

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 grant 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 grant described
14 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 grants
19 under Subsection (a) may not exceed the amount set aside by the
20 commissioner under this subsection.

21 (d) The agency shall designate one or more regional
22 education service centers to administer the program.

23 Sec. 29.043. APPLICATION FOR GRANT ON BEHALF OF STUDENT.

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

1 Sec. 29.044. PROGRAM ELIGIBILITY CRITERIA. (a) The agency
2 shall establish eligibility criteria for the approval of an
3 application submitted under Section 29.043. The criteria must
4 require that the student be enrolled in the current school year at a
5 school district or open-enrollment charter school and in a
6 district's or school's special education program under Subchapter
7 A.

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

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

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

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

26 (c) If the agency has approved vendors for a category of
27 instructional material under Section 29.047, instructional

1 materials must be purchased from an agency-approved vendor for that
2 category of instructional material. If the agency does not
3 establish criteria for agency approval for a category of
4 instructional materials, money in the student's account may be used
5 to purchase the instructional materials from any vendor.

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

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

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

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

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

27 Sec. 29.048. ADMISSION, REVIEW, AND DISMISSAL COMMITTEE

1 DUTIES. (a) A student's admission, review, and dismissal
2 committee shall develop a student's individualized education
3 program under Section 29.005, in compliance with the Individuals
4 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.),
5 without consideration of any supplemental special education
6 services that may be provided under the program under this
7 subchapter.

8 (b) The admission, review, and dismissal committee of a
9 student approved for participation in the program shall provide to
10 the student's parent at an admission, review, and dismissal
11 committee meeting for the student:

12 (1) information regarding the types of supplemental
13 special education services available under the program and provided
14 by agency-approved providers for which an account maintained under
15 Section 29.042(b) for the student may be used; and

16 (2) instructions regarding accessing an account
17 described by Subdivision (1).

18 Sec. 29.049. RULES. The commissioner shall adopt rules as
19 necessary to administer the supplemental special education
20 services and instructional materials program under this
21 subchapter.

22 Sec. 29.050. EXPIRATION. This subchapter expires September
23 1, 2024.

24 SECTION 2. Not later than December 1, 2021, the
25 commissioner of education shall adopt all rules necessary for the
26 establishment and administration of the supplemental special
27 education services and instructional materials program required

1 under Subchapter A-1, Chapter 29, Education Code, as added by this
2 Act.

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1716 passed the Senate on May 3, 2021, by the following vote: Yeas 21, Nays 9; and that the Senate concurred in House amendments on May 29, 2021, by the following vote: Yeas 22, Nays 9.

Secretary of the Senate

I hereby certify that S.B. No. 1716 passed the House, with amendments, on May 26, 2021, by the following vote: Yeas 116, Nays 26, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor