

By: Taylor, West

S.B. No. 1716

A BILL TO BE ENTITLED

AN ACT

relating to a supplemental special education services and instructional materials program for certain public school students receiving special education services.

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

SECTION 1. Chapter 29, Education Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. SUPPLEMENTAL SPECIAL EDUCATION SERVICES PROGRAM

Sec. 29.041. DEFINITIONS. In this subchapter:

(1) "Parent" means a resident of this state who is a natural or adoptive parent, managing or possessory conservator, legal guardian, custodian, or other person with legal authority to act on behalf of a child.

(2) "Supplemental special education instructional materials" includes textbooks, computer hardware or software, other technological devices, and other materials suitable for addressing an educational need of a student receiving special education services under Subchapter A.

(3) "Supplemental special education services" means an additive service that provides an educational benefit to a student receiving special education services under Subchapter A, including:

(A) occupational therapy, physical therapy, and speech therapy; and

1           (B) private tutoring and other supplemental  
2 private instruction or programs.

3           Sec. 29.042. ESTABLISHMENT AND ADMINISTRATION OF PROGRAM.

4           (a) The agency by rule shall establish and administer a  
5 supplemental special education services and instructional  
6 materials program for students who meet the eligibility  
7 requirements for participation in the program. Subject to  
8 Subsection (c), the agency shall provide each student approved as  
9 provided by this subchapter a credit of not more than \$1,500 to  
10 purchase supplemental special education services and supplemental  
11 special education instructional materials.

12           (b) In administering the program, the agency shall maintain  
13 a system of online accounts to provide access to the credit  
14 described by Subsection (a) to an eligible student's parent.

15           (c) The commissioner shall set aside an amount not to exceed  
16 \$30 million from the total amount of funds appropriated for each  
17 state fiscal year to fund the program under this section. For each  
18 state fiscal year, the total amount provided for student credits  
19 under Subsection (a) may not exceed the amount set aside by the  
20 commissioner under this subsection.

21           Sec. 29.043. APPLICATION FOR CREDIT ON BEHALF OF STUDENT.

22 The agency shall establish an application process for an eligible  
23 student's parent to apply for a credit held in an online account  
24 maintained under Section 29.042(b) and assigned to the student  
25 under Section 29.045.

26           Sec. 29.044. PROGRAM ELIGIBILITY CRITERIA. (a) The agency  
27 shall establish eligibility criteria for the approval of an

1 application submitted under Section 29.043. The criteria must  
2 require that the student be enrolled in the current school year at a  
3 school district or open-enrollment charter school and in a  
4 district's or school's special education program under Subchapter  
5 A.

6 (b) The eligibility criteria established under this section  
7 must also prioritize students for whom a school district or  
8 open-enrollment charter school is eligible for a compensatory  
9 education allotment under Section 48.104.

10 Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF  
11 ACCOUNT. Subject to available funding the agency shall approve  
12 each student who meets the program eligibility criteria established  
13 under Section 29.044 and assign to the student an account  
14 maintained under Section 29.042(b). The account may only be used by  
15 the student's parent to purchase supplemental special education  
16 services or supplemental special education instructional materials  
17 for the student, subject to Sections 29.046 and 29.047.

18 Sec. 29.046. ACCOUNT USE RESTRICTION. (a) Money in an  
19 account assigned to a student under Section 29.045 may be used only  
20 for supplemental special education services and supplemental  
21 special education instructional materials.

22 (b) Supplemental special education services must be  
23 provided by an agency-approved provider.

24 (c) If the agency has approved vendors for a category of  
25 instructional material under Section 29.047, instructional  
26 materials must be purchased from an agency-approved vendor for that  
27 category of instructional material. If the agency does not

1 establish criteria for agency approval for a category of  
2 instructional materials, money in the student's account may be used  
3 to purchase the instructional materials from any vendor.

4 Sec. 29.047. AGENCY-APPROVED PROVIDERS AND VENDORS:  
5 CRITERIA AND APPLICATION. (a) The agency shall establish criteria  
6 necessary for agency approval for each category of provider of a  
7 professional service that is a supplemental special education  
8 service, as identified by the agency.

9 (b) The criteria established under this section must  
10 require a provider of a category of professional service to be  
11 appropriately licensed or accredited in this state to provide that  
12 service, including providers of physical therapy, occupational  
13 therapy, and speech therapy.

14 (c) The agency shall provide a procedure for providers of  
15 supplemental special education services to apply to the agency to  
16 become an agency-approved provider.

17 (d) The agency may establish criteria for agency approval of  
18 vendors for each category of supplemental special education  
19 instructional materials identified by the agency.

20 (e) If the agency establishes criteria for agency approval  
21 for a vendor of a category of supplemental special education  
22 instructional materials, the agency shall provide a procedure for  
23 vendors of that category to apply to the agency to become an  
24 agency-approved vendor.

25 Sec. 29.048. RULES. The commissioner shall adopt rules as  
26 necessary to administer the supplemental special education  
27 services and instructional materials program under this

1 subchapter.

2           SECTION 2. Not later than December 1, 2021, the  
3 commissioner of education shall adopt all rules necessary for the  
4 establishment and administration of the supplemental special  
5 education services and instructional materials program required  
6 under Subchapter A-1, Chapter 29, Education Code, as added by this  
7 Act.

8           SECTION 3. The Texas Education Agency is required to  
9 implement a provision of this Act only if the legislature  
10 appropriates money specifically for that purpose. If the  
11 legislature does not appropriate money specifically for that  
12 purpose, the Texas Education Agency may, but is not required to,  
13 implement a provision of this Act using other appropriations  
14 available for that purpose.

15           SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2021.