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By:  Powell S.B. No. 2023

A BILL TO BE ENTITLED

AN ACT

relating to providing high-quality tutoring services to public school students, including the creation of the Texas Tutor Corps program, the establishment of a COVID-19 learning loss and student acceleration pilot program, and the use of the compensatory education allotment for tutoring services programs.

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

SECTION 1.  Subchapter C, Chapter 29, Education Code, is amended by adding Section 29.0841 to read as follows:

Sec. 29.0841.  TEXAS TUTOR CORPS PROGRAM. (a) In this section:

(1)  "Hard-to-staff school" means a high-need school that has a high rate of teacher turnover or a large concentration of teachers in their first or second year of teaching.

(2)  "High-need school" has the meaning assigned by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6631).

(3)  "Program" means the Texas Tutor Corps program established under this section.

(b)  The agency shall establish and administer a Texas Tutor Corps program to develop and support a statewide network of tutors and to provide grants to school districts and open-enrollment charter schools that are hard-to-staff schools or high-need schools, for the purpose of establishing local consortia, as described by Subsection (e), to collaborate on the provision of high-quality tutoring services for students enrolled at the district or school. The program must:

(1)  include time for planning and collaboration among tutors;

(2)  match tutors with students based on the tutor's expertise in a particular subject area or grade level and the student's subject area tutoring needs or grade level;

(3)  include high-quality pre-service training and ongoing professional support for tutors serving under the program;

(4)  be facilitated by the local consortium established by the district or school;

(5)  provide compensation for tutors; and

(6)  prioritize the recruitment and selection of individuals enrolled in state-approved educator preparation programs to serve as tutors.

(c)  The following individuals may serve as tutors under the program:

(1)  certified and retired educators;

(2)  paraprofessionals and teacher's aides;

(3)  recent graduates of educator preparation programs; and

(4)  postsecondary students enrolled in educator preparation programs.

(d)  Tutoring services provided under the program must:

(1)  be led by a tutor;

(2)  be provided in a one-on-one or small group setting with a ratio of not more than one tutor for every four students;

(3)  occur in multiple sessions of sufficient length each week to ensure adequate time for delivery of tutoring services;

(4)  be provided during the regular school day or immediately before or after school and during school vacation periods; and

(5)  align with local standards and curriculum.

(e)  For purposes of this section, a local consortium of community partners:

(1)  includes the following entities, one of which serves as the lead entity of the consortium:

(A)  an educator preparation program under Section 21.0442; and

(B)  one or more:

(i)  school districts or district campuses;

(ii)  open-enrollment charter schools or charter school campuses; and

(iii)  regional education service centers; and

(2)  may include:

(A)  community-based organizations;

(B)  agencies serving children and youth;

(C)  institutions of higher education;

(D)  educator organizations;

(E)  organizations representing education professionals;

(F)  local governments and local governmental entities;

(G)  student organizations; and

(H)  parent organizations.

(f)  A school district or open-enrollment charter school awarded a grant under this section may use the grant money to pay for:

(1)  training tutors and placing tutors at district or school campuses;

(2)  supporting tutors to work with small groups of students;

(3)  matching tutors with students and mentors;

(4)  providing stipends to tutors and mentors;

(5)  purchasing instructional materials and connectivity resources, including Internet access and devices capable of connecting to the Internet;

(6)  providing transportation for students attending the tutoring program;

(7)  providing meals and snacks for students attending the tutoring program; and

(8)  providing facilities for conducting the tutoring program.

(g)  In awarding grants under this section, the commissioner:

(1)  must consider the quality of the tutoring proposed to be provided;

(2)  may leverage federal funding to pay for not more than 50 percent of the costs under the program, including, to the extent authorized by federal law, funds from the Temporary Assistance for Needy Families program;

(3)  must consider the amount of funds distributed to the school district or open-enrollment charter school under Chapter 48; and

(4)  must use any funds appropriated or otherwise available for the purposes of this program.

(h)  The commissioner may accept gifts, grants, or donations from any public or private source for purposes of this section.

(i)  Notwithstanding Subsection (b), the commissioner is required to establish the program under this section only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commissioner may, but is not required to, establish the program under this section using other appropriations available for that purpose.

SECTION 2.  Section 25.085(d), Education Code, is amended to read as follows:

(d)  Unless specifically exempted by Section 25.086, a student enrolled in a school district must attend:

(1)  an extended-year program for which the student is eligible that is provided by the district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Section 29.0841 [~~29.084~~];

(2)  an accelerated reading instruction program to which the student is assigned under Section 28.006(g);

(3)  an accelerated instruction program to which the student is assigned under Section 28.0211;

(4)  a basic skills program to which the student is assigned under Section 29.086; or

(5)  a summer program provided under Section 37.008(l) or Section 37.021.

SECTION 3.  Sections 29.088(b) and (c), Education Code, are amended to read as follows:

(b)  Before providing a program under this section, the board of trustees of a school district must adopt a policy for:

(1)  determining student eligibility for participating in the program that:

(A)  prescribes the grade level or course a student must be enrolled in to be eligible; and

(B)  provides for considering teacher recommendations in determining eligibility;

(2)  ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;

(3)  ensuring that eligible students are encouraged to attend the program;

(4)  ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; [~~and~~]

(5)  measuring student progress on completion of the program; and

(6)  ensuring that all instruction, intervention, and support is provided by an appropriately qualified educator or person enrolled in an educator preparation program, including a person participating in the Texas Tutor Corps program under Section 29.0841.

