized and introduced to the Senate a Maverick County delegation including Jaime Kypuros, Benjamin Rodriguez, Johnny Ruiz, Jorge Flores, and Jorge Barrera.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Miles was recognized and introduced to the Senate the Miles Ahead Scholars from Worthing High School.

The Senate welcomed its guests.

**(President in Chair)**

### **SENATE RESOLUTIONS**

The following resolutions were offered:

**SR 28** by Birdwell, Recognizing February 6, 2025 as Hood County Day.

**SR 34** by Nichols, Granting the Texas DeMolay Association permission to use the Senate Chamber on February 8 and 9 for its legislative seminar.

**SR 35** by Sparks, Recognizing February 3-5, 2025, as Midland-Odessa Days at the State Capitol.

**SR 36** by Sparks, Recognizing February 4, 2025, as Andrews County Day at the State Capitol.

**SR 37** by Sparks, Recognizing February 6, 2025, as Howard County Day at the State Capitol.

**SR 38** by Eckhardt, Recognizing the members of the YMCA Texas Youth and Government Program.

**SR 39** by Eckhardt, In memory of the life of Norma Jean Spiller de Jong.

**SR 40** by Johnson, Hall, Parker, and West, Recognizing February 4, 2025, as Dallas Day at the State Capitol.

The resolutions were read and were adopted without objection.

### **CONCLUSION OF MORNING CALL**

The President at 12:28 p.m. announced the conclusion of morning call.

### **MOTION TO PLACE**

### **SENATE BILL 2 ON SECOND READING**

Senator Creighton moved that the regular order of business be suspended and that **SB 2** be taken up for consideration at this time (submitted by Governor as an emergency matter):

**SB 2**, Relating to the establishment of an education savings account program.

Question: Shall the regular order of business be suspended?

### **AT EASE**

The President at 3:25 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

### **IN LEGISLATIVE SESSION**

The President at 3:52 p.m. called the Senate to order as In Legislative Session.

Question recurring on suspension of the regular order of business for **SB 2**, the motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.354(b)(2), Education Code (page 2, line 30), between "be" and "in", insert "a nonprofit or for-profit organization".

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Eckhardt.

Senator Creighton offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.352, Education Code (page 1, line 59), between "PROGRAM." and "The", insert "(a)".

(2) In added Section 29.352, Education Code (page 2, line 1), immediately following the underlined period, add:

(b) The comptroller has any power necessary to establish and administer the program, including the power to:

(1) execute contracts, agreements, and other instruments for goods and services;

(2) engage the services of private consultants, actuaries, trustees, record administrators, managers, and legal counsel for administrative or technical assistance; and

(3) perform any duty assigned to a certified educational assistance organization under this subchapter.

(3) In added Section 29.353(b)(3), Education Code (page 2, line 9), between the underlined semicolon and "and", insert the following appropriately numbered subdivision and renumber subsequent subdivisions of the subsection accordingly:

( ) interest or other earnings attributable to the investment of money in the fund;

(4) In added Section 29.354(b)(2), Education Code (page 2, line 30), strike "in good standing with" and substitute "registered to do business in".

(5) In added Section 29.356(d), Education Code (page 3, lines 40 through 41), strike "each certified educational assistance organization designated by the comptroller shall".

(6) In added Section 29.356(d), Education Code (page 3, lines 42 through 43), strike "the organization's Internet website" and substitute "an Internet website established and maintained by the comptroller for the program".

(7) In added Section 29.356(d), Education Code (page 3, line 45), between "Each" and "organization", insert "certified educational assistance".

(8) In added Section 29.356(e), Education Code (page 3, lines 49 through 50), strike "post on the organization's Internet website" and substitute "submit to the comptroller for approval and posting on an Internet website established and maintained by the comptroller for the program".

(9) In added Section 29.358, Education Code (page 5, lines 16 through 18), strike Subsection (d) and substitute the following:

(d) The comptroller may approve only an education service provider located in this state or vendor of educational products registered to do business in this state.

(10) In added Section 29.359(a)(1)(C), Education Code (page 6, line 31), between "credential" and the underlined semicolon, insert "approved by the agency for purposes of public school accountability under Section 39.053(c)(1)(B)(v)".

(11) In added Section 29.359(b), Education Code, after "pay" (page 6, at the end of line 51), insert the following:

⋮

(1) tuition or fees for services provided at a campus located in another state;

or

(2)

(12) In added Section 29.361(a), Education Code (page 7, line 20), between "total" and "amount", insert "annual".

(13) In added Section 29.362(a), Education Code (page 7, line 49), strike "payments to program participants" and substitute "transfers to program participant accounts".

(14) In added Section 29.362(a), Education Code (page 7, line 54), between "April" and the underlined period, insert ", or as otherwise determined by comptroller rule".

