

1-1 By: Powell S.B. No. 2023  
 1-2 (In the Senate - Filed March 12, 2021; April 1, 2021, read  
 1-3 first time and referred to Committee on Education; May 3, 2021,  
 1-4 reported adversely, with favorable Committee Substitute by the  
 1-5 following vote: Yeas 10, Nays 0; May 3, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Hall	X			
1-11 Hughes	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Perry	X			
1-15 Powell	X			
1-16 Schwertner			X	
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 2023 By: Powell

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to providing high-quality tutoring services to public  
 1-23 school students, including the creation of the Texas Tutor Corps  
 1-24 program, and the use of the compensatory education allotment for  
 1-25 certain tutoring services programs.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subchapter C, Chapter 29, Education Code, is  
 1-28 amended by adding Section 29.0841 to read as follows:

1-29 Sec. 29.0841. TEXAS TUTOR CORPS PROGRAM. (a) In this  
 1-30 section:

1-31 (1) "Hard-to-staff school" means a high-need school  
 1-32 that has a high rate of teacher turnover or a large concentration of  
 1-33 teachers in their first or second year of teaching.

1-34 (2) "High-need school" has the meaning assigned by the  
 1-35 Elementary and Secondary Education Act of 1965 (20 U.S.C. 6631).

1-36 (3) "Program" means the Texas Tutor Corps program  
 1-37 established under this section.

1-38 (b) The agency shall establish and administer a Texas Tutor  
 1-39 Corps program to develop and support a statewide network of tutors,  
 1-40 combat learning loss, and provide grants to school districts and  
 1-41 open-enrollment charter schools that are hard-to-staff schools or  
 1-42 high-need schools, for the purpose of establishing local consortia,  
 1-43 as described by Subsection (e), to collaborate on the provision of  
 1-44 high-quality tutoring services for students enrolled at the  
 1-45 district or school. The program must:

1-46 (1) include time for planning and collaboration among  
 1-47 tutors;

1-48 (2) match tutors with students based on the tutor's  
 1-49 expertise in a particular subject area or grade level and the  
 1-50 student's subject area tutoring needs or grade level;

1-51 (3) include high-quality pre-service training and  
 1-52 ongoing professional support for tutors serving under the program;

1-53 (4) be facilitated by the local consortium established  
 1-54 by the district or school; and

1-55 (5) provide compensation for tutors.

1-56 (c) The following individuals may serve as tutors under the  
 1-57 program:

1-58 (1) certified and retired educators;

1-59 (2) paraprofessionals and teacher's aides;

1-60 (3) recent graduates of educator preparation

2-1 programs;  
 2-2 (4) individuals enrolled in state-approved educator  
 2-3 preparation programs; and  
 2-4 (5) postsecondary students enrolled in a certificate  
 2-5 or degree program in the subject area in which the student provides  
 2-6 tutoring under the program.  
 2-7 (d) Tutoring services provided under the program must:  
 2-8 (1) be led by a tutor;  
 2-9 (2) be provided in a one-on-one or small group setting  
 2-10 with a ratio of not more than one tutor for every four students;  
 2-11 (3) occur in multiple sessions of sufficient length  
 2-12 each week to ensure adequate time for delivery of tutoring  
 2-13 services;  
 2-14 (4) be provided during the regular school day or  
 2-15 immediately before or after school and during school vacation  
 2-16 periods; and  
 2-17 (5) align with local standards and curriculum.  
 2-18 (e) For purposes of this section, a local consortium of  
 2-19 community partners:  
 2-20 (1) includes one or more of each of the following  
 2-21 entities, one of which serves as the lead entity of the consortium:  
 2-22 (A) a school district or district campus;  
 2-23 (B) an open-enrollment charter school or charter  
 2-24 school campus; and  
 2-25 (C) a regional education service center; and  
 2-26 (2) may include:  
 2-27 (A) educator preparation programs under Section  
 2-28 21.0442;  
 2-29 (B) community-based organizations;  
 2-30 (C) agencies serving children and youth;  
 2-31 (D) institutions of higher education;  
 2-32 (E) educator organizations;  
 2-33 (F) organizations representing education  
 2-34 professionals;  
 2-35 (G) local governments and local governmental  
 2-36 entities;  
 2-37 (H) student organizations; and  
 2-38 (I) parent organizations.  
 2-39 (f) A school district or open-enrollment charter school  
 2-40 that applies for a grant under this section must include with the  
 2-41 application a description of the methods by which the tutoring to be  
 2-42 provided under the grant will accelerate student learning and  
 2-43 alleviate learning loss resulting from the coronavirus disease  
 2-44 (COVID-19) pandemic. The description must indicate whether the  
 2-45 district or school plans to implement a high-quality tutoring  
 2-46 program.  
 2-47 (g) A school district or open-enrollment charter school  
 2-48 awarded a grant under this section may use the grant money to pay  
 2-49 for:  
 2-50 (1) training tutors and placing tutors at district or  
 2-51 school campuses;  
 2-52 (2) supporting tutors to work with small groups of  
 2-53 students;  
 2-54 (3) matching tutors with students and mentors;  
 2-55 (4) providing adequate compensation to tutors and  
 2-56 mentors;  
 2-57 (5) purchasing instructional materials and  
 2-58 connectivity resources, including Internet access and devices  
 2-59 capable of connecting to the Internet;  
 2-60 (6) providing transportation for students attending  
 2-61 the tutoring program;  
 2-62 (7) providing meals and snacks for students attending  
 2-63 the tutoring program; and  
 2-64 (8) providing facilities for conducting the tutoring  
 2-65 program.  
 2-66 (h) In awarding grants under this section, the  
 2-67 commissioner:  
 2-68 (1) must consider the quality of the tutoring proposed  
 2-69 to be provided;

