

BILL ANALYSIS

Senate Research Center

S.B. 1716
By: Taylor
Education
6/7/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

COVID-19 has resulted in significant learning loss for most Texas students. The Texas Education Agency (TEA) estimates that at the beginning of the 2020 school year, "students experienced 3.2 months of instructional loss from the closures, in addition to the typical 2.5 months of summer learning loss." Given the particular needs and required specialized supports the special education student population requires, it is likely the learning loss among the special education community is even more severe. In an effort to head this crisis off early, state leadership created the Supplemental Special Education Services (SSES) program in January 2021 to provide Texas public school students with \$1,500 stipends to obtain services, curriculum, or other supplies to continue these students' educational progress. The purpose of these grants is to supplement the services already being provided by the student's public school. The grant was funded with federal funding from the Governor's Emergency Education Relief Fund.

S.B. 1716 makes permanent the SSES program, so that special education families across Texas have access to additional funding to support their child's public school education. The filed version of the legislation allows any student in a Texas public school's special education program to be eligible; however, TEA is directed to give priority to children receiving the compensatory education allotment, those with cognitive disabilities, and those eligible for the alternative STAAR exam.

Special education families across the state have been taking advantage of the current SSES program. It is expected that special education families would continue to benefit from the program being made permanent, and so parents who have received the benefit will likely be supportive of the bill.

(Original Author's / Sponsor's Statement of Intent)

S.B. 1716 amends current law relating to a supplemental special education services and instructional materials program for certain public school students receiving special education services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 1 (Section 29.042, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.049, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 29, Education Code, by adding Subchapter A-1, as follows:

SUBCHAPTER A-1. SUPPLEMENTAL SPECIAL EDUCATION SERVICES PROGRAM

Sec. 29.041. DEFINITIONS. Defines "parent," "supplemental special education instructional materials," and "supplemental special education services."

Sec. 29.042. ESTABLISHMENT AND ADMINISTRATION OF PROGRAM. (a) Requires the Texas Education Agency (TEA) by rule to establish and administer a supplemental special education services and instructional materials program (program) for students who meet the eligibility requirements for participation in the program. Requires TEA, subject to Subsection (c), to provide each student approved as provided by this subchapter a grant of not more than \$1,500 to purchase supplemental special education services and supplemental special education instructional materials.

(b) Requires TEA, in administering the program, to maintain a system of online accounts to provide access to the grant described by Subsection (a) to an eligible student's parent.

(c) Requires the commissioner of education (commissioner) to set aside an amount not to exceed \$30 million from the total amount of funds appropriated for each state fiscal year to fund the program under this section. Prohibits the total amount provided for student grants under Subsection (a), for each state fiscal year, from exceeding the amount set aside by the commissioner under this subsection.

(d) Requires TEA to designate one or more regional education service centers to administer the program.

Sec. 29.043. APPLICATION FOR GRANT ON BEHALF OF STUDENT. Requires TEA to establish an application process for an eligible student's parent to apply for a grant held in an online account maintained under Section 29.042(b) and assigned to the student under Section 29.045.

Sec. 29.044. PROGRAM ELIGIBILITY CRITERIA. (a) Requires TEA to establish eligibility criteria for the approval of an application submitted under Section 29.043. Requires that the criteria require that the student be enrolled in the current school year at a school district or open-enrollment charter school and in a district's or school's special education program under Subchapter A (Special Education Program).

(b) Requires that the eligibility criteria established under this section also prioritize students for whom a school district or open-enrollment charter school is eligible for a compensatory education allotment under Section 48.104 (Compensatory Education Allotment).

Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF ACCOUNT. Requires TEA, subject to available funding, to approve each student who meets the program eligibility criteria established under Section 29.044 and assign to the student an account maintained under Section 29.042(b). Authorizes the account to only be used by the student's parent to purchase supplemental special education services or supplemental special education instructional materials for the student, subject to Sections 29.046 and 29.047.

Sec. 29.046. ACCOUNT USE RESTRICTION. (a) Authorizes money in an account assigned to a student under Section 29.045 to be used only for supplemental special education services and supplemental special education instructional materials.

(b) Requires that supplemental special education services be provided by a TEA-approved provider.

(c) Requires that instructional materials be purchased from a TEA-approved vendor for a category of instructional material if TEA has approved vendors for that category of instructional material under Section 29.047. Authorizes money in the student's account, if TEA does not establish criteria for TEA approval for a category of instructional materials, to be used to purchase the instructional materials from any vendor.

Sec. 29.047. AGENCY-APPROVED PROVIDERS AND VENDORS: CRITERIA AND APPLICATION. (a) Requires TEA to establish criteria necessary for TEA approval for each category of provider of a professional service that is a supplemental special education service, as identified by TEA.

(b) Requires that the criteria established under this section require a provider of a category of professional service to be appropriately licensed or accredited in this state to provide that service, including providers of physical therapy, occupational therapy, and speech therapy.

(c) Requires TEA to provide a procedure for providers of supplemental special education services to apply to TEA to become a TEA-approved provider.

(d) Authorizes TEA to establish criteria for TEA approval of vendors for each category of supplemental special education instructional materials identified by TEA.

(e) Requires TEA, if TEA establishes criteria for TEA approval for a vendor of a category of supplemental special education instructional materials, to provide a procedure for vendors of that category to apply to TEA to become a TEA-approved vendor.

Sec. 29.048. ADMISSION, REVIEW, AND DISMISSAL COMMITTEE DUTIES. (a) Requires a student's admission, review, and dismissal committee to develop a student's individualized education program under Section 29.005 (Individualized Education Program), in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.), without consideration of any supplemental special education services that may be provided under the program under this subchapter.

(b) Requires the admission, review, and dismissal committee of a student approved for participation in the program to provide to the student's parent at an admission, review, and dismissal committee meeting for the student:

(1) information regarding the types of supplemental special education services available under the program and provided by TEA-approved providers for which an account maintained under Section 29.042(b) for the student may be used; and

(2) instructions regarding accessing an account described by Subdivision (1).

Sec. 29.049. RULES. Requires the commissioner to adopt rules as necessary to administer the program under this subchapter.

Sec. 29.050. EXPIRATION. Provides that this subchapter expires September 1, 2024.

SECTION 2. Requires the commissioner, not later than December 1, 2021, to adopt all rules necessary for the establishment and administration of the program required under Subchapter A-1, Chapter 29, Education Code, as added by this Act.

SECTION 3. Provides that TEA is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that, if the legislature does not appropriate money specifically for that purpose, TEA is authorized, but is not required, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 4. Effective date: upon passage or September 1, 2021.