(15) In added Section 29.362, Education Code (page 7, lines 59 through 69), strike Subsection (c) and substitute the following:

(c) The comptroller may disburse each state fiscal year a total amount, not to exceed five percent of the amount of money appropriated for purposes of the program for that state fiscal year, to the certified educational assistance organizations for the cost of providing services under this subchapter.

(16) In added Section 29.364(d), Education Code (page 9, line 23), strike "Subtitles A and B, Title 2, Tax Code, or as provided by other" and substitute "applicable".

(17) In added Section 29.367(a), Education Code (page 9, lines 48 through 50), strike "post on the organization's Internet website and provide to each parent who submits an application for the program" and substitute "submit to the comptroller for posting on an Internet website established and maintained by the comptroller for the program and provide to each parent who applies for the program".

(18) In added Section 29.371, Education Code (page 11, lines 42 through 44), strike Subsection (d) and substitute the following:

(d) The comptroller shall post the report on an Internet website established and maintained by the comptroller for the program.

(19) In added Section 29.373(b), Education Code (page 12, line 9), between "participant" and the underlined period, insert ", and an appeal under this subchapter does not constitute a contested case for any purpose".

The amendment to **SB 2** was read and was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Senator Creighton offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.358(c), Education Code (page 5, lines 12 through 13), by striking "an education service provider or" and substituting "a".

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Nays: Eckhardt.

Senator Creighton offered the following amendment to the bill:

### **Floor Amendment No. 4**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.361, Education Code, as follows:

(1) After Subsection (a) (page 7, between lines 29 and 30), insert the following subsection:

(a-1) Subject to Subsection (b), in addition to the amount provided under Subsection (a), the comptroller shall credit semiannually from the program fund to the account of each program participant who is both a child with a disability and a home-schooled student, as defined by Section 29.916, an amount equal to \$500. Money credited to a participating child's account under this subsection may be used only to pay for an expense approved under Section 29.359(a)(7).

(2) In Subsection (b) (page 7, line 31), between "(a)" and "for", insert "or (a-1)".

(3) In Subsection (e) (page 7, line 41), between "(a)" and "may", insert "or (a-1)".

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Nays: Eckhardt.

Senator Hancock offered the following amendment to the bill:

### **Floor Amendment No. 5**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, after added Section 29.351, Education Code (page 1, between lines 58 and 59), by inserting the following appropriately numbered section:

Sec. 29. . . . APPLICABILITY TO NONPARTICIPATING HOME-SCHOOL STUDENTS. The requirements in this subchapter that apply to a child who participates in the program or the child's parent do not apply to a home-schooled student, as defined by Section 29.916, who is not participating in the program or the student's parent.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Senator Creighton offered the following amendment to the bill:

#### **Floor Amendment No. 6**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill as follows:

(1) In added Section 29.361(a), Education Code (page 7, line 19), strike "Subsection (b)" and substitute "Subsections (b) and (b-1)".

(2) In added Section 29.361, Education Code (page 7, between lines 33 and 34), insert the following:

(b-1) The total amount in a participating child's account in any year may not exceed \$20,000. Notwithstanding Subsection (a), the comptroller shall reduce the amount of a credit to a program participant's account as necessary to ensure the amount in the account does not exceed the limit described by this subsection.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6 except as follows:

Nays: Eckhardt.

Senator Creighton offered the following amendment to the bill:

#### **Floor Amendment No. 7**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill as follows:

(1) In added Section 29.368(b), Education Code (page 10, line 1), strike "Subsection (c)" and substitute "Section 110.003, Civil Practice and Remedies Code".

(2) Strike added Section 29.368(c), Education Code (page 10, lines 23 through 30).

The amendment to **SB 2** was read and was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Senator Creighton offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, after added Section 29.360(e), Education Code (page 7, between lines 17 and 18), by inserting the following appropriately lettered subsections:

( ) A payment system established by a certified educational assistance organization may not allow a program participant to:

- (1) withdraw cash or remove funds from a participating child's account; or
- (2) receive payment or reimbursement directly from the program.

( ) A certified educational assistance organization may not require a program participant to pay a fee to the organization or an affiliate of the organization related to the use of a participating child's account, including a transaction fee.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

Senator Alvarado offered the following amendment to the bill:

**Floor Amendment No. 9**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, by striking added Section 29.353(b), Education Code (page 2, lines 5 through 11), and substituting the following:

(b) The fund is composed of:

- (1) money appropriated to the fund by the legislature during a regular session for the purposes of the program; and
- (2) gifts, grants, and donations received under Section 29.370.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, Nichols, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 10**

Amend **SB 2** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 29.353, Education Code (page 2, between lines 13 and 14), insert the following appropriately lettered subsection:

( ) Notwithstanding Subsection (c), if federal money is available for the purpose of providing funding for education-related expenses of children in the manner described by this subchapter, the comptroller shall reduce proportionately the allocation of money from the program fund for the program and transfer an amount of money from the program fund to the Foundation School Program equal to the reduction of the allocation.