3-1 (2) may leverage federal funding to pay for the costs  
3-2 under the program;

3-3 (3) must consider the amount of funds distributed to  
3-4 the school district or open-enrollment charter school under Chapter  
3-5 48;

3-6 (4) must use any funds appropriated or otherwise  
3-7 available for the purposes of this program;

3-8 (5) shall prioritize applicants that:

3-9 (A) have established a local consortium that  
3-10 includes an educator preparation program under Section 21.0442;

3-11 (B) are hard-to-staff schools;

3-12 (C) serve a high percentage of students who  
3-13 qualify for compensatory education, as determined by the  
3-14 commissioner; and

3-15 (D) place an emphasis on in-person tutoring; and

3-16 (6) shall require as a condition of each grant that the  
3-17 recipient agree to use the grant to supplement and not supplant any  
3-18 money allocated by the recipient for existing instruction or  
3-19 tutoring programs.

3-20 (h-1) In awarding grants under this section for the  
3-21 2021-2022 school year, the commissioner may, to the extent  
3-22 authorized by state and federal law, leverage federal funding  
3-23 received through the elementary and secondary school emergency  
3-24 relief fund that is designated for use by the agency under the  
3-25 Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260), and  
3-26 the American Rescue Plan of 2021 (Pub. L. No. 117-2). This  
3-27 subsection expires September 1, 2022.

3-28 (i) The commissioner may accept gifts, grants, or donations  
3-29 from any public or private source for purposes of this section.

3-30 (j) Notwithstanding Subsection (b), the commissioner is  
3-31 required to establish the program under this section only if the  
3-32 legislature appropriates money specifically for that purpose. If  
3-33 the legislature does not appropriate money specifically for that  
3-34 purpose, the commissioner may, but is not required to, establish  
3-35 the program under this section using other appropriations available  
3-36 for that purpose.

3-37 (k) A tutor providing services under the program is immune  
3-38 from civil liability to the same extent as a professional employee  
3-39 of a school district under Section 22.0511.

3-40 (l) This section expires September 1, 2023.

3-41 SECTION 2. Section 25.085(d), Education Code, is amended to  
3-42 read as follows:

3-43 (d) Unless specifically exempted by Section 25.086, a  
3-44 student enrolled in a school district must attend:

3-45 (1) an extended-year program for which the student is  
3-46 eligible that is provided by the district for students identified  
3-47 as likely not to be promoted to the next grade level or tutorial  
3-48 classes required by the district under Section 29.0841 [~~29.084~~];

3-49 (2) an accelerated reading instruction program to  
3-50 which the student is assigned under Section 28.006(g);

3-51 (3) an accelerated instruction program to which the  
3-52 student is assigned under Section 28.0211;

3-53 (4) a basic skills program to which the student is  
3-54 assigned under Section 29.086; or

3-55 (5) a summer program provided under Section 37.008(1)  
3-56 or Section 37.021.

3-57 SECTION 3. Section 29.088, Education Code, is amended by  
3-58 amending Subsections (b) and (c) and adding Subsection (b-1) to  
3-59 read as follows:

3-60 (b) Before providing a program under this section, the board  
3-61 of trustees of a school district must adopt a policy for:

3-62 (1) determining student eligibility for participating  
3-63 in the program that:

3-64 (A) prescribes the grade level or course a  
3-65 student must be enrolled in to be eligible; and

3-66 (B) provides for considering teacher  
3-67 recommendations in determining eligibility;

3-68 (2) ensuring that parents of or persons standing in  
3-69 parental relation to eligible students are provided notice of the

4-1 program;  
 4-2 (3) ensuring that eligible students are encouraged to  
 4-3 attend the program;  
 4-4 (4) ensuring that the program is offered at one or more  
 4-5 locations in the district that are easily accessible to eligible  
 4-6 students; ~~and~~  
 4-7 (5) measuring student progress on completion of the  
 4-8 program; and  
 4-9 (6) ensuring that all instruction, intervention, and  
 4-10 support is provided by an appropriately qualified educator or  
 4-11 person enrolled in an educator preparation program.

