



AMERICAN FEDERATION *for* CHILDREN

STRONG ACCOUNTABILITY PROVISIONS IN HB 1

ACADEMIC ACCOUNTABILITY

- All ESA students will take the state test or a national norm-referenced exam. 29.371
- The results of the tests will be reviewed using appropriate analytical and behavioral science methodologies and included in a longitudinal report each year to the legislature on how ESA students are performing. 29.372
- Over time, the annual report will survey former graduates to measure whether the ESA students are college, career or military ready upon graduation. 29.372(a) (8)
- ESA students may only attend accredited schools. 29.358 (b) (2)
- ESA students may only take higher education classes at a nationally accredited higher educational institution. 29.358(b)(5)
- ESA students may only use tutors that have the relevant accreditation or license or are or were employed as a teacher or tutor by an accredited school or higher education institution. 29.358 (4)
- ESA students with special needs will be provided a notice of the rights they are provided under state and federal law at a public school and informed that a private school is not required to provide educational services to a child with a disability in the same manner as a public school. 29.367
- A parental satisfaction survey will be administered each year since parents are often the first to note changes in their student's educational progress. 29.372(a)(2)



HEALTH AND SAFETY ACCOUNTABILITY

- Every tutor, therapist or employee of an education service provider must undergo a criminal background check and may not be on the state's Do Not Hire List or have been convicted or placed on Community Supervision under 22.085. 29.358(b)(4)(B) and (C)



FINANCIAL ACCOUNTABILITY

- ESAs can only be used for educational expenses pre-approved by the state. 29.358 (a)
- A parent may not sell an item purchased with an ESA. 29.357 (3)
- ESA funds may not be used to pay a relative for approved educational services. 29.359 (b)
- An education service provider or vendor may not charge more than the standard amount and may not rebate, refund or share any proceeds with a participant. 29.365
- Every ESA will be audited at least once a year. 29.363(a)
- All certified Education Assistance Organizations will be audited not less than once a year regarding their internal controls over program transactions and other program requirements. 29.363(a)(1) and (2)
- The total expenses of all certified Education Assistance Organizations will be limited to the lesser of actual costs or 5% of the program appropriation. 29.362 (b) and (c)
- The eligibility data of participants will be audited not less than once a year. 29.363(a)(2) (B)
- The eligibility data of education service providers and vendors and their compliance with program requirements will be audited not less than once a year. 29.363(a)(2)(C)
- The Comptroller may suspend the ESA of any participant who fails to comply with requirements of the program. 29.364
- The Comptroller may recover any ESA funds spent on unapproved expenses from a participant, provider or vendor. 29.364(d)
- The Comptroller shall forward any evidence of fraud by a participant, provider or certified Education Assistance Organization to the District Attorney for possible prosecution. 29.366
- Most importantly, the parent never touches the money held in trust by the state in their ESA. They just order off a menu of preapproved educational options and are informed how much they have left in their account.

"I believe in academic accountability... We want to make sure kids are learning... To me, it has to focus on that moment when a parent, because they are the most important factor in their kid's education... says 'this isn't working.'"
- Chairman Brad Buckley

"Creighton said parents' ability to remove their children from any private school they don't like is the ultimate accountability tool. His bill also required that the state comptroller's office audit the program regularly to detect whenever program participants misuse state funds." - Senator Creighton cited in the Texas Tribune

"School choice gives them the freedom to make the best decision for their child's education. Texas must put mom and dad back in charge." - Governor Abbott

INEFFECTIVE ACCOUNTABILITY PROVISION IN HB 1

- HB 1 establishes a high stakes testing requirement with extreme consequences. If a student fails to achieve a satisfactory score on a test two years in a row they will be kicked out of the ESA program. 29.355(b)(4)
- When a student in a traditional public school fails to achieve a satisfactory score on STAAR two years in a row, they do not get kicked out of school. When a charter school student or a virtual school student fails to achieve a satisfactory score two years in a row they are not kicked out of their school. This should not be the case for ESA students either.
- A student could easily hit a "rough patch" in their education because their parents are getting divorced or a parent died or they are facing a mental health struggle or their disability has worsened. These events should not make a student ineligible for an ESA.