(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 48, Education Code, is amended by adding Section 48.0053 to read as follows:

Sec. 48.0053. AVERAGE DAILY ATTENDANCE FOR DISTRICTS IMPACTED BY EDUCATION SAVINGS ACCOUNT PROGRAM. (a) Notwithstanding any other provision of this subchapter, for each school year of the 2026-2027, 2027-2028, and 2028-2029 school years for which a school district experiences a net decline in student enrollment attributable to students participating in the program under Subchapter J, Chapter 29, who would otherwise be enrolled in the district, the commissioner shall provide funding under Chapter 46 and this chapter to the district on the basis of the greater of:

- (1) the district's average daily attendance for the 2025-2026 school year; or
- (2) the district's average daily attendance for the applicable school year.

(b) This section expires September 1, 2029.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

**(Senator King in Chair)**

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 11**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill as follows:

(1) In added Section 29.3535, Education Code (page 2, line 14), between "PROGRAM." and "Notwithstanding", insert "(a)".

(2) In added Section 29.3535, Education Code (page 2, line 15), between the underlined comma and "the", insert "and subject to Subsection (b)".

(3) Immediately following added Section 29.3535, Education Code (page 2, between lines 20 and 21), add the following:

(b) Activities described by Subsection (a):

(1) must be concentrated in areas with a high density of low-income households;

(2) must inform students that public education is a viable educational choice; and

(3) may not encourage or compel students to leave public education.

(c) A violation of this section is a deceptive trade practice under Subchapter E, Chapter 17, Business & Commerce Code, and is actionable under that subchapter.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 12**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.354, Education Code (page 2, between lines 45 and 46), by inserting the following appropriately lettered subsection and relettering subsequent subsections accordingly:

( ) In certifying an educational assistance organization, the comptroller shall comply with all relevant provisions regarding purchasing services under Subtitle D, Title 10, Government Code, including Section 2161.181, Government Code.

The amendment to **SB 2** was read.

Senator West withdrew Floor Amendment No. 12.

Senator Campbell offered the following amendment to the bill:

**Floor Amendment No. 13**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.354, Education Code (page 2, between lines 57 and 58), by inserting the following appropriately lettered subsection:

( ) A certified educational assistance organization designated to perform duties described by Subsection (d)(2) shall:

(1) communicate with parents interested in participating in the program and program participants through synchronous and asynchronous communication, prioritizing synchronous communication, regarding:

(A) the educational options available in this state;

(B) how and when to apply to the program and preapproved education service providers;

(C) how to manage an account, including requesting payments;

(D) program requirements; and

(E) any other information necessary to fulfill the organization's responsibilities under this subchapter; and

(2) raise awareness regarding the availability of the program.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 13 except as follows:

Nays: Eckhardt.

Senator Parker offered the following amendment to the bill:

**Floor Amendment No. 14**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, immediately following added Section 29.354, Education Code (page 2, between lines 57 and 58), by the following:

Sec. 29.3545. IDENTITY THEFT PROTECTION. Each certified educational assistance organization selected by the Comptroller shall comply with the requirements of Chapter 521, Business & Commerce Code.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 15**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill as follows:

(1) Immediately following added Section 29.354, Education Code (page 2, between lines 57 and 58), insert the following:

Sec. 29.3541. APPLICABILITY OF CONFLICT OF INTEREST LAWS TO EDUCATIONAL ASSISTANCE ORGANIZATIONS. A member of the board of a certified educational assistance organization and any employee of the organization who administers the program under this subchapter is subject to the standards of conduct and conflict of interest provisions applicable to a state officer or employee under Subchapter C, Chapter 572, Government Code.

(2) In added Section 29.356(b), Education Code, on page 3, at the end of line 23, add "within each category".

(3) Strike added Sections 29.356(b)(1) and (2), Education Code (page 3, lines 25 through 34), and substitute the following:

(1) for not more than 40 percent of the available positions in the program, children described by Section 29.355(a) who are members of a household with a total annual income that is at or below 185 percent of the federal poverty guidelines;

(2) for not more than 30 percent of the available positions in the program, children described by Section 29.355(a) who are members of a household with a total annual income that is above 185 percent of the federal poverty guidelines and below 500 percent of the federal poverty guidelines;

(3) for not more than 20 percent of the available positions in the program, children with a disability described by Section 29.355(a) who are not accepted into the program under Subdivision (1) or (2); and

(4) for any remaining available positions in the program, all eligible applicants who are not accepted into the program under Subdivision (1), (2), or (3).

