

By: Dutton

H.B. No. 4465

Substitute the following for H.B. No. 4465:

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C.S.H.B. No. 4465

A BILL TO BE ENTITLED

AN ACT

1
2 relating to grants and federal disaster relief funds available to
3 school districts, open-enrollment charter schools, and regional
4 education service centers to provide services to students after a
5 disaster in the state of Texas.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter 2, Chapter 29, Education Code, is
8 amended by adding Sections 29.926 and 29.927 to read as follows:

9 Sec. 29.926. GRANT PROGRAM REGARDING DISASTERS IMPACTING
10 STUDENT INSTRUCTION. (a) From funds available for purposes of this
11 section and reserved for the state for administrative purposes
12 under Section 313, Coronavirus Response and Relief Supplemental
13 Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, 134 Stat.
14 1182 (2020), reprinted in note, 20 U.S.C. Section 3401), or the
15 American Rescue Plan Act of 2021 (Pub. L. No. 117-2), the
16 commissioner shall establish a grant program to assist school
17 districts, open-enrollment charter schools, and regional education
18 service centers in overcoming the educational impact occurring as a
19 result of a state of disaster as declared by the governor under
20 Chapter 418, Government Code. The grant program may include:

21 (1) extending instructional time;

22 (2) broadband grants to ensure that students have
23 access to remote instruction;

24 (3) innovation in curriculum and instruction;

1 (4) improvements in quality of air and water at school
2 facilities; and

3 (5) accelerated learning.

4 (b) A broadband grant under Subsection (a)(2) may include a
5 payment made by the agency, a contractor or subgrantee of the
6 agency, a school district, or an open-enrollment charter school to:

7 (1) a provider of services or equipment for a student;

8 or

9 (2) a student's parent to pay a provider of services or
10 equipment for the student.

11 (c) The commissioner may determine the terms of a grant
12 awarded under this section, including:

13 (1) limits on the grant amount awarded to a school
14 district, open-enrollment charter school, or regional education
15 service center; and

16 (2) the approved use of grant funds.

17 (d) The agency may administer the grant program or contract
18 with a regional education service center to administer the grant
19 program.

20 (e) The commissioner may recover funds not used in
21 accordance with the terms of a grant by withholding any state funds
22 otherwise due to a school district, open-enrollment charter school,
23 or regional education service center that is not complying with the
24 terms of the grant.

25 (f) The commissioner may seek gifts, grants, and donations
26 from any public or private sources, including the federal
27 government, for providing grants under this section.

1 (g) A decision by the commissioner under this section is
2 final and may not be appealed.

3 (h) The commissioner may adopt rules to implement this
4 section.

5 Sec. 29.927. FEDERAL DISASTER RELIEF FUNDS; LOCAL PLAN FOR
6 EXPENDITURE OF FUNDS. (a) In this section, "disaster relief funds"
7 means federal funds that are:

8 (1) made available to the state under:

9 (A) Section 313, Coronavirus Response and Relief
10 Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260,
11 134 Stat. 1182 (2020), reprinted in note, 20 U.S.C. Section 3401);
12 or

13 (B) the American Rescue Plan Act of 2021 (Pub. L.
14 No. 117-2); and

15 (2) authorized or required to be allocated to local
16 education agencies in the state.

17 (b) The state shall provide disaster relief funds to school
18 districts and charter schools operating under Chapter 12 in
19 accordance with the terms of the federal grant program under which
20 the funds are received. A waiver of a maintenance of effort
21 requirement or other provision of a federal grant requirement does
22 not apply to this subsection.

23 (c) The board of trustees of a school district or the
24 governing body of an open-enrollment charter school that receives
25 disaster relief funds under Subsection (b) shall:

26 (1) for each school year during which the funds are
27 permitted to be expended under the terms of the federal grant

1 program under which the funds were received, adopt a local plan
2 regarding the expenditure of the funds;

3 (2) not later than the beginning of the 2023-2024
4 school year, ensure that students in need of remediation are
5 identified and receiving appropriate services to perform at grade
6 level;

7 (3) use the funds in accordance with all requirements
8 established by:

9 (A) the federal grant program under which the
10 funds were received; or

11 (B) the United States Department of Education or
12 other appropriate federal authority;

13 (4) adopt the local plan under Subdivision (1) at a
14 public meeting at which the district or school considers any
15 recommendations published by the commissioner regarding the use of
16 the funds; and

17 (5) submit the district's or school's local plan to the
18 agency and consider the agency's comments in adopting the
19 district's or school's local plan for the following school year.

20 (d) A local plan adopted by a school district or
21 open-enrollment charter school under Subsection (c)(1) must
22 address:

23 (1) local needs for extending instructional time;

24 (2) measures to ensure access to remote instruction;

25 (3) innovation in curriculum and instruction;

26 (4) improvements in quality of air and water at school

27 facilities; and

1 (5) accelerated learning.

2 (e) Funds provided to a school district or open-enrollment
3 charter school under this section may not be used to provide a
4 general increase in the district's or school's local salary
5 schedule but may be used to provide additional compensation for
6 staff providing, supporting, or supervising extended instructional
7 time.

8 (f) The agency shall make publicly available on the agency's
9 Internet website each local plan adopted by a school district or
10 open-enrollment charter school under Subsection (c)(1).

11 (g) Nothing in this section may be construed to limit the
12 authority of the commissioner or agency to audit or recover funds in
13 accordance with federal law.

14 (h) This section expires September 1, 2025.

15 SECTION 2. This Act takes effect September 1, 2021.