By:  Powell S.B. No. 2023

(In the Senate - Filed March 12, 2021; April 1, 2021, read first time and referred to Committee on Education; May 3, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 10, Nays 0; May 3, 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 S.B. No. 2023 By:  Powell

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, and the use of the compensatory education allotment for certain 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, combat learning loss, and 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; and

(5)  provide compensation for 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;

(4)  individuals enrolled in state-approved educator preparation programs; and

(5)  postsecondary students enrolled in a certificate or degree program in the subject area in which the student provides tutoring under the program.

(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 one or more of each of the following entities, one of which serves as the lead entity of the consortium:

(A)  a school district or district campus;

(B)  an open-enrollment charter school or charter school campus; and

(C)  a regional education service center; and

(2)  may include:

(A)  educator preparation programs under Section 21.0442;

(B)  community-based organizations;

(C)  agencies serving children and youth;

(D)  institutions of higher education;

(E)  educator organizations;

(F)  organizations representing education professionals;

(G)  local governments and local governmental entities;

(H)  student organizations; and

(I)  parent organizations.

(f)  A school district or open-enrollment charter school that applies for a grant under this section must include with the application a description of the methods by which the tutoring to be provided under the grant will accelerate student learning and alleviate learning loss resulting from the coronavirus disease (COVID-19) pandemic. The description must indicate whether the district or school plans to implement a high-quality tutoring program.

(g)  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 adequate compensation 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.

(h)  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 the costs under the program;

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

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

(5)  shall prioritize applicants that:

(A)  have established a local consortium that includes an educator preparation program under Section 21.0442;

(B)  are hard-to-staff schools;

(C)  serve a high percentage of students who qualify for compensatory education, as determined by the commissioner; and

(D)  place an emphasis on in-person tutoring; and

(6)  shall require as a condition of each grant that the recipient agree to use the grant to supplement and not supplant any money allocated by the recipient for existing instruction or tutoring programs.

(h-1)  In awarding grants under this section for the 2021-2022 school year, the commissioner may, to the extent authorized by state and federal law, leverage federal funding received through the elementary and secondary school emergency relief fund that is designated for use by the agency under the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260), and the American Rescue Plan of 2021 (Pub. L. No. 117-2). This subsection expires September 1, 2022.

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

(j)  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.

(k)  A tutor providing services under the program is immune from civil liability to the same extent as a professional employee of a school district under Section 22.0511.

(l)  This section expires September 1, 2023.

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.  Section 29.088, Education Code, is amended by amending Subsections (b) and (c) and adding Subsection (b-1) 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.

(b-1)  For a school year before the 2023-2024 school year, the board of trustees of a school district shall include in the policy adopted under Subsection (b) an outline of how the program will combat learning loss caused by the coronavirus disease (COVID-19) pandemic. This subsection expires September 1, 2023.

(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.

(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, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1)  In addition to the requirements provided by Subsection (c), to be eligible to participate in the program for a school year before the 2023-2024 school year, a school district must participate in a local consortium described under Section 29.0841 that supports the Texas Tutor Corps program under that section. This subsection expires September 1, 2023.

SECTION 6.  Section 48.104, Education Code, is amended by adding Subsection (j-2) to read as follows:

(j-2)  In addition to other purposes for which funds allocated under this section may be used, those funds may also be used to pay costs associated with tutoring services provided under the Texas Tutor Corps program under Section 29.0841. This subsection expires September 1, 2023.

SECTION 7.  Sections 29.084 and 29.094, Education Code, are repealed.

SECTION 8.  This Act applies beginning with the 2021-2022 school year.

SECTION 9.  The Texas Education Agency is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement this Act using other money available for that purpose.

SECTION 10.  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.

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