(4) Strike added Section 29.358(b)(1), Education Code (page 4, lines 42 through 45), and substitute the following:

(1) for a private school, demonstrates:

(A) annual administration of a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39; and

(B) the private school has been in operation for at least three years;

(5) In added Section 29.358(b), Education Code (page 4, between lines 51 and 52), insert the following appropriately numbered subdivision and renumber subsequent subdivisions and cross-references to those subdivisions accordingly:

( ) for a child-care facility licensed under Chapter 42, Human Resources

Code:

(A) is a Texas Rising Star Program provider; or

(B) is accredited by a nationally recognized accrediting organization for child-care or early childhood education facilities or programs, including:

(i) the National Association for the Education of Young Children;

(ii) the National Accreditation Commission for Early Care and

Education Programs; or

(iii) the National Association for Family Child Care;

(6) In added Section 29.361(c), Education Code (page 7, line 37), immediately following the period, add "Money carried forward under this subsection that remains in the participating child's account at the end of the next fiscal year must be returned to the comptroller for deposit in the program fund.".

(7) Immediately following added Section 29.365, Education Code (page 9, between lines 36 and 37), insert the following:

Sec. 29.3651. PUBLIC INFORMATION REQUIREMENTS. Each of the following entities shall comply with Chapter 552, Government Code, as if the entity were a governmental body with respect to information relating to the program:

(1) a certified educational assistance organization;

(2) an education service provider or vendor of educational products receiving money distributed under the program; and

(3) the Texas Private School Accreditation Commission.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Gutierrez offered the following amendment to the bill:

### **Floor Amendment No. 16**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.351, strike Subdivision (4) (page 1, lines 41 through 43) and substitute the following appropriately numbered subdivision:

( ) "Higher education provider" means:

(A) an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003; or

(B) a career school or college as defined by Section 132.001.

(2) In added Section 29.355, strike Subsection (a) (page 2, lines 58 through 62) and substitute the following:

(a) A child is eligible to participate in the program if the child is:

(1) eligible to:

(A) attend a public school under Section 25.001; or

(B) enroll in a public school's prekindergarten program under Section 29.153; or

(2) enrolled at a higher education provider.

(3) In added Section 29.355(b)(1) (page 2, line 67), strike "high school" and substitute "a higher education provider".

(4) In added Section 29.355(b)(2), between "(2)" and "the" (page 2, line 68), insert "unless the child is enrolled at a higher education provider.".

(5) In added Section 29.356(b), between "funding" and the underlined comma (page 3, line 21), insert "," subject to Subsection (b-1)".

(6) Immediately following added Section 29.356(b) (page 3, between lines 34 and 35), insert the following:

(b-1) Before conducting a lottery under Subsection (b), a certified educational assistance organization shall first fill available positions in the program with applicants who are eligible under Section 29.355(a)(2).

(7) In added Section 29.357(5)(B) (page 4, line 28), strike "high school" and substitute "a higher education provider".

(8) In added Section 29.357(5)(C), between "(C)" and "is" (page 4, line 29), insert "unless the child is enrolled at a higher education provider.".

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Middleton offered the following amendment to the bill:

### **Floor Amendment No. 17**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.358(b), Education Code (page 4, between lines 41 and 42), by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

( ) has previously been approved by the agency to provide supplemental special education services under Subchapter A-1 and remains in good standing with the agency;

MIDDLETON  
CREIGHTON

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 17 except as follows:

Nays: Eckhardt.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 18**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill as follows:

(1) Strike added Section 29.358(b)(1), Education Code (page 4, lines 42 through 45), and substitute the following:

(1) for a private school, demonstrates:

(A) annual administration of a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39;

(B) the adoption and implementation of curriculum or materials that provide instruction described by Section 29.9072 in the same manner as a public school;

(C) compliance with all educator certification and training requirements under this title; and

(D) compliance with state law applicable to public schools relating to bullying, including:

(i) the adoption of policies and procedures under Section 37.0832;

(ii) the placement or expulsion of students who have engaged in certain bullying behavior under Section 37.0052;

(iii) reporting to local law enforcement regarding certain conduct constituting assault or harassment under Section 37.0151;

(iv) the provision of programs, information, training, practices, or procedures under Sections 37.218(c) and 38.351; and

(v) that school counselors employed by the school serve as impartial, nonreporting resources for resolving accusations of bullying under Section 33.006(b);

(2) Immediately following added Section 29.358, Education Code (page 5, between lines 56 and 57), insert the following appropriately numbered sections and renumber subsequent sections and cross-references to those sections accordingly:

Sec. 29. . APPLICATION OF OTHER LAW. A private school or a private tutor, therapist, or teaching service receiving money under the program must comply with:

(1) the training or certification requirements provided by the following provisions and the rules adopted under the following provisions as if the private school, tutor, therapist, or teaching service were a school district or public school educator, as applicable:

(A) Section 11.159(b-1) (board of trustees member training and orientation);

(B) Section 22.902 (instruction related to cardiopulmonary resuscitation and use of automated external defibrillator);

(C) Section 33.086 (certification in cardiopulmonary resuscitation and first aid);

(D) Sections 33.091(c) and (c-1) (prevention of illegal steroid use; random testing);

(E) Sections 38.033(a) and (b) (seizure recognition and related first aid training);

(F) Section 38.158 (training courses on the prevention, treatment, and oversight of concussions affecting student athletes);

(G) Section 418.005, Government Code (emergency management training);

(H) Subchapter H, Chapter 81, Health and Safety Code (bloodborne pathogen exposure control plan); and

(I) Section 168.005, Health and Safety Code (training for unlicensed diabetes care assistant); and

(2) the requirements of the following provisions and the rules adopted under the following provisions as if the private school, tutor, therapist, or teaching service were a school district or public school educator, as applicable:

(A) Section 37.108(a) (multihazard emergency operations plan; safety and security audit);

(B) Section 37.115 (threat assessment and safe and supportive school program and team);

(C) Section 38.013 (coordinated health program for elementary, middle, and junior high school students);

(D) Section 38.014 (implementation of coordinated health program for elementary, middle, and junior high school students);

(E) Section 38.0141 (reporting of certain health and safety information required);

(F) Section 38.0151 (policies for care of certain students at risk for anaphylaxis);

(G) Section 38.019 (immunization awareness program);

(H) Section 38.030 (traumatic injury response protocol);

(I) Section 38.153 (oversight of concussions by school districts and charter schools; return-to-play protocol development by concussion oversight team); and

(J) Section 38.154 (concussion oversight team: membership).

Sec. 29. \_\_\_\_ . POSTING OF CERTAIN INFORMATION BY PRIVATE SCHOOLS. Each private school receiving money distributed under the program shall maintain an Internet website that includes a list of the curriculum and any supplemental materials used by the school, including textbook titles and publishers.

(3) In added Section 29.371(a)(1), Education Code (page 10, line 69), strike "disaggregated by age;" and substitute the following:

disaggregated by:

(A) age;

(B) the school district and campus the student would otherwise attend;

and

(C) whether the child seeking to participate in the program received a full individual and initial evaluation for the purposes of special education services from a school district under Section 29.004;

(4) Strike added Section 29.371(a)(5), Education Code (page 11, lines 6 and 7), and substitute the following:

(5) the economic impact to the state as a result of the program, including:

(A) the costs incurred by the state;

(B) the cost savings accruing to the state; and

(C) the impact on school districts, including the number of campuses closed and employee positions reduced;

(5) In added Section 29.371(a), Education Code (page 11, line 12), strike "and".

(6) In added Section 29.371(a), Education Code (page 11, line 30), strike "Guard." and substitute the following:

Guard; and

(9) the number of former program participants who left the program and enrolled in a public school.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator West offered the following amendment to the bill:

#### **Floor Amendment No. 19**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill as follows:

(1) Strike added Section 29.358(b)(1), Education Code (page 4, lines 42 through 45), and substitute the following:

(1) for a private school, demonstrates:

(A) annual administration of a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39; and

(B) the private school has been in operation for at least five years;

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Menéndez offered the following amendment to the bill:

#### **Floor Amendment No. 20**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill by striking added Section 29.358(b)(1), Education Code (page 4, lines 42 through 45), and substituting the following:

(1) for a private school, demonstrates:

(A) annual administration of a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39; and



(B) the adoption and implementation of a policy regarding the administration of an assessment instrument described by Paragraph (A) to a child with a disability that requires the school to:

(i) convene a committee composed of appropriate school personnel and the child's parent; and

(ii) conduct a committee meeting to consider and, if appropriate, plan for the provision of appropriate accommodations to the child during the administration of the assessment instrument;

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Menéndez offered the following amendment to the bill:

#### **Floor Amendment No. 21**

Amend **SB 2** (senate committee version) in SECTION 2 of the bill, in added Section 29.358(b), Education Code, by striking Subdivision (1) (page 4, lines 42 through 45) and substituting the following:

(1) for a private school, demonstrates:

(A) annual administration of a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39; and

(B) compliance with state law applicable to public schools relating to bullying, including:

(i) the adoption of policies and procedures under Section 37.0832;

(ii) the placement or expulsion of students who have engaged in certain bullying behavior under Section 37.0052;

(iii) reporting to local law enforcement regarding certain conduct constituting assault or harassment under Section 37.0151;

(iv) the provision of programs, information, training, practices, or procedures under Sections 37.218(c) and 38.351; and

