

- SUBJECT:** Creating a federal disaster relief funds school grant program
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 12 ayes — Dutton, Allen, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, K. King, Meza, Talarico, VanDeaver
- 0 nays
- 1 absent — Lozano
- WITNESSES:** For — Kenneth Flippin, US Green Building Council; (*Registered, but did not testify*: Madison Yandell, Texas 2036; Starlee Coleman, Texas Public Charter School Association; Carrie Griffith, Texas State Teachers Association)
- Against — Karen Smith, Cypress-Fairbanks ISD, TASBO, and TSA; David Anderson, Raise Your Hand Texas; (*Registered, but did not testify*: HD Chambers, Alief ISD and Texas School Alliance; Andrea Chevalier, Association of Texas Professional Educators; Julia Grizzard, Bexar County Education Coalition; Chandra Villanueva, Every Texan; Colby Nichols, Leander Independent School District; Naomi Miller, Northside ISD; Charles Luke, Pastors for Texas Children; Dena Donaldson, Texas AFT; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Paige Williams, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Laura Atlas Kravitz, Texas State Teachers Association; Louann Martinez, Texas Urban Council of Superintendents; Heather Sheffield)
- On — Christy Rome, Texas School Coalition; (*Registered, but did not testify*: Eric Marin, Von Byer, Leonardo Lopez, and Monica Martinez, Texas Education Agency)
- DIGEST:** CSHB 4465 would establish a grant program to assist school districts, open-enrollment charter schools, and regional education centers in

overcoming the educational impact resulting from the declared disaster related to the COVID-19 pandemic. The bill also would require the state to provide certain disaster relief funds to school districts and charter schools and require schools to adopt plans for the use of those funds.

Grant program. The bill would require the commissioner of the Texas Education Agency (TEA) to establish a grant program using funds available for that purpose and reserved for the state under the federal Coronavirus Response and Relief Supplemental Appropriations Act or the American Rescue Plan Act of 2021.

The grant program would assist school districts, charter schools, and regional education service centers in overcoming the educational impact resulting from the COVID-19 pandemic and could include:

- extending instructional time;
- broadband grants to ensure that students had access to remote instruction;
- innovation in curriculum and instruction;
- improvements in quality of air and water at school facilities; and
- accelerated learning.

A broadband grant made under the program could include a payment made by TEA, a TEA contractor or subgrantee, a school district, or a charter school to a provider of services or equipment for a student or to a student's parent to pay for such services or equipment.

The commissioner could determine the terms of a grant awarded under the program, including limits on the grant amount awarded to a school district, charter school, or regional education service center and the approved use of grant funds. Funds not used in accordance with the terms of a grant could be recovered by withholding any state funds otherwise due to a district, charter school, or regional education service center that was not complying with the grant terms.

TEA could administer the grant program or contract with a regional

education service center to administer the grant program. Under the bill, the commissioner could seek gifts, grants, and donations from any public or private sources for providing the grants.

The commissioner could adopt rules to implement the program, and a decision by the commissioner would be final and could not be appealed.

Disaster relief funds, plans. CSHB 4465 would require the state to provide disaster relief funds made available to the state under the federal Coronavirus Response and Relief Supplemental Appropriations Act or American Rescue Place Act of 2021 to school districts and charter schools in accordance with the federal grant program under which the funds were received. A waiver of a maintenance of effort requirements or other federal grant requirement would not apply. The bill's provisions related to relief funds provided under this section would expire September 1, 2025.

The board of trustees of a school district or the governing body of an open-enrollment charter school that received disaster relief funds under the bill would be required to adopt a local plan regarding the use of the funds for each school year during which the funds were permitted to be used. The local plan would have to be adopted at a public meeting at which the district or school considered any recommendations of the commissioner regarding the use of the funds, and the school or district would have to submit the plan to TEA and consider the agency's comments in adopting the plan for the following school year.

A local plan would have to address:

- local needs for extending instructional time;
- measures to ensure access to remote instruction;
- innovation in curriculum and instruction;
- improvements in quality of air and water at school facilities; and
- accelerated learning.

Districts and schools that received funding also would be required to ensure that students in need of remediation were identified and receiving

appropriate services by the beginning of the 2023-2024 school year.

Funds received under the bill would have to be used in accordance with all requirements established by the federal grant program under which the funds were received or by the U.S. Department of Education or other appropriate federal authority.

Districts and charter schools could not use the funds to provide a general increase in their local salary schedule, but the funds could be used to provide additional compensation for staff providing, supporting, or supervising extended instructional time.

TEA would have to make each local plan adopted under the bill publicly available on the agency's website.

The bill would specify that none of its provisions could be construed to limit the authority of TEA or the commissioner to audit or recover funds in accordance with federal law.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 4465 would ensure that schools across the state were able to use federal coronavirus relief funds to plan and implement an effective, multiyear response to mitigate the pandemic's impact on public education. The bill would establish a major grant program that focused schools on appropriate uses for the federal funds, including extended instructional times, broadband access, accelerated learning, and improved air and water quality in school buildings. The bill would include important safeguards to ensure that local districts and charter schools spent federal funds in accordance with the terms of the grant.

The bill would provide a framework for schools to use federal money to replace older plumbing containing lead. Improving water and air quality will lead to healthier, safer school facilities.

Concerns expressed about an earlier version of CSHB 4465 have been

addressed in the committee substitute, including specifying that the portion of federal funds to be used for the grant program comes from those reserved for the Texas Education Agency (TEA) for administrative purposes. The committee substitute also removed provisions that some had interpreted as allowing the commissioner to use federal funds to supplant, instead of supplement, state funds.

The bill gives TEA authority to adopt rules for the grant program, which could address concerns about how any grant money directed for individual services to students could be used.

**CRITICS
SAY:**

CSHB 4465 could lead to delays in getting some federal coronavirus relief funds to local schools by requiring districts and charter schools to go through the process of seeking grant funding. The bill is not needed because Congress, in providing the funding, adopted sensible limitations on how local schools can spend the dollars.

Also, the bill would allow grant funding to a student's parent to pay a provider of broadband services or equipment, but it is unclear how those funds would be spent.