

BILL ANALYSIS

S.B. 1716
By: Taylor
Public Education
Committee Report (Amended)

BACKGROUND AND PURPOSE

COVID-19 has resulted in significant learning loss for many Texas students. The Texas Education Agency estimates that at the beginning of the 2020 school year, students experienced more than three months of instructional loss from school closures, which is in addition to the typical summer learning loss. Given the particular needs and specialized supports the special education student population requires, it is likely the learning loss among these students is even more severe. In an effort to head this crisis off early, state leadership created the supplemental special education services program in January 2021 to provide qualifying public school students with \$1,500 credits to obtain services, curriculum, or other supplies to continue their educational progress. S.B. 1716 seeks to make the program permanent so that special education families across Texas have access to additional funding to support their child's public school education.

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 Texas Education Agency and to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

S.B. 1716 amends the Education Code to require the Texas Education Agency (TEA) by rule to establish and administer a supplemental special education services and instructional materials program for students who meet the eligibility requirements for participation in the program. The bill requires TEA to provide each approved student a maximum credit of \$1,500 to purchase supplemental special education services and supplemental special education instructional materials.

S.B. 1716 requires TEA, in administering the supplemental special education services and instructional materials program, to maintain a system of online accounts to provide access to the credit to an eligible student's parent and requires the commissioner of education to set aside a maximum of \$30 million from the total amount of funds appropriated for each state fiscal year to fund the program. The bill caps the total amount provided for student credits for each state fiscal year at the amount set aside by the commissioner.

S.B. 1716 provides for the application process and eligibility for the credit under the program and requires TEA, subject to available funding, to approve each student who meets the program eligibility criteria and to assign to the student an online account providing access to the credit. The bill restricts the use of money in an assigned account to purchasing supplemental special education services from a TEA-approved provider and purchasing supplemental special

education instructional materials from a TEA-approved vendor, if applicable. The bill provides for the TEA approval process for each category of provider of a professional service that is a supplemental special education service, as identified by TEA, and provides for an optional TEA approval process with respect to vendors for each category of supplemental special education instructional materials.

S.B. 1716 defines "supplemental special education services" as an additive service that provides an educational benefit to a student receiving special education services under the statewide special education program. The bill defines "supplemental special education instructional materials" as textbooks, computer hardware or software, other technological devices, and other materials suitable for addressing an educational need of a student receiving special education services under that statewide program.

S.B. 1716 requires the commissioner to adopt rules as necessary to administer the program and sets a deadline of December 1, 2021, for the adoption of all rules necessary to establish and administer the program. Implementation of a provision of the bill by TEA is mandatory only if a specific appropriation is made for that purpose.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 requires the admission, review, and dismissal committee of a student approved for participation in the program to provide to the student's parent at a committee meeting for the student a list of supplemental special education services provided by TEA-approved providers for which an online account maintained for the student may be used. The amendment provides that supplemental special education services not included on the list may still be eligible if the services otherwise meet the necessary requirements.

Committee Amendment No. 1 also makes the program temporary and sets the bill's provisions to expire September 1, 2024.

Committee Amendment No. 2

Committee Amendment No. 2 replaces references to the word "credit" throughout the bill with references to the word "grant."

Committee Amendment No. 3

Committee Amendment No. 3 requires TEA to designate one or more regional education service centers to administer the program.