(v) that school counselors employed by the school serve as impartial, nonreporting resources for resolving accusations of bullying under Section 33.006(b);

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 22**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill as follows:

(1) In added Section 29.358(b), Education Code, strike Subdivision (1) (page 4, lines 42 through 45) and substitute the following:

(1) for a private school, demonstrates:

(A) annual administration of a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39; and

(B) the adoption and implementation of a policy that prohibits the school from discriminating against a child or the child's family, including by denying the child admission to the school, on the basis of religion, race, ethnicity, disability, marital status, sexual orientation, gender, or gender identity;

(2) Between added Sections 29.358 and 29.3585, Education Code (page 5, between lines 56 and 57), insert the following appropriately numbered section:

Sec. 29. . REQUIRED POSTING OF CIVIL RIGHTS VIOLATIONS BY PRIVATE SCHOOLS. (a) Each private school receiving money distributed under the program shall maintain an Internet website that includes information regarding complaints received by the school that allege the school violated the civil rights of a student enrolled at or an employee of the school. The information:

(1) must include the resolution of each complaint; and

(2) may not contain personally identifiable information of a student or employee whose civil rights were alleged to be violated.

(b) The comptroller shall adopt rules as necessary to ensure compliance with the requirements regarding the confidentiality of student educational information under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 23**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill by striking added Section 29.358(b)(1), Education Code (page 4, lines 42 through 45), and substituting the following:

(1) for a private school, demonstrates:

(A) annual administration of a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39; and

(B) the adoption and implementation of curriculum or materials that provide instruction described by Section 29.9072 in the same manner as a public school;

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Paxton offered the following amendment to the bill:

#### **Floor Amendment No. 24**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.358(b)(2), Education Code (page 4, line 46), between the underlined comma and "demonstrates", by inserting "including an open-enrollment charter school".

The amendment to **SB 2** was read and was adopted by the following vote: Yeas 25, Nays 5.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, J. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Zaffirini.

Nays: Cook, Eckhardt, Johnson, Menéndez, West.

Absent: Gutierrez.

Senator Cook offered the following amendment to the bill:

#### **Floor Amendment No. 25**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, immediately following added Section 29.358(d), Education Code (page 5, between lines 18 and 19), by inserting the following:

(d-1) The comptroller may approve a private school as an education service provider only if the private school complies with Section 44.0041.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator A. Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 26**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.359(a), Education Code (page 6, between lines 33 and 34), by inserting the following appropriately numbered subdivisions and renumbering subsequent subdivisions accordingly:

( ) the purchase of uniforms required by an education service provider;  
( ) costs of computer hardware or software and other technological devices required by an education service provider or vendor of educational products or prescribed by a physician to facilitate a child's education, not to exceed in any year 10 percent of the total amount paid to the participating child's account that year;

A. HINOJOSA  
 CREIGHTON

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 26 except as follows:

Nays: Eckhardt.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 27**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.359, Education Code (page 6, between lines 50 and 51), by inserting the following appropriately lettered subsection and relettering subsequent subsections accordingly:

( ) In addition to the expenses described by Subsection (a), money received under the program may be used for the following education-related expenses incurred by a participating child with a disability at a preapproved education service provider or vendor of educational products:

(1) fees and charges for personal care attendants and paraprofessional support for assistance in activities of daily living, including transportation and extracurricular activities;

(2) fees and charges for an educational interpreter for a child who is deaf or hard of hearing;

(3) fees and charges for assistive technology services and devices, including speech-generating devices, screen readers, captioning, and adaptive communication services and devices;

(4) fees and charges for adapted or specialized transportation services, including for travel to and from extracurricular activities and to and from a provider or vendor for therapies or services;

(5) fees and charges for scribe services for a child with a disability that causes the child to require assistance with transcription or writing;

(6) fees and charges for employment and independent living transition planning and transition services;

(7) fees, deposits, charges, and copayments for applied behavioral analysis therapy, positive behavioral interventions, and executive functioning therapy and coaching;

(8) fees and charges for professional educational advocacy services; and

(9) fees and charges for any other person-centered accommodations and support services.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Perry offered the following amendment to the bill:

### **Floor Amendment No. 28**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.359, Education Code, as follows:

(1) Immediately following Subsection (a) (page 6, between lines 50 and 51), insert the following subsection and reletter subsequent subsections accordingly:

(b) Money received under the program as described by Section 29.361(a)(2)(A), may not be used to pay for online or virtual education services.

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 28 except as follows:

Nays: Bettencourt.

Senator Paxton offered the following amendment to the bill:

### **Floor Amendment No. 29**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.360(c), Education Code (page 7, line 4), by striking "15th" and substituting "10th".

PAXTON  
CREIGHTON

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 29 except as follows:

Nays: Eckhardt.

