By:  Dutton (Senate Sponsor - Taylor) H.B. No. 4465

(In the Senate - Received from the House May 10, 2021; May 10, 2021, read first time and referred to Committee on Education; May 24, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 1; May 24, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Taylor            X

Lucio                          X

Bettencourt          X

Hall                     X

Hughes               X

Menéndez             X

Paxton               X

Perry                X

Powell               X

Schwertner           X

West                           X

COMMITTEE SUBSTITUTE FOR H.B. No. 4465 By:  Taylor

A BILL TO BE ENTITLED

AN ACT

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.

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

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

Sec. 29.926.  GRANT PROGRAM REGARDING DISASTERS IMPACTING STUDENT INSTRUCTION. (a) 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), the commissioner shall 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, Government Code. The grant program may 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)  A broadband grant under Subsection (a)(2) may include a payment made by the agency, a contractor or subgrantee of the agency, 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)  The commissioner may 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)  The agency may administer the grant program or contract with a regional education service center to administer the grant program.

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

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

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

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

(1)  made available to the state under:

(A)  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

(B)  the American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401); and

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

(b)  The state shall provide disaster relief funds to school districts and charter schools operating under Chapter 12 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 provision of a federal grant requirement does not apply to this subsection.

(c)  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) shall:

(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 the agency and consider the agency's comments in adopting the district's or school's local plan for the following school year.

(d)  A local plan adopted by a school district or open-enrollment charter school under Subsection (c)(1) must 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)  Funds provided to a school district or open-enrollment charter school under this section may not be used to provide a general increase in the district's or school's local salary schedule but may be used to provide additional compensation for staff providing, supporting, or supervising extended instructional time.

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

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

(h)  This section expires September 1, 2025.

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

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