

BILL ANALYSIS

Senate Research Center
87R27634 MEW-F

C.S.H.B. 4465
By: Dutton (Taylor)
Education
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. H.B. 4465 seeks to address this issue by establishing a grant program to mitigate the pandemic's effects on student instruction.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 4465 amends current law relating to grants and federal disaster relief funds available to school districts, open-enrollment charter schools, and regional education service centers to provide services to students after a disaster in the state of Texas.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 29.926, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 29, Education Code, by adding Sections 29.926 and 29.927, as follows:

Sec. 29.926. GRANT PROGRAM REGARDING DISASTERS IMPACTING STUDENT INSTRUCTION. (a) Requires the commissioner of education (commissioner), from funds available for purposes of this section and reserved for the state for administrative purposes under Section 313, Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401), to establish a grant program 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 under Chapter 418 (Emergency Management), Government Code. Authorizes the grant program to include:

- (1) extending instructional time;
- (2) broadband grants to ensure that students have access to remote instruction;
- (3) innovation in curriculum and instruction;
- (4) improvements in quality of air and water at school facilities;
- (5) accelerated learning; and

(6) comprehensive after-school learning, summer learning, or summer enrichment.

(b) Authorizes a broadband grant under Subsection (a)(2) to include a payment made by the Texas Education Agency (TEA), a contractor or subgrantee of TEA, a school district, or an open-enrollment charter school to:

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

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

(c) Authorizes the commissioner to determine the terms of a grant awarded under this section, including:

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

(2) the approved use of grant funds.

(d) Authorizes TEA to administer the grant program or contract with a regional education service center to administer the grant program.

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

(f) Authorizes the commissioner to seek gifts, grants, and donations from any public or private sources, including the federal government, for providing grants under this section.

(g) Provides that a decision by the commissioner under this section is final and is prohibited from being appealed.

(h) Authorizes the commissioner to adopt rules to implement this section.

Sec. 29.927. FEDERAL DISASTER RELIEF FUNDS; LOCAL PLAN FOR EXPENDITURE OF FUNDS. (a) Defines "disaster relief funds."

(b) Requires the state to provide disaster relief funds to school districts and charter schools operating under Chapter 12 (Charters) in accordance with the terms of the federal grant program under which the funds are received. Provides that a waiver of a maintenance of effort requirement or other provision of a federal grant requirement does not apply to this subsection.

(c) Requires the board of trustees of a school district or the governing body of an open-enrollment charter school that receives disaster relief funds under Subsection (b) to:

(1) 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;

(2) 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;

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

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

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

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

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

(d) Requires a local plan adopted by a school district or open-enrollment charter school under Subsection (c)(1) to address:

(1) local needs for extending instructional time;

(2) measures to ensure access to remote instruction;

(3) innovation in curriculum and instruction;

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

(5) accelerated learning; and

(6) comprehensive after-school learning, summer learning, or summer enrichment.

(e) Provides that funds provided to a school district or open-enrollment charter school under this section are prohibited from being used to provide a general increase in the district's or school's local salary schedule but are authorized to be used to provide additional compensation for staff providing, supporting, or supervising extended instructional time.

(f) Requires TEA to make publicly available on TEA's Internet website each local plan adopted by a school district or open-enrollment charter school under Subsection (c)(1).

(g) Provides that nothing in this section may be construed to limit the authority of the commissioner or TEA to audit or recover funds in accordance with federal law.

(h) Provides that this section expires September 1, 2025.

SECTION 2. Effective date: September 1, 2021.