Senator Cook offered the following amendment to the bill:

### **Floor Amendment No. 30**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill as follows:

(1) In added Section 29.3535, Education Code (page 2, line 15), between "Code," and "the comptroller,", insert "and subject to Section 29.362(b),".

(2) In added Section 29.362(b), Education Code (page 7, line 58), between "program" and the underlined period, insert ", including the costs of promoting, marketing, or advertising the program under Section 29.3535".

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Blanco offered the following amendment to the bill:

### **Floor Amendment No. 31**

Amend **SB 2** (senate committee report) as follows:

(1) In SECTION 29.367 (a) (1) (page 9, line 53) between "disability" and "is", by inserting "or a child who is an English language learner".

(2) In Section 29.367 (a) (2), Education Code (page 9, line 56) between "disability" and "is", by inserting "or a child who is an English language learner".

(3) In Section 29.367 (a) (2) of the bill (page 9, between lines 60 and 62) insert the following:

(C) rights provided under the Equal Educational Opportunities Act of 1974 (20 U.S.C Section 1703); and

(D) rights provided under Subchapter B.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Bettencourt offered the following amendment to the bill:

### **Floor Amendment No. 32**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.369, Education Code, as follows:

(1) In Subsection (c) (page 10, line 51), strike "A" and substitute "Except as provided by Subsection (d), a".

(2) After Subsection (c) (page 10, between lines 57 and 58), insert the following:

(d) An education service provider or vendor of educational products may, with the consent of a participating child's parent, distribute the child's information for the purpose of the child's application for admission to a postsecondary educational institution.

BETTENCOURT  
CREIGHTON

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 32.

**(Senator Flores in Chair)**

Senator Middleton offered the following amendment to the bill:

**Floor Amendment No. 33**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.369, Education Code (page 10, between lines 57 and 58), by inserting the following appropriately lettered subsection:

( ) A student record held by the comptroller or a certified educational assistance organization is confidential and not subject to disclosure under Chapter 552, Government Code. The comptroller or a certified educational assistance organization may redact information that constitutes student records from any information the governmental body discloses under Section 552.021, Government Code, without the necessity of requesting a decision from the attorney general under Subchapter G, Government Code.

MIDDLETON  
CREIGHTON

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 33 except as follows:

Nays: Eckhardt.

Senator King offered the following amendment to the bill:

**Floor Amendment No. 34**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.374(a) (page 12, line 13), between "participant," and "education", insert "eligible child,".

(2) In added Section 29.374(b) (page 12, line 17), between "participants," and "education", insert "eligible children,".

(3) In added Section 29.374(b) (page 12, line 19), immediately following "participant,", add "eligible child,".

The amendment to **SB 2** was read and was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

**(President in Chair)**

Senator J. Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 35**

Amend **SB 2** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 21.0061(a), Education Code, is amended to read as follows:

(a) The board of trustees or governing body of a school district, district of innovation, private school, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall adopt a policy under which notice is provided to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct described by Section 21.006(b)(2)(A) or (A-1) or Section 21.0062(b)(2)(A) or (B), as applicable, informing the parent or guardian:

- (1) that the alleged misconduct occurred;
- (2) whether the educator was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and
- (3) whether a report was submitted to the State Board for Educator Certification concerning the alleged misconduct.

SECTION \_\_\_\_\_. Section 21.0062(a)(2), Education Code, is amended to read as follows:

(2) "Private school educator" means a person employed by ~~[or seeking employment in]~~ a private school for a position in which the person would be required to hold a certificate issued under Subchapter B if the person were employed by a school district.

SECTION \_\_\_\_\_. Section 21.0062, Education Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsections (e-1), (e-2), (g-1), (g-2), (j), (k), and (l) to read as follows:

(b) In addition to the reporting requirement under Section 261.101, Family Code, and except as provided by Subsection (e-1), the chief administrative officer of a private school shall notify the State Board for Educator Certification if:

(1) a private school educator~~;~~  
~~[(4)]~~ or a person seeking employment at the school for a position in which the person would be required to hold a certificate issued under Subchapter B if the person were employed by a school district has a criminal record and the [private] school obtained information about the educator's criminal record; or

(2) a private school educator resigned or was terminated and there is evidence that the educator:



(A) abused or otherwise committed an unlawful act with a student or minor; ~~or~~

(B) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

(C) possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(D) illegally transferred, appropriated, or expended funds or other property of the school;

(E) attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

(F) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event.

