

By: Taylor

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 a service or therapy that addresses an educational need of 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. The agency shall
8 provide each student approved as provided by this subchapter a
9 credit of not more than \$1,500 to purchase supplemental special
10 education services and supplemental special education
11 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 Sec. 29.043. APPLICATION FOR CREDIT ON BEHALF OF STUDENT.

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

20 Sec. 29.044. PROGRAM ELIGIBILITY CRITERIA. (a) The agency
21 shall establish eligibility criteria for the approval of an
22 application submitted under Section 29.043. The criteria must
23 require that the student be enrolled in the current school year at a
24 school district or open-enrollment charter school and in a
25 district's or school's special education program under Subchapter
26 A; and

27 (b) The eligibility criteria established under this section

1 must also prioritize:

2 (1) students for whom a school district or
3 open-enrollment charter school is eligible for a compensatory
4 education allotment under Section 48.104;

5 (2) students who have severe cognitive disabilities;
6 and

7 (3) students who are eligible to be administered an
8 alternative assessment instrument under Section 39.023(b).

9 Sec. 29.045. APPROVAL OF APPLICATION; ASSIGNMENT OF
10 ACCOUNT. Subject to available funding the agency shall approve
11 each student who meets the program eligibility criteria established
12 under Section 29.044 and assign to the student an account
13 maintained under Section 29.042(b). The account may only be used by
14 the student's parent to purchase supplemental special education
15 services or supplemental special education instructional materials
16 for the student, subject to Sections 29.046, 29.047, and 29.048.

17 Sec. 29.047. ACCOUNT USE RESTRICTION. (a) Money in an
18 account assigned to a student under Section 29.045 may be used only
19 for supplemental special education services and supplemental
20 special education instructional materials approved for the student
21 under Section 29.046.

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 29.048, 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. 29.048. 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. 29.049. RULES. The commissioner shall adopt rules as
26 necessary to administer the supplemental special education and
27 instructional materials program under this subchapter.

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

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2021.