

BILL ANALYSIS

C.S.H.B. 4465
By: Dutton
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As a result of the COVID-19 pandemic and the federal stimulus support received by the state, there have been calls to establish a major grant program to assist schools in overcoming the impacts of COVID-19 on educational operations. It has been noted that a grant program that focuses on extended instructional times, ensures access to broadband, provides curricular innovation and accelerated learning, and improves air quality will ensure schools across the state are able to plan and implement an effective multiyear response to counter the pandemic's impact on education in Texas. C.S.H.B. 4465 seeks to address this issue by establishing a grant program to mitigate the pandemic's effects on student instruction.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 4465 amends the Education Code to require the commissioner of education to establish a grant program, from funds available for purposes of the bill's provisions and reserved for administrative purposes under the federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021, to assist school districts, open-enrollment charter schools, and regional education service centers in overcoming the educational impact occurring as a result of a state of disaster as declared by the governor. The bill authorizes the grant program to include the following components:

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

The bill authorizes a broadband grant to include a payment made by the Texas Education Agency (TEA), a TEA contractor or subgrantee, a district, or a charter school to a provider of student services or equipment or a student's parent to pay a provider of student services or equipment. The bill authorizes the commissioner to determine the terms of a grant awarded to a district or charter school, including the approved use of grant funds and limits on the grant amount, and authorizes TEA to administer the grant program or contract with a regional education service center to do so.

C.S.H.B. 4465 authorizes the commissioner to recover funds not used in accordance with the grant terms by withholding any state funds otherwise due to a district, charter school, or service center that is not complying with the grant terms. The bill authorizes the commissioner to seek gifts, grants, and donations from any public or private sources for providing grants and to adopt rules to implement the grant program. A decision by the commissioner relating to the grant program is final and may not be appealed.

C.S.H.B. 4465 requires the state to provide disaster relief funds, as defined by the bill, to districts and charter schools in accordance with the terms of the federal grant program under which the funds are received. A waiver of a maintenance of effort requirement or other federal grant requirement does not apply to the provision of the funds. The bill requires a district board of trustees or charter school's governing body that receives the funds to do the following:

- for each school year during which the funds are permitted to be expended under the terms of the federal grant program under which the funds were received, adopt a local plan regarding the expenditure of the funds;
- not later than the beginning of the 2023-2024 school year, ensure that students in need of remediation are identified and receiving appropriate services to perform at grade level;
- use the funds in accordance with all requirements established by the federal grant program under which the funds were received or the U.S. Department of Education or other appropriate federal authority;
- adopt the local plan at a public meeting at which the district or school considers any recommendations published by the commissioner regarding the use of the funds; and
- submit the district's or school's local plan to TEA and consider the TEA comments in adopting the district's or school's local plan for the following school year.

The bill requires an adopted local plan to address local needs for extending instructional time, measures to ensure access to remote instruction, innovation in curriculum and instruction, improvement in quality of air and water at school facilities, and accelerated learning. The bill requires TEA to make each local plan publicly available on its website.

C.S.H.B. 4465 prohibits disaster relief funds provided to a district or charter school from being used to provide a general increase in the district's or school's local salary schedule but authorizes the funds to be used to provide additional compensation for staff providing, supporting, or supervising extended instructional time. The bill prohibits its provisions from being construed to limit the authority of the commissioner or TEA to audit or recover funds in accordance with federal law. The bill's provisions relating to disaster relief funds and local plans for the expenditure of those funds expire September 1, 2025.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4465 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original required the commissioner to establish the grant program using funds appropriated or available for that purpose, whereas the substitute specifies that the funds to be used are those reserved for the state for administrative purposes under the federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021.

The substitute revises what comprises a broadband grant and includes authorizations not in the original for the commissioner to determine the limits on the grant amount awarded to a regional education service center and to recover funds not used in accordance with grant terms by withholding any state funds otherwise due to a regional education service center.

Whereas the original set out provisions regarding certain adjustments to finance the foundation school program and to prevent generational education decline through the allocation of certain state funds, the substitute includes provisions establishing the distribution of federal disaster relief funds to school districts and charter schools and providing for the adoption of a local plan by the district or school regarding the expenditure of the funds.

The substitute does not include the following provisions, which were included in the original:

- a provision changing the period of time within which the commissioner is prohibited from making certain adjustments to a school district's funding entitlement under the foundation school program;
- a requirement for the commissioner to reduce the amount of an allotment under the foundation school program under certain conditions;
- provisions regarding the authority of the commissioner to resolve certain federal maintenance requirements under the federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021 or of the federal American Rescue Plant Act of 2021; and
- a provision establishing the school year beginning with which the bill's provisions apply based on the bill receiving the required vote for immediate effect.

The substitute changes the bill's effective date from on passage or September 1, 2021, if the bill does not receive the necessary vote for immediate effect to September 1, 2021.