(c) If there is evidence that a private school educator may have engaged in misconduct described by Subsection (b)(2)(A) or (B), the chief administrative officer of the private school shall complete an investigation, regardless of whether ~~[(b) and]~~ the educator resigns from employment before completion of the investigation, ~~the chief administrative officer of the private school shall submit the evidence of misconduct collected to the State Board for Educator Certification].~~

(d) Except as provided by Subsection (e-1), the ~~[The]~~ chief administrative officer of the private school must notify the State Board for Educator Certification by filing a report with the board not later than the seventh business day after the date the chief administrative officer knew that a private school educator:

(1) has a criminal record under Subsection (b)(1); or

(2) was terminated following an alleged incident of misconduct described by Subsection (b)(2).

(e) The report filed under Subsection (d):

(1) must be:

(A) ~~[(1)]~~ in writing; and

(B) ~~[(2)]~~ in a form prescribed by the board; and

(2) may be filed through the Internet portal developed and maintained by the State Board for Educator Certification under Subsection (g-2).

(e-1) The chief administrative officer of a private school is not required to notify the State Board for Educator Certification or file a report with the board under Subsection (b) or (d) if the officer:

(1) completes an investigation into a private school educator's alleged incident of misconduct described by Subsection (b)(2)(A) or (B) before the educator's termination of employment or resignation; and

(2) determines the private school educator did not engage in the alleged incident of misconduct described by Subsection (b)(2)(A) or (B).

(e-2) The chief administrative officer shall notify the governing body of the private school and the educator of the filing of the report required by Subsection (d).

(g-1) The State Board for Educator Certification shall determine whether to impose sanctions, including an administrative penalty under Subsection (j), against a chief administrative officer who fails to file a report in violation of Subsection (d).

(g-2) The State Board for Educator Certification shall develop and maintain an Internet portal through which a report required under Subsection (d) may be confidentially and securely filed.

(j) If an educator serving as a chief administrative officer is required to file a report under Subsection (d) and fails to file the report by the date required by that subsection, the State Board for Educator Certification may impose on the educator an administrative penalty of not less than \$500 and not more than \$10,000. The State Board for Educator Certification may not renew the certification of an educator against whom an administrative penalty is imposed under this subsection until the penalty is paid.

(k) A chief administrative officer required to file a report under Subsection (d) commits an offense if the officer fails to file the report by the date required by that subsection with intent to conceal a private school educator's criminal record or alleged incident of misconduct. An offense under this subsection is a state jail felony.

(l) The commissioner may review the records of a private school to ensure compliance with the requirement to report misconduct under this section.

SECTION \_\_\_\_ . Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.0063 to read as follows:

Sec. 21.0063. ACCESS TO REPORTS OF ALLEGED MISCONDUCT. (a) In this section, "educator" includes a person defined as a private school educator under Section 21.0062(a).

(b) The State Board for Educator Certification shall provide private schools and public schools equivalent access to reports made under this subchapter concerning the criminal record or alleged misconduct of an educator.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Menéndez offered the following amendment to the bill:

### **Floor Amendment No. 36**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill as follows:

(1) Immediately following added Section 29.3715, Education Code (page 11, between lines 65 and 66), insert the following appropriately numbered section and renumber subsequent sections accordingly:

Sec. 29. \_\_\_\_ . COLLECTION AND REPORTING OF PROGRAM PARTICIPATION. (a) The comptroller shall collect information regarding the educational placement of each child in this state. The report must include:

- (1) the number of children who did not participate in the program; and
- (2) the number of children who participated in the program, including:

(A) the number of children who left the program and returned to the school district or open-enrollment charter school that they would otherwise attend; and

(B) the number of children who changed educational placements more than once under the program.

(b) Not later than December 1, 2030, the comptroller shall submit a written report to the legislature summarizing the information collected under Subsection (a).

(2) Immediately following added Section 29.374, Education Code (page 12, between lines 22 and 23), insert the following appropriately numbered section:

Sec. 29. . EXPIRATION. This subchapter expires January 1, 2031.

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, Nichols, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks.

Senator Bettencourt offered the following amendment to the bill:

### **Floor Amendment No. 37**

Amend **SB 2** (senate committee report) in SECTION 2 of the bill, in added Section 29.358, Education Code, as follows:

(1) After Subsection (f) (page 5, between lines 31 and 32), insert the following:

(f-1) To be preapproved under this section, an education service provider must submit to the comptroller documentation demonstrating that the provider requires each person applying for employment with or employed by the provider to submit to a criminal history record review under Chapter 22, Education Code in the same manner as a qualified private school under Subchapter C and Subchapter C-1. The Commissioner by rule shall provide to education service providers access to criminal history record information necessary for the providers to comply with this subsection.

(2) In Subsection (g) (page 5, line 32), between "(f)" and the underlined period, insert "or (f-1)".

The amendment to **SB 2** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 37.

**SB 2** as amended was passed to engrossment by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, Hancock, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, Nichols, West, Zaffirini.

**ADJOURNMENT**

On motion of Senator Zaffirini, the Senate at 6:36 p.m. adjourned until 6:38 p.m. today.