

BILL ANALYSIS

Senate Research Center

S.B. 1716
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Education
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As Filed

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.

As proposed, 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 for students who meet the eligibility requirements for participation in the program. Requires TEA to provide each student approved as provided by this subchapter a credit 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 credit described by Subsection (a) to an eligible student's parent.

Sec. 29.043. APPLICATION FOR CREDIT ON BEHALF OF STUDENT. Requires TEA to establish an application process for an eligible student's parent to apply for a credit 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; and

(b) Requires that the eligibility criteria established under this section also prioritize:

(1) 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);

(2) students who have severe cognitive disabilities; and

(3) students who are eligible to be administered an alternative assessment instrument under Section 39.023(b) (relating to the requirement of TEA to develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to certain students in special education programs).

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, 29.047, and 29.048.

Sec. 29.047. 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 approved for the student under Section 29.046.

(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 29.048. 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. 29.048. 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. 29.049. RULES. Requires the commissioner of education (commissioner) to adopt rules as necessary to administer the supplemental special education and instructional materials program under this subchapter.

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

SECTION 3. Effective date: upon passage or September 1, 2021.