4-12 (b-1) For a school year before the 2023-2024 school year,  
 4-13 the board of trustees of a school district shall include in the  
 4-14 policy adopted under Subsection (b) an outline of how the program  
 4-15 will combat learning loss caused by the coronavirus disease  
 4-16 (COVID-19) pandemic. This subsection expires September 1, 2023.

4-17 (c) The commissioner by rule shall:  
 4-18 (1) prescribe a procedure that a school district must  
 4-19 follow to apply for and receive funding for a program under this  
 4-20 section;

4-21 (2) adopt guidelines for determining which districts  
 4-22 receive funding if there is not sufficient funding for each  
 4-23 district that applies;

4-24 (3) require each district providing a program to  
 4-25 report student performance results to the commissioner within the  
 4-26 period and in the manner prescribed by the rule; ~~and~~

4-27 (4) based on district reports under Subdivision (3)  
 4-28 and any required analysis and verification of those reports,  
 4-29 disseminate to each district in this state information concerning  
 4-30 instructional methods that have proved successful in improving  
 4-31 student performance in mathematics; and

4-32 (5) require each district providing a program under  
 4-33 this section to submit a description of the methods by which the  
 4-34 program will accelerate student learning, including whether the  
 4-35 district plans to implement a high-quality tutoring program.

4-36 SECTION 4. Sections 29.090(b) and (c), Education Code, are  
 4-37 amended to read as follows:

4-38 (b) Before providing a program under this section, the board  
 4-39 of trustees of a school district must adopt a policy for:

4-40 (1) determining student eligibility for participating  
 4-41 in the program that:

4-42 (A) prescribes the grade level or course a  
 4-43 student must be enrolled in to be eligible; and

4-44 (B) provides for considering teacher  
 4-45 recommendations in determining eligibility;

4-46 (2) ensuring that parents of or persons standing in  
 4-47 parental relation to eligible students are provided notice of the  
 4-48 program;

4-49 (3) ensuring that eligible students are encouraged to  
 4-50 attend the program;

4-51 (4) ensuring that the program is offered at one or more  
 4-52 locations in the district that are easily accessible to eligible  
 4-53 students; ~~and~~

4-54 (5) measuring student progress on completion of the  
 4-55 program; and

4-56 (6) ensuring that all instruction, intervention, and  
 4-57 support is provided by an appropriately qualified educator or  
 4-58 person enrolled in an educator preparation program.

4-59 (c) The commissioner by rule shall:  
 4-60 (1) prescribe a procedure that a school district must  
 4-61 follow to apply for and receive funding for a program under this  
 4-62 section;

4-63 (2) adopt guidelines for determining which districts  
 4-64 receive funding if there is not sufficient funding for each  
 4-65 district that applies;

4-66 (3) require each district providing a program to  
 4-67 report student performance results to the commissioner within the  
 4-68 period and in the manner prescribed by the rule; ~~and~~

4-69 (4) based on district reports under Subdivision (3)

5-1 and any required analysis and verification of those reports,  
5-2 disseminate to each district in this state information concerning  
5-3 instructional methods that have proved successful in improving  
5-4 student performance in science; and

5-5 (5) require each district providing a program under  
5-6 this section to submit a description of the methods by which the  
5-7 program will accelerate student learning, including whether the  
5-8 district plans to implement a high-quality tutoring program.

5-9 SECTION 5. Section 29.091, Education Code, is amended by  
5-10 adding Subsection (c-1) to read as follows:

5-11 (c-1) In addition to the requirements provided by  
5-12 Subsection (c), to be eligible to participate in the program for a  
5-13 school year before the 2023-2024 school year, a school district  
5-14 must participate in a local consortium described under Section  
5-15 29.0841 that supports the Texas Tutor Corps program under that  
5-16 section. This subsection expires September 1, 2023.

5-17 SECTION 6. Section 48.104, Education Code, is amended by  
5-18 adding Subsection (j-2) to read as follows:

5-19 (j-2) In addition to other purposes for which funds  
5-20 allocated under this section may be used, those funds may also be  
5-21 used to pay costs associated with tutoring services provided under  
5-22 the Texas Tutor Corps program under Section 29.0841. This  
5-23 subsection expires September 1, 2023.

5-24 SECTION 7. Sections 29.084 and 29.094, Education Code, are  
5-25 repealed.

5-26 SECTION 8. This Act applies beginning with the 2021-2022  
5-27 school year.

5-28 SECTION 9. The Texas Education Agency is required to  
5-29 implement this Act only if the legislature appropriates money  
5-30 specifically for that purpose. If the legislature does not  
5-31 appropriate money specifically for that purpose, the agency may,  
5-32 but is not required to, implement this Act using other money  
5-33 available for that purpose.

5-34 SECTION 10. This Act takes effect immediately if it  
5-35 receives a vote of two-thirds of all the members elected to each  
5-36 house, as provided by Section 39, Article III, Texas Constitution.  
5-37 If this Act does not receive the vote necessary for immediate  
5-38 effect, this Act takes effect September 1, 2021.

5-39

\* \* \* \* \*