(c)  The commissioner by rule shall:

(1)  prescribe a procedure that a school district must follow to apply for and receive funding for a program under this section;

(2)  adopt guidelines for determining which districts receive funding if there is not sufficient funding for each district that applies;

(3)  require each district providing a program to report student performance results to the commissioner within the period and in the manner prescribed by the rule; [~~and~~]

(4)  based on district reports under Subdivision (3) and any required analysis and verification of those reports, disseminate to each district in this state information concerning instructional methods that have proved successful in improving student performance in mathematics; and

(5)  require each district providing a program under this section to submit a description of the methods by which the program will accelerate student learning, including whether the district plans to implement a high-quality tutoring program.

SECTION 4.  Sections 29.090(b) and (c), Education Code, are amended to read as follows:

(b)  Before providing a program under this section, the board of trustees of a school district must adopt a policy for:

(1)  determining student eligibility for participating in the program that:

(A)  prescribes the grade level or course a student must be enrolled in to be eligible; and

(B)  provides for considering teacher recommendations in determining eligibility;

(2)  ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;

(3)  ensuring that eligible students are encouraged to attend the program;

(4)  ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; [~~and~~]

(5)  measuring student progress on completion of the program; and

(6)  ensuring that all instruction, intervention, and support is provided by an appropriately qualified educator or person enrolled in an educator preparation program, including a person participating in the Texas Tutor Corps program under Section 29.0841.

(c)  The commissioner by rule shall:

(1)  prescribe a procedure that a school district must follow to apply for and receive funding for a program under this section;

(2)  adopt guidelines for determining which districts receive funding if there is not sufficient funding for each district that applies;

(3)  require each district providing a program to report student performance results to the commissioner within the period and in the manner prescribed by the rule; [~~and~~]

(4)  based on district reports under Subdivision (3) and any required analysis and verification of those reports, disseminate to each district in this state information concerning instructional methods that have proved successful in improving student performance in science; and

(5)  require each district providing a program under this section to submit a description of the methods by which the program will accelerate student learning, including whether the district plans to implement a high-quality tutoring program.

SECTION 5.  Section 29.091(c), Education Code, is amended to read as follows:

(c)  To be eligible to participate in the program, a school district must:

(1)  have an enrollment of students who are educationally disadvantaged that is greater than 50 percent of total district enrollment;

(2)  apply to the commissioner in the manner and within the time prescribed by commissioner rule; [~~and~~]

(3)  provide as part of the application materials a plan that is designed to achieve the purposes described by Subsections (b)(1) through (5); and

(4)  participate in a local consortium described under Section 29.0841 that supports the Texas Tutor Corps program under that section.

SECTION 6.  Subchapter C, Chapter 29, Education Code, is amended by adding Section 29.0941 to read as follows:

Sec. 29.0941.  COVID-19 LEARNING LOSS AND STUDENT ACCELERATION PILOT PROGRAM. (a) In this section, "pilot program" means the COVID-19 learning loss and student acceleration pilot program established under this section.

(b)  The commissioner by rule shall establish a pilot program under which, for the 2021-2022 and 2022-2023 school years, participating school district or open-enrollment charter school campuses may provide tutoring intervention to students using a high-quality tutoring program that meets the criteria described by 29.0841(d) to address learning loss due to the disruption in public education caused by the coronavirus disease (COVID-19) pandemic.

(c)  A campus may apply to the commissioner to participate in the pilot program. A campus that submits an application must include with the application materials a summary of the campus's proposed high-quality tutoring program to the commissioner for approval. The commissioner shall prioritize campuses that are part of an established local consortium described under Section 29.0841 and providing tutoring services under the Texas Tutor Corps program, including using tutors who are enrolled in state-approved educator preparation programs.

(d)  The commissioner shall adopt minimum criteria that a program must meet to be selected for use by a participating campus. The criteria must include principles and practices consistent with best practices related to a scientific understanding of how students learn. The commissioner may only approve a program for use by a campus under the pilot program that meets the minimum criteria established under this section.

(e)  Not later than December 31, 2022, the agency, in consultation with each vendor of a high-quality tutoring program approved under Subsection (d) and each school district with which the vendor contracts under this section, shall provide the legislature with a report describing student progress under the pilot program.

(f)  The commissioner may accept gifts, grants, or donations from any public or private source for purposes of this section.

(g)  Notwithstanding Subsection (b), the commissioner is required to establish the pilot program under this section only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commissioner may, but is not required to, establish the pilot program under this section using other appropriations available for that purpose.

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

(i)  This section expires September 1, 2023.

SECTION 7.  (a) This section takes effect only if the Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b)  Section 48.104(j-1), Education Code, is amended to read as follows:

(j-1)  In addition to other purposes for which funds allocated under this section may be used, those funds may also be used to:

(1)  provide child-care services or assistance with child-care expenses for students at risk of dropping out of school, as described by Section 29.081(d)(1)(E) [~~29.081(d)(5)~~]; [~~or~~]

(2)  pay the costs associated with services provided through a life skills program in accordance with Sections 29.085(b)(1) and (3)-(7); or

(3)  pay costs associated with tutoring services provided under the Texas Tutor Corps program under Section 29.0841.

SECTION 8.  (a) This section takes effect only if the Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b)  Section 48.104(j-1), Education Code, is amended to read as follows:

(j-1)  In addition to other purposes for which funds allocated under this section may be used, those funds may also be used to:

(1)  provide child-care services or assistance with child-care expenses for students at risk of dropping out of school, as described by Section 29.081(d)(5); [~~or~~]

(2)  pay the costs associated with services provided through a life skills program in accordance with Sections 29.085(b)(1) and (3)-(7); or

(3)  pay costs associated with tutoring services provided under the Texas Tutor Corps program under Section 29.0841.

SECTION 9.  Sections 29.084 and 29.094, Education Code, are repealed.

SECTION 10.  This Act applies beginning with the 2021-2022 school year.

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