

1-1 By: Taylor S.B. No. 1716
 1-2 (In the Senate - Filed March 11, 2021; March 26, 2021, read
 1-3 first time and referred to Committee on Education; April 26, 2021,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 10, Nays 0; April 26, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Hall	X			
1-11 Hughes	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Perry	X			
1-15 Powell			X	
1-16 Schwertner	X			
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1716 By: Taylor

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to a supplemental special education services and
 1-23 instructional materials program for certain public school students
 1-24 receiving special education services.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 29, Education Code, is amended by adding
 1-27 Subchapter A-1 to read as follows:

1-28 SUBCHAPTER A-1. SUPPLEMENTAL SPECIAL EDUCATION SERVICES PROGRAM

1-29 Sec. 29.041. DEFINITIONS. In this subchapter:

1-30 (1) "Parent" means a resident of this state who is a
 1-31 natural or adoptive parent, managing or possessory conservator,
 1-32 legal guardian, custodian, or other person with legal authority to
 1-33 act on behalf of a child.

1-34 (2) "Supplemental special education instructional
 1-35 materials" includes textbooks, computer hardware or software,
 1-36 other technological devices, and other materials suitable for
 1-37 addressing an educational need of a student receiving special
 1-38 education services under Subchapter A.

1-39 (3) "Supplemental special education services" means
 1-40 an additive service that provides an educational benefit to a
 1-41 student receiving special education services under Subchapter A,
 1-42 including:

1-43 (A) occupational therapy, physical therapy, and
 1-44 speech therapy; and

1-45 (B) private tutoring and other supplemental
 1-46 private instruction or programs.

1-47 Sec. 29.042. ESTABLISHMENT AND ADMINISTRATION OF PROGRAM.

1-48 (a) The agency by rule shall establish and administer a
 1-49 supplemental special education services and instructional
 1-50 materials program for students who meet the eligibility
 1-51 requirements for participation in the program. Subject to
 1-52 Subsection (c), the agency shall provide each student approved as
 1-53 provided by this subchapter a credit of not more than \$1,500 to
 1-54 purchase supplemental special education services and supplemental
 1-55 special education instructional materials.

1-56 (b) In administering the program, the agency shall maintain
 1-57 a system of online accounts to provide access to the credit
 1-58 described by Subsection (a) to an eligible student's parent.

1-59 (c) The commissioner shall set aside an amount not to exceed
 1-60 \$30 million from the total amount of funds appropriated for each

2-1 state fiscal year to fund the program under this section. For each
 2-2 state fiscal year, the total amount provided for student credits
 2-3 under Subsection (a) may not exceed the amount set aside by the
 2-4 commissioner under this subsection.

2-5 Sec. 29.043. APPLICATION FOR CREDIT ON BEHALF OF STUDENT.
 2-6 The agency shall establish an application process for an eligible
 2-7 student's parent to apply for a credit held in an online account
 2-8 maintained under Section 29.042(b) and assigned to the student
 2-9 under Section 29.045.

2-10 Sec. 29.044. PROGRAM ELIGIBILITY CRITERIA. (a) The agency
 2-11 shall establish eligibility criteria for the approval of an
 2-12 application submitted under Section 29.043. The criteria must
 2-13 require that the student be enrolled in the current school year at a
 2-14 school district or open-enrollment charter school and in a
 2-15 district's or school's special education program under Subchapter
 2-16 A.

2-17 (b) The eligibility criteria established under this section
 2-18 must also prioritize students for whom a school district or
 2-19 open-enrollment charter school is eligible for a compensatory
 2-20 education allotment under Section 48.104.

2-21 Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF
 2-22 ACCOUNT. Subject to available funding the agency shall approve
 2-23 each student who meets the program eligibility criteria established
 2-24 under Section 29.044 and assign to the student an account
 2-25 maintained under Section 29.042(b). The account may only be used by
 2-26 the student's parent to purchase supplemental special education
 2-27 services or supplemental special education instructional materials
 2-28 for the student, subject to Sections 29.046 and 29.047.

2-29 Sec. 29.046. ACCOUNT USE RESTRICTION. (a) Money in an
 2-30 account assigned to a student under Section 29.045 may be used only
 2-31 for supplemental special education services and supplemental
 2-32 special education instructional materials.

2-33 (b) Supplemental special education services must be
 2-34 provided by an agency-approved provider.

2-35 (c) If the agency has approved vendors for a category of
 2-36 instructional material under Section 29.047, instructional
 2-37 materials must be purchased from an agency-approved vendor for that
 2-38 category of instructional material. If the agency does not
 2-39 establish criteria for agency approval for a category of
 2-40 instructional materials, money in the student's account may be used
 2-41 to purchase the instructional materials from any vendor.

2-42 Sec. 29.047. AGENCY-APPROVED PROVIDERS AND VENDORS:
 2-43 CRITERIA AND APPLICATION. (a) The agency shall establish criteria
 2-44 necessary for agency approval for each category of provider of a
 2-45 professional service that is a supplemental special education
 2-46 service, as identified by the agency.

2-47 (b) The criteria established under this section must
 2-48 require a provider of a category of professional service to be
 2-49 appropriately licensed or accredited in this state to provide that
 2-50 service, including providers of physical therapy, occupational
 2-51 therapy, and speech therapy.

2-52 (c) The agency shall provide a procedure for providers of
 2-53 supplemental special education services to apply to the agency to
 2-54 become an agency-approved provider.

2-55 (d) The agency may establish criteria for agency approval of
 2-56 vendors for each category of supplemental special education
 2-57 instructional materials identified by the agency.

2-58 (e) If the agency establishes criteria for agency approval
 2-59 for a vendor of a category of supplemental special education
 2-60 instructional materials, the agency shall provide a procedure for
 2-61 vendors of that category to apply to the agency to become an
 2-62 agency-approved vendor.

2-63 Sec. 29.048. RULES. The commissioner shall adopt rules as
 2-64 necessary to administer the supplemental special education
 2-65 services and instructional materials program under this
 2-66 subchapter.

2-67 SECTION 2. Not later than December 1, 2021, the
 2-68 commissioner of education shall adopt all rules necessary for the
 2-69 establishment and administration of the supplemental special

3-1 education services and instructional materials program required
3-2 under Subchapter A-1, Chapter 29, Education Code, as added by this
3-3 Act.

3-4 SECTION 3. The Texas Education Agency is required to
3-5 implement a provision of this Act only if the legislature
3-6 appropriates money specifically for that purpose. If the
3-7 legislature does not appropriate money specifically for that
3-8 purpose, the Texas Education Agency may, but is not required to,
3-9 implement a provision of this Act using other appropriations
3-10 available for that purpose.

3-11 SECTION 4. This Act takes effect immediately if it receives
3-12 a vote of two-thirds of all the members elected to each house, as
3-13 provided by Section 39, Article III, Texas Constitution. If this
3-14 Act does not receive the vote necessary for immediate effect, this
3-15 Act takes effect September 1, 2021.

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